

Research Plan: The Healthy Workplace Act

Research Manager: Melissa Brown

Lead Research Associate: Ethel Detch

Deputy Executive Director Approval: Initial: Date:

Executive Director Approval: Initial: Date:

Purpose: The Healthy Workplace Act, Senate Bill 2226 by Kyle and House Bill 1981 by Parkinson, which has been signed by the Governor but not yet chaptered, requires the Commission to consult with the Department of Human Resources and municipal and county organizations including, but not limited to, the Tennessee Municipal League, the Tennessee County Services Association, the Municipal Technical Advisory Service, and the County Technical Assistance Service to create a model policy by March 1, 2015, for employers to prevent abusive conduct in the workplace. The policy would help employers recognize and respond to abusive conduct in the workplace and would prevent retaliation against any employee who has reported such conduct. If a state agency or local government adopts the model policy or one that conforms to its requirements, then the employer is immune from suit for any employee's abusive conduct that results in negligent or intentional infliction of mental anguish.

The Commission will convene a working group to develop a model policy using the eight-fold research process. The working group will include the agencies the bill directs the Commission to consult with:

- Tennessee Municipal League
- Tennessee County Services Association
- Tennessee County Technical Assistance Services
- Municipal Technical Advisory Service
- the Tennessee Department of Human Resources

The core working group will determine what other members are needed, with possible additional members including but not limited to

- a representative from the Tennessee State Employees Association, and
- Middle Tennessee State University Professor Jackie Gilbert, who is an expert on workplace bullying policy.

Step 1. Define the Problem

This act requires the development of a model policy to protect public sector employees from repeated acts of verbal, non-verbal, or physical abuse that is threatening, intimidating, or humiliating. It would also provide some immunity for state and local government employers that adopt such a policy. What factors should be included in such model policy?

Step 2. Assemble Some Evidence

- Review referred legislation
- Review committee and floor hearings on the bill and record comments and concerns of committee members, the bill sponsors, and others speaking for or against the bill.
- Interview the sponsors, Rep. Antonio Parkinson and Senator Jim Kyle, as well as bill proponents, opponents, and other stakeholders to determine the background of this issue.
- Review the fiscal note. Consult with Fiscal Review Committee staff and follow up with agencies submitting support forms to determine the estimated cost and the method and rationale for the estimates.
- Review literature and consult experts to determine what constitutes workplace bullying and best practices to discourage and prevent it.
- Review incidents of workplace bullying to determine how common it is and where it has occurred.
- Identify existing workplace protections.
 - Review federal, state, and local laws, regulations and policies to determine what protections already apply to Tennessee state and local government employees, as well as what is missing.
 - Look for healthy workplace policies within Tennessee.
 - Look for model healthy workplace policies in other states and from national organizations.

Step 3. Construct Alternatives

A comprehensive list of alternative policies will be drawn from the information gathered for Step 2.

Step 4. Select Criteria

- Cost in terms both of implementation and cost savings from reducing litigation
 - To state agencies
 - To local governments

- Effectiveness
 - Reducing workplace bullying
 - Reducing legal risk of employers
- Estimate receptiveness of
 - state agencies
 - local governments
 - employees

Step 5. Project Outcomes

- Estimate cost
- Estimate the potential to reduce bullying and legal liability
- Estimate the acceptability to state agencies, local officials, and government employees

Step 6. Confront Trade-offs

- The best possible outcome would be no workplace bullying. What are we willing to trade off in order to achieve that outcome?
- What is the relative importance of the evaluation criteria?
- What are the pros and cons of the potential solutions? How do they compare to the current situation in terms of effectiveness versus the burden on the employer?

Step 7. Decide which alternatives to present to the Commission

Based on the results of Step 6, choose the policy that most practically and realistically resolves the problem

Step 8. Produce the Draft Policy

Develop and present a draft policy for review and comment to the Commission. Include a report summarizing the research process and findings.

Revisit Steps 5-8.

- Respond to feedback from Commission regarding outcome projections, trade-offs, and selection of alternatives
 - Revise and edit the draft to reflect comments of the Commission
- Submit final policy to the Commission for approval

