

Written Testimony IN SUPPORT of HB 2200

Before the House Committee on Federal and State Affairs

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**Chairman Barker and members of the committee:**

My name is Kyle Nuckolls, and I am writing today as a private citizen and a representative of the Kansas Organization of State Employees (KOSE), and not as a representative of the State of Kansas or any of its agencies and programs. I want to begin by thanking this committee for holding a hearing of this bill and providing me the opportunity to share with you my experience with workplace bullying during my time as a state employee, and to explain why I feel this bill addresses a problem that has long been ignored.

However, before I share my story I want to share with you some important information about the prevalence of workplace bullying among state employees. As a KOSE Union Steward, I represent around 500 executive branch employees at my worksite. This month, my fellow stewards and myself conducted a survey of the employees we represent to gauge just how prevalent workplace bullying among the employees we represent. The results, to say the least, were eye opening. According to the results of our survey **78%** of employees had **witnessed** workplace bullying **in the last two years**, and **60%** of employees reported that they had **experienced** workplace bullying **in the last two years**. Additionally, of those employees who reported that they had experienced workplace bullying, **54%** reported that they had **experienced** workplace bullying **MORE THAN FIVE (5) TIMES** in the last two years. A statewide survey of KOSE-covered employees in showed similar results to our survey and serves to highlight the fact that, despite agency claims that existing policies are sufficient to prevent and address workplace bullying, there is currently no effective mechanism in place.

Now that you know just how prevalent workplace bullying can be in state agencies and worksites, I want to share with you my experience with workplace bullying. To give some background, I was hired at my worksite in March of 2013. My position included periods of “job shadowing” between periods of classroom training. While doing my job shadowing, I frequently observed tasks being done in a way that differed from how we were being taught in class. As such, I would go back to class and ask it what I had observed or been taught while shadowing was correct. It turns out that some of what I reported was not acceptable and a violation of policy and because of this some staff who work on the unit I was shadowing were disciplined. It is also important to note that the unit I was shadowing on was the very one I would have to work when I completed training.

Upon finishing my training I reported to my unit for my first day of full duty. An employee on my unit asked to speak with me. The employee then turned to me, and in front of three (3) clients, told me, "I just want you to know that we have heard about you. We don't like a "rat" around here. And just so you know, there's a lot of us who are just waiting for something to happen to you so that we can take our sweet time getting there to help you when you're getting your a\*\* beat." This was my very first day working my unit that I was assigned to, and less than five minutes into my shift I had already been threatened. Not only that, the three clients most prone to violent behavior had witnessed it and indicated that they also agreed with the employee's statement. While I should have reported it right then, I didn't. I didn't report it because while in training I saw the clients he was with put staff in the hospital after beating them severely. Quite simply put, I didn't report it because I needed my job and I wanted to leave my job alive and uninjured at the end of the day.

Flash forward to a few months after my first day, and the bullying and intimidation hadn't stopped after that first day. Almost every day I was at work the employee found a new way to torment me. He went out of his way to ensure I was assigned the most difficult or least desirable duties when we worked together. He would pick apart every last detail of my work and then proceed to berate me for what he perceived I had done wrong. At this point, my co-workers had begun to notice the bullying and asked me if I had reported it. I told them I hadn't, and that I could handle it. I stuck with that story until one night when the employee doing the bullying and I were getting ready to take out the dirty laundry. On this night, I was ripped into about how I had somehow loaded a cart of dirty laundry the wrong way. When I finally told the employee that I had done nothing wrong and that I would no longer be allowing him to yell and demean me, he grabbed an empty laundry cart and shoved it across the room as hard as he could into me. As he was doing this one of our co-workers walked into the room and observed it. He immediately got me out of the situation and took care of the dirty laundry for me so that I wouldn't be alone with the employee who was bullying me. We also made an appointment to meet with our supervisor and report all that happened.

The next day we filed a report with my supervisor who sent it off to my worksites "Risk Management Department" and "Human Resources Department." During this time the employee bullying me was moved to another unit and work was finally something I enjoyed again. However, my reprieve was short lived. A few weeks later I was informed that he was going to be coming back to our unit because management had found "insufficient evidence" that he had been engaged in any prohibited conduct. This decision was made in spite of the fact that four other co-workers had witnessed the behaviors submitted written statements corroborating my reports. When he finally returned to the unit things went from bad to worse.

After his return to the unit, he became smarter in how he bullied me. He would enlist the clients to do his dirty work. Over almost the next year I walked in to work every day knowing that I would have the clients on my unit threatening to kill or injure me, all while the employee sat behind them and laughed. He even figured out how to turn my supervisor to his side, culminating in his final act before I managed to get myself moved to another unit. This act was him physically throwing objects at me on the unit with my supervisor right beside me and clients in full view. The whole time yelling that I was a "punk-a\*\*, fa\*\*ot, b\*\*\*h" who needed to

“learn [my] place.” When I finally yelled back and told him to stop throwing things at me and yelling, the supervisor who had been right next to me the whole time, served me written discipline for “unprofessional behavior” while the other employee didn’t even get counseled about the issue. Shortly after this, I filed several grievances and got myself transferred to a unit that I love, but I still feel traumatized by the experience.

I cannot tell you how horrible that almost two (2) year period of my career with the state were. I woke up every day and dreaded going to work. I spent the drive in physically ill and terrified today might be the day that one of the clients he had stirred up would physically harm or kill me. I was put on blood pressure and anxiety medication at 24 because of what I was going through at work. There were days I called in sick because I couldn’t face the thought of having to work with him for my shift. For two years that is what I lived, day in and day out. Days off weren’t even a solace, because I spent them terrified of the day I had to go back to work. I was alone with no one to help at work, because there was no policy to protect me, nor was there any way for me to report what I was experiencing without things getting worse. I couldn’t even go to my supervisor for help because she was part of it all. This is something that no employee should ever have to experience and it’s something I am dedicated to preventing.

Now that you have heard my story and know why I am passionate about the topic, I ask you to stand with me. Experiences like the one I had do not represent Kansas and the values we believe in. In Kansas we believe in hard work, fairness, treating people the right, and respecting the dignity of each of our citizens. So today I ask you to stand up for those values and vote to pass HB 2200 so that no State of Kansas employee will have to go through what I did and so that the State Employees, Kansans, and the nation will know that the values our great State was founded upon are still alive and well today.