

PLUNKETT COONEY
ATTORNEYS & COUNSELORS AT LAW


Employee Investigations

From Harassment to Embezzlement
& Everything in Between


Presented by
Suzanne Bartos
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The **Informed Employer**
Webinar Series

Today's Presenters



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EMPLOYEE INVESTIGATIONS PLUNKETT COONEY

Reasons to Conduct Investigations

- They are encouraged by laws
- May minimize or even prevent liability
- It will memorialize the facts
- It will benefit the work environment

EMPLOYEE INVESTIGATIONS PLUNKETT COONEY

Applicable Laws When Dealing with Complaints

- ELCRA- state law which prohibits discrimination on the basis of sex, race, color, age, religion, national origin, height, weight or marital status
- Title VII- federal law that prohibits discrimination on the basis of sex, race, color, religion or national origin

Continued



Applicable Laws When Dealing with Complaints

- ADEA- federal law which prohibits discrimination on the basis of age
- PDCRA- state law which prohibits discrimination on the basis of a mental or physical disability
- ADA- federal law which prohibits discrimination on the basis of a mental or physical disability



Beware of Retaliation

- Actions taken in retaliation for filing a complaint
- Actions taken in retaliation for giving a statement
- Whistleblowers Protection Act (WPA)
- How to prevent a claim of retaliation
- Continue with your business



EEOC/MDCR

- When you receive a vague complaint
- Preparing the position statement
- Do not ignore them!
- Their findings



Cautions With Employee Investigation

- Wiretapping Act
- Michigan Eavesdropping statute
- Stored Communications Act
- Invasion of privacy claims

Continued



Cautions With Employee Investigation

- Civil Rights Act anti-retaliation provisions
- Whistleblowers Protection Act
- Employee Polygraph Protection Act
- Bullard Plawecki Employee Right to Know Act
- Selective enforcement and discipline



Comprehensive Investigation Nuts and Bolts

- Gather preliminary facts
- Review your handbook and other policies
- Decide who will conduct the investigation
- Determine what documents and records need to be reviewed

Continued



Comprehensive Investigation Nuts and Bolts

- Determine if any pre-interview investigation work needs to be done.
- Before the interview, prepare a script.
- Decide on an order of interviews.
- Interview the accuser.
- Interview the accused.

Continued



Comprehensive Investigation Nuts and Bolts

- Re-interview accuser, if necessary.
- Interview witnesses.
- Document, document, document.
- Implement the next steps.
- Put all relevant documents into an investigation file.



Questions & Answers



Questions?



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