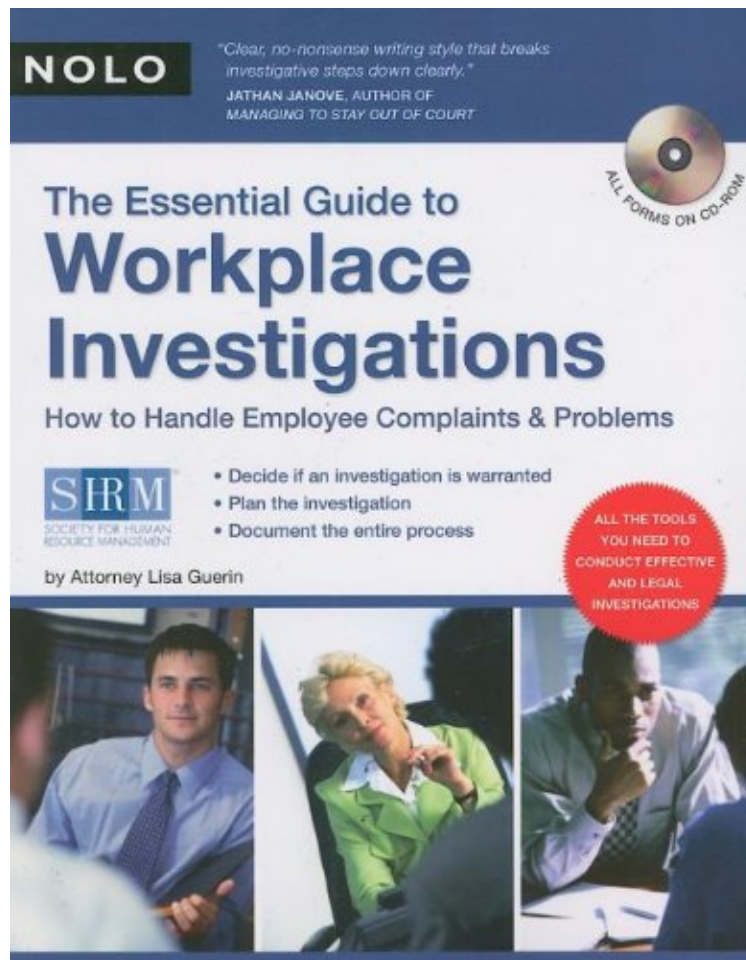


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The Essential Guide to Workplace Investigations: How to Handle Employee Complaints Problems

Lisa Guerin J.D.

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an investigation it is nice to have handy any time you have concerns about what to do next. Really helpful
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Everything you need to investigate -- and resolve -- common workplace complaints and problems. The Essential Guide to Workplace Investigations is both a legal and practical book, packed with tips and strategies that will help you sort out your workplace problems, quickly and legally. It offers a 10-step plan that you can use to resolve all kinds of workplace complaints, including: harassment discrimination workplace violence employee theft
The Essential Guide to Workplace Investigations explains how to conduct an investigation that will stand up in court, helping you decide whether to investigate, do interviews, gather evidence, write an investigation report and make disciplinary decisions. The book provides forms, checklists, sample policies, sample documentation and legal resources for all 50 states. All forms, as well as audio interviews and scenarios, are included on a CD-ROM.

Clear, no-nonsense writing style that breaks investigative steps down clearly. (Jathan Janove 20090101)
Packed with tips and strategies that will help sort out workplace problems quickly and legally. (HR Magazine 20090101)
About the Author
Guerin, an editor/author specializing in employment law, is author or co-author of several Nolo books, including The Manager's Legal Handbook, Dealing with Problem Employees, Nolo's Essential Guide to Federal Employment Laws, Workplace Investigations, Create Your Own Employee Handbook, and Nolo's Guide to California Law. Guerin has practiced employment law in government, public interest, and private practice where she represented clients at all levels of state and federal courts and in agency proceedings. She is a graduate of Boalt Hall School of Law at the University of California at Berkeley.
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Introduction
Chances are good that you picked up this book because you've become aware of a potentially serious problem at your company and you're not quite sure how to handle it. Maybe you've heard a complaint or report of misconduct that sounds something like this: "Every time I go into John's office, he's looking at porn on the Internet -- it's really starting to offend me and some of the other women in the office." "We've finished our internal audit, and the numbers just don't add up. I think we may have a thief on our payroll." "I've been passed over for promotion three times, and each time the job has gone to a younger person who doesn't have my experience or training. I feel like I'm being discriminated against." "Mark has been really angry lately -- he keeps talking about his gun collection, and yesterday he told me that 'management is about to get what's coming to them.' I'm afraid of what he might do." Now you're facing some tough decisions: Whom should you believe? What really happened and why? How serious is this problem? What should you do about it? And, can you handle this without creating legal problems for the company? A complete, impartial, and timely investigation will help you answer these questions and figure out what to do. In fact, a proper investigation is one of the most important tools for maintaining a safe and productive workplace -- and keeping your company out of legal trouble. This book gives you the tools and information you need to conduct a successful investigation. Part I (Chapters 1 through 4) describes in detail the ten steps to a successful investigation of any kind of workplace problem. Part II (Chapters 5 through 8) takes a closer look at four common workplace problems -- discrimination, harassment, theft, and violence -- and explains how to handle the special investigation challenges posed by each. This chapter will help you get started. It introduces the benefits and basic components of a proper workplace investigation, including the actions you will have to take -- and decisions you will have to make -- along the way. (Each of these steps is covered in detail in Chapters 2 through 4.) It also covers some common investigation mistakes that can lead to legal trouble -- and tips that will help you avoid them. Investigations Require Judgment Calls
Although most investigations will require you to at least consider each of these ten steps, every situation is a little bit different. Workplace problems rarely land on your desk in a tidy package with an obvious solution. Instead, you'll often be faced with conflicting stories, documents that are open to different interpretations, and no clear answers about what happened and what you should do about it. You'll have to decide which problems merit a closer look, whom to interview, and what documents to review -- and when your investigation is complete, you'll have to decide what you think really happened. All of these decisions are judgment calls, and no book can tell you how to handle every possible scenario you might face. However, if you follow the guidelines in the chapters that follow, keep an open mind, and use your best judgment, you should be able to handle most of the issues that come up.