

TRIBAL EMPLOYMENT NEWS

Employee Misconduct Investigations

As employers, tribes provide due process by giving employees an opportunity to raise concerns, investigating those concerns, and thereafter making a decision by comparing the facts against defined expectations. Human resources professionals oftentimes serve a significant role in the investigation phase of evaluating employment related behavior. On May 19 & 20 at Wyandotte Nation I have the privilege of presenting on the topic of employee misconduct investigations. As human resources professionals, investigators, tribal council, tribal administrators and lawyers, you are invited to participate. Your participation is essential to a meaningful conversation on an important topic.

At this two day session, we will address the following:

Preliminary Questions

Should there be an investigation?

What conduct triggers an investigation?

Who has the authority to answer these questions?

Intake

Should you take immediate action based on the complaint?

How do you protect the victim?

What are your options?

What are the risks?

Choosing the Investigator

Will this be an internal investigation?

Should you engage an outside investigator?

Have you considered engaging your legal counsel to assist which may trigger privilege?

Gathering Information

Planning the process.

Interviews.

Gathering other evidence.

Talking to the alleged perpetrator.

Does the alleged perpetrator have rights?

Documentation

Preparing the written report or reports.

Evaluating the reports.

Decision

What should be the employer's response to the investigation?

What are the employer's options?

As a tribal employer, what law guides these options?

Specific Kinds of Investigations

Investigating **Discrimination** Investigating **Theft**

Investigating **Harassment** Investigating **Threats and Violence**

Investigating **Bullying**

If you want to join us at Wyandotte Nation on May 19 and 20 the cost is \$450 per person, please send me an email at richardmcgee@comcast.net or call at [612-812-9673](tel:612-812-9673). Please join us for an important discussion regarding the investigation process.

Are you inclined to forward this email to a colleague who may be interested in participating in an important conversation?
