

Rising Above The HR Investigation Nightmare



The Original Complaint

It's 4:00 on a Friday afternoon and everyone at "Burger City" is looking forward to the weekend. Burger City's HR Director, Tracy, is about to leave when she hears a knock on her office door. In walks Amy, a new employee who was recently hired by her best friend, Karen, one of Burger City's longtime managers.

Amy claims that she is being "harassed" by Karen and she demands that Tracy do something to stop it. Amy explains that for the past month Karen has scheduled Amy to work only the dreaded night-shifts. Tracy listens patiently before asking if there is any other incident or example of harassing behavior. Amy says "no." Tracy ensures Amy that she will talk to Karen and investigate the complaint.

The situation seems simple: the employee is unhappy about her shift and blaming her manager. Tracy glances at the clock on the wall which reads 4:20 – plenty of time for a quick chat with Karen.

The Interview With Karen

Unfortunately, the conversation was not quick! Karen explained that she scheduled Amy for the night-shift because Amy has been tormenting another employee. A month ago, Karen received a call from an angry woman claiming Amy was sending her 16 year-old son, Kevin, another employee of Burger City, sexually explicit text messages and photos, which the mom had discovered on her son's phone. The photo showed Amy in a "compromising position" in Burger City's storage unit with Kevin. Not wanting to get her friend in trouble, Karen simply separated the two employees and told Amy to knock-it-off. Tracy decides to talk with Amy.

The Interview With Amy

Tracy calls Amy to confront her about the inappropriate text messages and photos. Amy admits to sending the text messages and photo but explains that Kevin is her boyfriend and they are in a consensual relationship. Amy further admits that she and Kevin did occasionally sneak away to the storage room, while on the clock, to just "hang-out." Amy claims that Karen has a crush on Kevin and has been asking him out on dates for months. Amy believes that Karen assigned her to the nightshift so that she could be alone with Kevin.

The Interview With Kevin

As soon as Kevin sees Tracy walking towards him, he begins to shout, "I don't care what you think, I can wear whatever I damn want to!" Confused, Tracy glances at Kevin and sees that he is wearing a nose ring and army boots both violations of the company's dress code. Tracy attempts to speak with him but Kevin continues shouting at her (something about his right to freedom of expression!). Meanwhile, there are a line of customers waiting to order.

Tracy calls over Karen to help out. Together they are able to calm Kevin down and convince him to come into Tracy's office to talk.

What to Do?

How should Tracy proceed? Three employees, three big problems! Without delay, Tracy documents her conversations with Karen, Amy and Kevin. She decides to take the following action:

The Manager (Karen) - Karen failed to report the allegation made by Kevin's mother, failed to speak with the employee, failed to address the situation with Amy and asked a subordinate for a date (assuming this is confirmed). Karen's poor judgment put the company at risk. Tracy made a note to call Karen to give her an opportunity to respond. Karen will be disciplined and possibly terminated, depending on her response.

The situation with the two employees is much more complicated.

Amy - Amy made a complaint and the company must avoid retaliation, or the appearance of retaliation. That said, Amy has admitted to "sneaking" off with another employee (Kevin) while on the clock. Amy should be talked to about this practice and the situation should be addressed according to the company's policies and practice.

Kevin - Tracy will talk to Kevin about his relationship with Amy and Karen. The allegations made by his mother and Amy are serious and the company must investigate and take immediate and corrective action depending on the outcome of the investigation. Tracy will speak only with Kevin, and not his mother. The company still has to address Kevin's insubordination and blatant violation of Burger City's dress code. Tracy decides to give Kevin a written warning addressing both the policy violation and yelling at her in front of customers. Tracy considered termination but given the other existing issues, she ultimately settled on a written warning.