

## Employment-Related Workplace Investigations

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### PURPOSE

The Executive Branch of King County strives to respond effectively to employment-related complaints in the workplace. Therefore, it is in the county's interest to consistently conduct competent and effective workplace investigations. It is also in the county's interest to track, and report the progress of employment-related investigations.

### PROCEDURES

Supervisors and managers should report employment-related workplace complaints or incidents of concern to their Human Resources Service Delivery Manager (HR SDM or his/ her designee) or highest ranking human resources professional immediately. The agency HR SDM should work with supervisors and managers to make a determination as to whether a workplace complaint or incident warrants further investigation.

If the HR SDM has determined that the supervisor or manager has properly addressed the matter, the HR SDM should ensure that the determination is documented. The HR SDM will stay in contact with the supervisor throughout the processing of the matter. If a need for further investigation is apparent, the HR SDM in conjunction with the manager, the PAO and the HR Director or his/her designee, should make a determination as to who will conduct the investigation.

Supervisors and managers should consult with the HR SDM prior to conducting any investigations. The HR SDM should continue to monitor and assess the issues and oversee the investigation, if necessary. If the facts revealed during any part of the investigation substantially alter the nature of the investigation, the HR SDM may, as necessary, change the assignment of the investigation to utilizing a county-trained internal investigator or an external vendor investigator, as appropriate.

The HR SDM should coordinate and oversee investigations using county-trained internal investigators or external vendor investigators unless it is determined that either the HR Director or the PAO is a more appropriate party. The HR SDM may assign a county-trained internal investigator within his or her own agency or arrange for the assignment of a county-trained investigator from another county agency. The training required for those investigators is that which is sponsored by the Human Resources Division and referred to as "King County Internal Investigation Training."

Upon consultation with the Department Director and the Human Resources Division (HRD) Director's Office and/ or the PAO, the appointment of an external vendor investigator from a current vendor list may occur. Utilization of a vendor may be necessary due to unique circumstances and the HRD Director's Office and/ or the PAO should be consulted in these instances. The HRD Diversity Management Services Section maintains the procured contracts with the vendors and should be contacted to obtain a list of available investigators.

### ***Inter-departmental Mutual Support Arrangements:***

A county-trained investigator from one agency may conduct an investigation in another agency. The HR SDM may arrange the assignment with a colleague agency's HR SDM. The agencies are encouraged to support one another by providing investigation services to each other's colleague agency. The HR Director's office should be informed of such an arrangement.

In cases where the loaned arrangement includes reimbursement of expenses, such arrangements should be understood in advance.

### ***Investigations Coordination:***

Employment investigations conducted by internal county investigators or external vendors will be reported by the agency HR SDM to HRD Director's Office. Reports of investigations and updates will be provided on or before the first of each month. HRD Operations is also available to consult with agencies about investigations.

### ***Paid Administrative Leave:***

Personnel Guidelines, Section 14.10 (2005) provides that that when "circumstances exist that make the immediate removal of an employee from the workplace to be in the best interests of the county" Paid Administrative Leave (PAL) is available. PAL should be required only as necessary to protect the King County government resources and interests, *e.g.*, personal safety, retaliation prevention, workplace disputes, etc. PAL is used most often in cases where a workplace investigation is underway and only when the provisions of Section 14.10 are met.

Prior to placing an employee on PAL, a department should first determine whether other alternatives, such as a change in assignment, are possible. The Human Resources Division has adopted a maximum 21-business day goal for concluding PAL. The following conditions apply:

- Within 7 business days after placing an employee on PAL, the department should have an investigation plan in place
- Within 14 business days after placing an employee on PAL, the department should have completed its investigation and any resulting processes (*e.g.*, returning the employee to work, providing due process, suspending or terminating the employee)
- Approval to keep an employee on PAL beyond the 21 business day limit<sup>1</sup> is subject to approval by the Human Resources Division Director and may be considered for unusual and/or unforeseen circumstances

## **QUESTIONS/COMMENTS**

Refer all questions or comments via e-mail to HRD Operations.

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<sup>1</sup> Due to the unique structure of the law enforcement within DAJD, allegations of misconduct may be reviewed by outside agencies before DAJD may begin an internal investigation which leads to extending PAL beyond 21 business days. Therefore, within 7 business days after placing an employee on PAL, the department must have an investigation in place; within 2 months, the Internal Investigations Unit Captain will notify the HRD Director of the status of the investigation, and updates may be requested monthly thereafter. Approval to keep an employee on PAL beyond 6 months is subject to approval by the HRD Director and will only be considered for unusual and/or unforeseen circumstances such as a pending criminal investigation or any outside agency investigation which may have delayed an internal investigation.

In the event that any provision of this Human Resources Bulletin conflicts with an applicable provision of a collective bargaining agreement or binding past practices thereunder, the latter shall prevail.

The effect of the provisions of this Human Resources Bulletin confers no new privilege, right of appeal, for any King County employee, contract worker or volunteer. This Human Resources Bulletin does not constitute an express or implied contract. It provides general guidance that cannot form the basis of a private right of action.