

Management Inquiries

Description: This class is for managers or supervisors or Employee Relations staff who conduct threshold investigations of alleged misconduct – to often include claims of sexual harassment. The purpose of these inquiries is typically to address minor misconduct or to determine if something more serious may have occurred, necessitating an administrative (i.e., more formal and lengthy) investigation. The emphasis is on group discussions, and role play, based on actual federal sector scenarios and practical guidance. The topics include representation issues, preparation for the inquiry, the inquiry process itself, to include taking statements, collecting documents and interviewing witnesses, analyzing the information, writing any report, making recommendations, and taking prompt and appropriate action, if warranted.

Length: 1 to 2 days

Table of Contents

	<u>Page</u>
I. Introduction	5
A. Scope	5
B. Objectives	5
Exercise	7
1. The Federal Sector Complaint Processes: A Brief Review	9
A. The Complaint Processes	
1. The Merit Systems Protection Board (MSPB)	9
2. The Equal Employment Opportunity Commission	9
3. The Negotiated Grievance Process	9
4. The Administrative Grievance Process	10

5. Other	10
III. The _____ Management Inquiry and Administration Investigation Policies	11
IV. Obligation to Cooperate and Authority to Conduct a Management Inquiry	18
A. Authorities	18
B. Conveying that authority to the interviewees	18
V. The Privacy Act	19
VI. A Brief Look at Kinds of Misconduct that Come Up	21
VII. The Steps in a Typical Management Inquiry	25
A. Preliminary	25
B. Beginning the Inquiry: Normally within 2 days, supervisor will begin management inquiry	25
C. Interview the complaining employee and the subject separately to obtain their signed statements of the alleged misconduct	25
D. Interview the participants and witnesses to collect Information and have them sign their statements	25
E. Obtain and consider physical evidence, as applicable	26
F. Complete and assemble the Report	26
VIII. Focusing on Some Aspects of the Management Inquiry	27
A. Preparation for the Management Inquiry	27
B. Interviewing	29

C.	The Interview Itself	33
D.	Analyzing the Information	40
IX.	Conclusion	41

ATTACHMENTS:

1.	Initial Letters	
	a.	Introductory Letter from the Inquiry Supervisor to Subject 42
	b.	Letter to Other Witnesses 45
2.	Management Inquiry Investigative Plan	47
3.	Sample Chronology Form (i.e., a stand alone log)	53
4.	Sample Checklist For Conducting an Interview	55
5.	Sample Statement	57
6.	Sample Summary of Interview	59
7.	Sample Report of Management Inquiry	62
8.	Glossary Of Terms	67
9.	A Primer On Evidence	78
10.	A Primer on Credibility and Credibility Factors	83
11.	Exercise On Troubleshooting	86
12.	Union Representation	89
13.	Factors to Consider	93
14.	Additional Exercises and Problems	95
15.	Office Of Special Counsel Jurisdiction	98
16.	EEOC: Bases Of Discrimination	100
17.	MSPB Jurisdiction	
	102	