

## **ADMINISTRATIVE INVESTIGATION PROCESS**

The following is an outline of the steps taken by the Department of Human Resources when investigating an issue raised by an employee.

### I. Conduct Initial Meeting With the Employee Raising the Issue

- A. Interview the complaining party for clarification to determine the nature of the complaint.
- B. EEO Coordinator/EEO Specialist will determine the policies, procedures or practices that apply to the issue.
- C. Ask the complainant to reduce the complaint to written form or the interviewer will summarize the issue(s) for the complainant to review and sign as an accurate description of the allegation.
- D. Ask the complainant to provide any document(s) (in complainant's possession) that should be reviewed and the names of any person(s) who may have relevant knowledge regarding the issue(s) raised.

### II. Decide if any Internal Investigation is Needed

Criteria:

- A. Is the alleged behavior a violation of Title VII of the Civil Rights Act, or the ADA?
- B. Is the alleged behavior a violation of a Federal or State Executive Order pertaining to discrimination in the workplace?
- C. Is the alleged behavior a violation of City Policy, procedure or Administrative Regulation?
- D. When did the alleged behavior take place and where?

### III. Contact the Department Head or Appropriate Management Representative

- A. Inform the Department Head/Appropriate Management Representative of the allegations and the investigation procedure.
- B. Ask for input into suggesting a list of witnesses, interview questions and appropriate documents for review.
- C. Ask if there is any information regarding the nature of the complaint or any pending adverse action regarding any party named.

### IV. Plan the Investigation

In planning the investigation the following steps will be taken:

- A. Examine policies, procedures, or practices that may apply.
- B. Determine the persons to be interviewed, order the interviews, and the documents to be reviewed.
- C. Develop interview questions.
- D. Gather a detailed account of the events surrounding the issues from the person who is the focus of the investigation.
- E. Provide each person questioned with an interview notice statement and obtain signatures for compliance.
- F. Inform witnesses that a statement acknowledging the validity of his/her comments must be signed.
- G. In some cases at the discretion of the interviewer, a written statement will be required.
- H. The interviewer shall prepare a document that includes interview questions, responses and unsolicited information for the signature of each person interviewed. At the discretion of the interviewer, interviews may be tape-recorded.
- I. Discuss with each interviewee information security and the integrity of the investigation.

### V. Analyze all of the Facts in Order to Reach a Conclusion

- A. Prepare a draft report.

- B. If disciplinary action is recommended or may result, based on the conclusions reached, review draft report with the City Attorney's Office.
- C. If additional information is needed, conduct further investigation.
- D. Finalize report.
- E. Once the report has been finalized, the department head, or appropriate management representative, will be provided an opportunity to review the final report. If disciplinary action is contemplated, consultation with representatives of the Department of Human Resources and the City Attorney's Office should occur.
- F. The Department Head or appropriate management representative will report back, in writing, to the Director of Human Resources actions taken with regard to the final report.

#### VI. Final Investigation File

The final investigation file consists of the relevant information collected during the investigation. The file will show the key steps that were taken to investigate and respond to the issues raised.

#### VII. Investigation Follow-up

- A. The interviewer will meet with the complainant and inform that person that the investigation has been concluded. The employee will be told that the allegations were confirmed or not confirmed. The employee will be informed of the avenues available to them if they do not agree with the findings. Finally, the employee will be informed of what to do if he/she experiences any retaliation as a result of participation in this process, and, once again, the investigator will reinforce the issue of confidentiality.
- B. Personnel actions and/or disciplinary actions will not be disclosed.

#### VIII. Investigation Time Period

As a general rule, investigations will be concluded in a ninety (90) day time period, unless there are mitigating factors. Failure to complete the investigation within 90 days will not impact results of the investigation.

#### IX. Confidentiality

Each participant will be warned at the beginning and again at the end of the interview process that the investigation is being conducted in a confidential manner. The party will also be informed that he/she is not at liberty to discuss anything pertaining to the investigation with anyone who does not have a legitimate business need to know.