

Executive Document

This document was published in the March 1, 2019, issue (Vol. 2019, No. 5) of the Utah State Bulletin.

Governor, Administration: Prohibiting Unlawful Workplace Harassment, Discrimination, and Retaliation and Ordering a Mandatory Supervisor Training Program, Utah Exec. Order No. 2019-1

Issued: February 5, 2019

EXECUTIVE ORDER

Prohibiting Unlawful Workplace Harassment, Discrimination, and Retaliation and Ordering a Mandatory Supervisor Training Program

WHEREAS, the State of Utah does not tolerate unlawful workplace harassment, discrimination, or retaliation and is committed to providing an inclusive, respectful, and civil work environment for state employees and all citizens who interact with state government;

WHEREAS, a respectful workplace reduces stress, interpersonal conflict, and absenteeism and increases job satisfaction, productivity, knowledge sharing, understanding, and employee retention;

WHEREAS, unlawful harassment and discrimination based on a protected class undermine the very integrity of the workplace, damage or destroy morale, and offend social and legal standards of acceptable behavior; and

WHEREAS, training supervisors and managers on how to prevent, recognize, and respond to objectionable conduct that--left unchecked--could rise to the level of prohibited conduct promotes a respectful workplace free from unlawful harassment, discrimination, and retaliation.

NOW, THEREFORE, I, GARY R. HERBERT, Governor of the State of Utah, by the authority vested in me by the Constitution and laws of this State do hereby order the following:

1. Application

a. This executive order applies to all departments; provided, however, that Section 4 of this executive order applies only to those departments that are subject to the rulemaking authority of the Department of Human Resource Management. This order does not apply to any employee of the Legislature or Judiciary.

2. Definitions.

For purposes of this executive order, the following terms shall have the following meanings.

a. "Department" means a department of the Executive Branch and includes the

State Tax Commission, National Guard, Board of Pardons and Parole, and an institution of higher education; provided, however, that Section 4 of this executive order applies only to those departments that are subject to the rulemaking authority of the Department of Human Resource Management.

- b. "Department employee" means an individual employed by a department.
- c. "Department supervisor" means a department employee who manages the work-related activities of one or more department employees.
- d. "Director" means the head of a department or an equivalent position by any title.
- e. "Department of Human Resource Management" means the Utah Department of Human Resource Management created in Title 67, Chapter 19, Section 5.
- f. "Supervisor Training" means the Leading with Respect training program or any subsequent training program prepared by the Department of Human Resource Management for department supervisors.

3. General Prohibition

- a. Unlawful harassment, discrimination, and retaliation are hereby prohibited in any and every department workplace.
- b. All departments shall: (i) inform all department employees of this executive order forbidding unlawful harassment, discrimination, and retaliation in every department workplace; (ii) inform department employees of their rights; (iii) ensure access to a complaint system for individuals within their departments consistent with Equal Employment Opportunity Commission guidelines; (iv) ensure that department employees receive training on the prevention of workplace harassment; and (v) ensure that department supervisors receive training regarding their responsibility in identifying unlawful harassment, discrimination, and retaliation, and appropriately dealing with complaints and solving related problems.

4. Specific Requirements

a. Department of Human Resource Management

i. Rules and Policies.

The Department of Human Resource Management shall issue rules and policies to ensure implementation of this order.

ii. Employee Training.

The Department of Human Resource Management shall continue to issue rules and policies that require mandatory unlawful harassment awareness and prevention training for all department employees and continue to provide departments with appropriate education programs on the prevention of workplace harassment for all department employees, including additional training for department supervisors.

iii. Supervisor Training.

The Department of Human Resource Management shall issue rules and policies that require mandatory training for department supervisors on the prevention of workplace harassment. Department supervisors shall complete one course of supervisor training--the Leading with Respect program or any subsequent supervisor training program prepared by the Department of Human Resource Management--before December 31, 2019, and then as determined in rule by the Department of Human Resource Management.

iv. Continued Guidance.

The Department of Human Resource Management shall continue to provide guidance on department policy statements and complaint procedures.

b. Departments.

The director of each department shall: (i) inform all department employees of this order in their respective departments; (ii) inform department employees of their rights; (iii) ensure access to a complaint system for individuals within their departments consistent with rules issued by the Department of Human Resource Management and the Equal Employment Opportunity Commission guidelines; (iv) ensure that all department supervisors complete required supervisor training; and (v) ensure that all department employees complete required workplace harassment and abusive conduct prevention training provided by the Department of Human Resource Management.

IN WITNESS WHEREOF, I have here unto set my hand and cause to be affixed the Great Seal of the State of Utah. Done at the State Capitol Complex in Salt Lake City, Utah, this 5th day of February 2019.

(State Seal)

Gary R. Herbert
Governor

Attest:

Spencer J. Cox
Lieutenant Governor

2019/001/EO

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