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Internal Investigations: *An Employee Has Made A Complaint...Now What?*

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Presented For

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A Week in the Life of an Administrator

Monday

Angie Jolly works as a dietary aide in an assisted living complex. She works the same shift as another aide, Brad Tarpitt. Angie sends an email to you stating as follows: “Yesterday, I was throwing out garbage in dumpster in back near the end of my shift. Brad helped me with a heavy box. I thanked him and patted his arm. He then grabbed me around the waist and rubbed against my breasts. He made some disgusting comments and tried to drag me behind the dumpster. Luckily, we heard someone nearby, and he stopped. I refuse to work with him again. He scares me. Other employees feel the same way.”

No one has complained about Brad before this. Both Angie and Brad have worked for the complex for more than 2 years. What should you do?

A Week in the Life of an Administrator

Tuesday

After your investigation and termination of Brad, Angie's supervisor, Jon Voyt, tells you he has received 2 complaints that Angie was rude to co-workers recently. He reminded you that another co-worker had complained last year about her, but there is nothing about it in Angie's file. There is only a performance review from 18 months ago that says she is performing "satisfactorily." Now her supervisor wants to fire her or give her a final written warning for being rude to co-workers. He claims he has spoken to her about this in the past. What should you do?

Rand v. Town of Exeter, Civil Action No. 11-cv-55-LM
(D.N.H. Sept. 30, 2014)

- \$49,000 in damages against the Town (retaliation)
- \$20,000 in damages against the co-worker (assault and intentional infliction of emotional distress)
- \$98,237 for attorneys fees and costs against the Town

A Week in the Life of an Administrator

Wednesday

Martin Sheer, 60, has worked at your organization for over 25 years. A few months ago, his duties were reduced by his new manager due to performance problems. Yesterday, his manager told him that he could stay on a PIP or take a severance package (and sign a release). He has a week to decide. In this time, he meets with you (Administration) and says he feels this is age discrimination, and that his performance is good; it only looks bad because he gets the difficult accounts due to his knowledge and experience. What should you do?

Castelluccio v. IBM, Civil Action No. 3:09CV1145(TPS)
(D. Connecticut July 23, 2014)

- \$999,891 in damages for back pay and benefits against IBM
- \$999.891 in liquidated damages against IBM for willful violation of ADEA
- \$500,000 in damages for emotional distress against IBM

A Week in the Life of an Administrator

Thursday

One evening, you are at a Fisher Cats baseball game. You bump into a group of female employees who are at the Sam Adams Bar and Grille. After a few beers, they start telling you about a senior executive at the organization, Fred Fieldstone. They mention the “Fieldstone Headlock” and “Fieldstone Dance.” You ask what are these. The Headlock is when Fred wraps his arm around a female employee’s neck and says he needs to talk to her in private while his hand comes close to her breasts. The Dance is what female employees do to avoid the Headlock. They say it’s annoying, but because Fred is a high-level vice president, and golfs a lot with the CEO and Board chair, they just “do the Dance.” What should you do?

A Week in the Life of an Administrator

Friday

Your organization has an IM system on its computers and tablets. A female employee (Arya) complains to you that her female supervisor (Cersei) and a male co-worker (Jaime) are constantly IM'ing each other, and that Cersei "plays favorites." Arya is particularly uncomfortable because she received one of the IM's accidentally. In it, Cersei and Jaime were sexually flirting with each other and mentioned that they will meet in the office over the weekend to "download the files." What should you do?

Questions?



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