

HOUSE BILL No. 2586

By Committee on Commerce, Labor and Economic Development

1-31

1 AN ACT concerning workplace bullying; creating requirements for
2 policies adopted by state agencies.

3
4 *Be it enacted by the Legislature of the State of Kansas:*

5 Section 1. For the purposes of sections 1 and 2:

6 (a) "Abusive conduct" means acts, omissions, or both, that a
7 reasonable person would find abusive, based on the severity, nature and
8 frequency of the conduct, including, but not limited to:

9 (1) Repeated verbal abuse, such as the use of derogatory remarks,
10 insults and epithets;

11 (2) verbal, nonverbal or physical conduct of a threatening,
12 intimidating or humiliating nature; or

13 (3) the sabotage or undermining of an employee's work performance.
14 It shall be considered an aggravating factor if the conduct exploited an
15 employee's known psychological or physical illness or disability. A single
16 act normally shall not constitute abusive conduct, but an especially severe
17 and egregious act may meet this standard.

18 (b) "Abusive work environment" means an employment condition
19 when an employer or one or more of its employees, acting with intent to
20 cause pain or distress to an employee, subjects that employee to abusive
21 conduct that causes physical harm, psychological harm or both.

22 (c) "Adverse employment action" means an outcome that negatively
23 impacts an employee, including, but not limited to: A termination,
24 demotion, unfavorable reassignment, failure to promote, disciplinary
25 action or reduction in compensation.

26 (d) "Bullying" means:

27 (1) Any intentional gesture, any intentional written, verbal or an
28 electronic communication or physical act or threat either by any agent or
29 employee of the state towards a state of Kansas employee that is
30 sufficiently severe, persistent or pervasive that such gesture,
31 communication, act or threat creates an intimidating, threatening or
32 abusive workplace for a state of Kansas employee that a reasonable
33 person, under the circumstances, knows or should know will have the
34 effect of:

35 (A) Harming the state employee, whether physically or emotionally;

36 (B) damaging the state employee's property;

- 1 (C) placing a state employee in reasonable fear of harm; or
2 (D) placing a state employee in reasonable fear of damage to the state
3 employee's property;
- 4 (2) cyberbullying; or
5 (3) any other form of intimidation or harassment prohibited by the
6 state of Kansas in policies concerning bullying adopted pursuant to this
7 section.
- 8 (e) "Cyberbullying" means bullying by use of any electronic
9 communication device, including, but not limited to, email, instant
10 messaging, text messages, blogs, mobile phones, pagers, online games and
11 websites.
- 12 (f) "Psychological harm" means the impairment of a person's mental
13 health, as established by competent evidence.
- 14 (g) "Physical harm" means the impairment of a person's physical
15 health or bodily integrity, as established by competent evidence.
- 16 Sec. 2. (a) Each state agency shall adopt a policy to prohibit
17 workplace bullying. Such policy shall include:
- 18 (1) A mechanism for reporting and correcting workplace bullying;
19 (2) protections for individuals reporting workplace bullying;
20 (3) a defined progressive discipline policy to apply to repeat
21 offenders;
22 (4) a provision to prohibit bullying based on race, religion, color, sex,
23 disability, national origin, ancestry, sexual orientation or gender identity;
24 and
25 (5) a requirement for annual reporting of agency's policies and any
26 reports of violations to the division of personnel services of the department
27 of administration and the department of labor.
- 28 (b) The division of personnel services of the department of
29 administration, in cooperation with the department of labor, shall draft and
30 make available sample policies.
- 31 (c) No state agency, any of its agents, or any state employee shall take
32 adverse employment action against a state employee who has reported an
33 abusive work environment or who has participated in any manner in an
34 investigation or proceeding under this act, because of that employee's
35 report or participation under this act.
- 36 (d) All state agencies shall exercise reasonable care to prevent and
37 promptly correct any bullying behavior. All state agencies shall provide a
38 working environment as safe as possible by having preventative measures
39 in place and by immediately dealing with threatening or potentially violent
40 situations, and no state employee shall be subjected to an abusive work
41 environment.
- 42 Sec. 3. This act shall take effect and be in force from and after its
43 publication in the statute book.