

# THE HR CONNECTION

## Church, Engle & Associates

Recruitment Specialists & Human Resource Services

Vol. 5 September, 2007



*The Round Church,  
Richmond, Vermont*

### **In this Edition:**

*Conducting an  
Effective Investigation  
(Part 1)*

### **Helpful Link:**

Website created by the Wharton School at the University of Pennsylvania. The information on the site is organized at four levels. The top layer provides summaries on current news; the second layer includes articles written by professional business journalists; the third consists of academic papers; and the last layer links to related web sites.

<http://knowledge.wharton.upenn.edu/category.cfm?cid=10>

### **Quote of the Day:**

"A fanatic is one who can't change his mind and won't change the subject."

**Winston Churchill**

## **Conducting Effective Investigations - Part 1**

In our first issue we wrote about "Termination Headaches: Tips to Minimize Problems." We received some comments asking for more detailed information on conducting workplace investigations, so here it is.

It will happen, sooner or later. Every HR Professional or Manager will encounter a work situation that requires an investigation before an appropriate employment decision can be made. Usually, the investigation will be necessary to respond to a complaint, to look into a manager's concern of misconduct in the workplace, or as a result of a perceived policy violation. Unfortunately, many Managers and even HR Professionals are not comfortable performing these investigations. This may be due to a desire to avoid confrontation, a lack of training, or the absence of guidelines or procedures for conducting effective investigations.

When an investigation is conducted in a professional and unbiased manner, it can reduce the chance of legal action that could result in negative financial impacts to the employer. Effective investigations also send a message to employees that the employer will conduct a review that is professional, fair, and non-biased. This in turn helps to maintain the morale of your workforce.

An effective investigation will assist you to make employment decisions based on facts and policy. However, done poorly, it can lead to negative financial impacts, public relation concerns, and lower employee morale.

### **When to Investigate**

Before you conduct an investigation, you need to understand when and why an investigation is needed. In the case of harassment, the law requires it. Courts have ruled that employers have a duty to prevent harassment and also to respond to and investigate harassment complaints. Therefore, you risk being liable for harassment if you fail to adequately investigate such complaints.

Even when not legally required, investigations make sense anytime you receive complaints of serious workplace issues, such as rule or policy violations, misconduct, or possible criminal conduct. In addition, you also should be prepared to

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For those attending the 7th Annual SHRM State HR Conference on Sept. 17th and 18th at the Sheraton Conference Center in Burlington, please stop by our booth to meet us.



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*South End of Lake  
Willoughby  
Vermont*

## Fast Facts:

### Who Is Satisfied with Pay?

Forty-eight percent of Americans say they are paid well for the job they do compared with the 46 percent who disagree, according to a survey by Express Personnel Services. In general, respondents who said they are paid adequately were age 45 and older, hold upper management job titles, and have been with their current company six years or longer. Respondents who said they are not paid adequately were more likely to be between the ages of 25 and 35, hold an associate's degree or have some college experience, hold middle management or salaried positions, and have been with their current company five years or less. The survey included a cross-section of business owners, managers, and employees in a variety of industries throughout the United States.

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to investigate lesser problems such as rumors or suspicions of policy violations or wrongdoing. You simply can't take appropriate corrective or disciplinary action in these situations if you don't have all the facts. An investigation, properly done, will support your final decision and subsequent actions.

### Avoid Botched Investigations

Just doing the investigation is not enough. It must be conducted in a fair and thorough manner, or there can be negative consequences. A growing number of employees are resorting to legal action when management's decisions are not based on facts or are not supported by information obtained in a well run investigation. Botched investigations can result in courts handing down negative and costly rulings against the employer.

### Steps for Performing an Effective Investigation

1. A written Investigation policy. Use a written policy to explain to employees your objectives and the process for investigations. Your policy should explain that the purpose is to uncover the facts needed to decide an employment issue. It should clearly state what to expect and emphasize the importance of fairness and objectivity. The policy or procedure should outline how the process is initiated, the normal steps to be followed, the use of interviewing in fact finding, how witness interviews will be conducted, the rules for proper documentation, guidelines for making a final decision, and how results are to be communicated. This policy statement does not have to be a separate policy. Many employers include this information in their policies on employee complaints, harassment, dispute resolution, or grievances.
2. How will it look? How will employees, courts and other outside parties view your investigation policy and the outcomes? As you design or revise your policies and procedures for conducting an investigation, you need to consider how it will look not only to your employees but how your process and outcomes will be viewed by outside parties. Look at the process and how the results will be perceived. Does it look objective, fair, and consistent with past practice?
3. A trained and objective investigator. The qualifications and behavior of the person conducting your investigation can influence everyone's perception of fairness and professionalism. Ideally, this person should have special training and experience in employee relations, employment law, and conflict resolution. Many employers rely on their internal HR professionals for this role. However, trained managers can also conduct an effective investigation in certain cases. Sometimes, outside assistance may be the correct decision if a suitable investigator is not available, and/or if the issues are sensitive or complex.
4. Timeliness. Investigations should begin and be completed in a timely manner. This will help demonstrate management's commitment to a fair and impartial process. It also allows the investigator to gather facts and information while it is still fresh in the minds of those involved. Every effort should be made to begin the investigation as soon as the need becomes clear. In most cases, the investigation should be completed within five to ten days from its start. However, some complex investigations involving complicated issues, such as harassment or theft may take longer. *Keith Engle*

***To be continued - Part 2 of Conducting Effective Investigations will be in our next issue of the HR Connection.***



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