

Workplace Bullying Policy Proviso

(a) During the fiscal year ending June 30, 2018, in addition to the other purposes for which expenditures may be made from the state general fund or any special revenue fund or funds for fiscal year 2018, by any state agency named in this act or other appropriation act of the 2017 regular session of the legislature, expenditures shall be made by each such state agency from the state general fund or any special revenue fund or funds to adopt a policy to prohibit workplace bullying: *Provided*, That such policy shall include: (1) A mechanism for reporting and correcting workplace bullying; (2) protections for individuals reporting workplace bullying; (3) a defined progressive discipline policy to apply to repeat offenders; and (4) a requirement for annual reporting to the division of personnel services of the department of administration and the department of labor: *Provided further*, That the division of personnel services of the department of administration, in cooperation with the department of labor, shall draft and make available sample policies to assist other state agencies.

(b) During the fiscal year ending June 30, 2019, in addition to the other purposes for which expenditures may be made from the state general fund or any special revenue fund or funds for fiscal year 2019, by any state agency named in this act or other appropriation act of the 2017 or 2018 regular session of the legislature, expenditures shall be made by each such state agency from the state general fund or any special revenue fund or funds to adopt a policy to prohibit workplace bullying: *Provided*, That such policy shall include: (1) A mechanism for reporting and correcting workplace bullying; (2) protections for individuals reporting workplace bullying; (3) a defined progressive discipline policy to apply to repeat offenders; and (4) a requirement for annual reporting to the division of personnel services of the department of administration and the department of labor: *Provided further*, That the division of personnel services of the department of administration, in cooperation with the department of labor, shall draft and make available sample policies to assist other state agencies.

(c) As used in this section:

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

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

(B) verbal, nonverbal or physical conduct of a threatening, intimidating or humiliating nature;

or

(C) the sabotage or undermining of an employee's work performance. (2) "Abusive work environment" means an employment condition when an employer or one or more of its employees, acting with intent to cause pain or distress to an employee, subjects that employee to abusive conduct that causes physical harm, psychological harm or both.

(3) "Bullying" means:

(A) Any intentional gesture, any intentional written, verbal, or an electronic communication or physical act or threat either by any agent or employee of the state towards a state of Kansas employee that is sufficiently severe, persistent or pervasive that such gesture, communication, act or threat creates an intimidating, threatening or abusive work environment for a state of Kansas employee that a reasonable person, under the circumstances, knows or should know will have the effect of:

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

(ii) damaging the state employee's property;

(iii) placing a state employee in reasonable fear of harm;

or

(iv) placing a state employee in reasonable fear of damage to the state employee's property; or

(B) cyberbullying.

(4) "Cyberbullying" means bullying by use of any electronic communication device including, but not limited to, e-mail, instant messaging, text messages, blogs, mobile phones, pagers, online games and websites.

(5) "Psychological harm" means the impairment of a person's mental health, as established by competent evidence.

(6) "Physical harm" means the impairment of a person's physical health or bodily integrity, as established by competent evidence.