



Stronger Employee Relations. Smarter Business.

# WORKPLACE INVESTIGATION TOOLKIT: Seven Critical Steps To Success

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*“Stronger Employee Relations. Smarter Business”™*

## **About Puente Consulting, Inc.**

Puente Consulting, Inc. is a privately held California Corporation with headquarters in downtown San Diego and with offices in Orange and Los Angeles counties. The company was established in 2001 by Patti Perez to offer a unique combination of human resources (HR) and employment law consulting services. Puente specializes in strategy, investigations, wage and hour audits, and compliance trainings. The company’s services are offered in English and Spanish. Puente bridges the gap between business problems and solutions for small businesses to Fortune 500 companies nationwide. It helps clients to reduce the risk of employment-related litigation while implementing strategic plans to increase profitability by connecting compliance issues associated with employment law to real-life HR and business management. The company’s award-winning staff combines its native Spanish-speaking skills with decades of experience solving HR challenges in multi-cultural environments. In doing so, Puente helps companies build successful, harmonious work environments which increases productivity and profitability, and reduces liability.

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## 1a

# INTRODUCTION TO WORKPLACE INVESTIGATIONS

## WHY CONDUCT INVESTIGATIONS

**M**ost employers understand the need to investigate employee complaints. Indeed, the U.S. Supreme Court has given companies guidance by allowing employers to present an affirmative defense to claims of harassment. This defense only applies, however, if the company exercises reasonable care to promptly *prevent* and *correct* harassing behavior. So from a legal liability perspective, there is a strong incentive for companies to establish a fair, thorough and effective complaint resolution system, including a process to investigate employee complaints.








*Although the legal reasons for conducting an investigation are critical, it is just as important to conduct impartial and thorough investigations for business purposes.*

This, however, is only half the story. In addition to the legal reasons (perhaps more important than the legal reasons), it makes good business sense to properly investigate employee complaints. Rather than focusing solely on legal complaints, companies should seek to find out the truth, fix the problem (if there is one), and take appropriate remedial measures to make the workplace as productive as possible. This, in turn, also takes care of the legal issues.

## ABOUT THE TOOLKIT

This **Toolkit** is designed to show Human Resource and other business professionals a **step-by-step approach to preparing** for an investigation, **conducting** witness interviews, **reviewing** documents, **reaching** conclusions, **taking** appropriate actions after the investigation, and **restoring** the workplace to an optimal state of productivity.

This **Toolkit** contains the following important forms, samples and documents:

	An <b>intake form</b> to begin the investigation process
	A <b>strategy form</b> to begin your preparation for the investigation
	<b>Sample</b> “complainant”, “accused”, and witness <b>interview questions</b> (many of these questions are applicable not only in sexual harassment investigations, but also other claims of unfair or unlawful employment practices)
	A checklist for your <b>final report</b> , and a short sample of a report
	A <b>follow-up information</b> sheet with sample memoranda to the file
	Information for how to <b>retain documents</b> associated with your investigation.
	Information on how to <b>get your company back on track</b> after an investigation.

Although you can perform an investigation on a variety of matters, this Toolkit often refers to information about harassment investigations. Despite the variety of topics covered in investigations, employers still receive more complaints about sexual harassment than any other topic. Additionally, these cases often bring up the most sensitive issues, could result in the most legal exposure, and can cause the most disruption to the workplace.

*This Toolkit will help you not only prepare for and conduct an investigation, it will also help you get back on track after the investigation.*

Therefore, “alleged harasser”, “accused” and other terms dealing with harassment complaints are often used throughout this guide. Keep in mind that these terms may be equally applicable to investigations about other types of employee complaints. Also note that the terms “he” and “she” and “his” and “hers” are used alternatively since complaints may come from male or female employees.

*This guide has been created to assist you in not only assessing the potential legal landmines present in all investigations, but to also provide you with practical business solutions to the complex problems created by employee complaints.*