SAMPLE WORKPLACE INVESTIGATION REPORT

BY
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CONFIDENTIAL INVESTIGATION REPORT
AMERICAN BANK CORPORATION
BILLIE JEAN/WALLY WALKER

April 2015

(Disclaimer: This sample report is based on a fictional scenario, names and events.)
I. Introduction

On December 16, 2014, the complainant Billie Jean (“Complainant”), a Bank Teller at American Bank of the North Corporation’s Southeast Branch (the “Bank”), filed an internal complaint alleging that her supervisor Wally Walker (“Respondent”), the Assistant Branch Manager, violated her privacy rights by spreading false rumors to her co-workers about her being pregnant and not knowing who the father was. Complainant alleges that Respondent’s conduct constituted a violation of the Bank’s Confidentiality Policy, which protects the privacy rights of employees, along with the Bank’s Standards of Conduct Policy, which sets expectations as to how employees should treat and engage with one another in the workplace.

Complainant also alleges that Respondent violated the Bank’s policies against discrimination by spreading rumors about her to her co-workers. Complainant alleges that but for her gender as a female, Respondent would not have engaged in such conduct towards her.

Below is a summary of the investigation, including my investigation findings, conclusions and recommendations. In summary, I find that Complainant’s allegation that Respondent violated her right to privacy, in violation of the Bank’s Confidentiality and Standards of Conduct policies, is substantiated and supported by the evidence. I find that Complainant’s claim of gender discrimination is not substantiated or supported by the evidence.

Based on my findings and conclusions, it is my recommendation that the Bank provide Respondent a written counseling advising him of the findings of the investigation, including notice of his violation of the Bank’s Confidentiality and Standards of Conduct Policies. The written counseling should remind Respondent of the Bank’s expectations of him as a manager, and advise him that his engagement in any conduct of a similar nature in the future may result in further discipline, up to and including termination. In light of the strained relationship, and breach of trust between Complainant and Respondent, I also recommend the Bank consider transferring Respondent to another Bank branch.

II. Overview of the Investigation

The investigation took place from December 17, 2014, through and including January 17, 2015. I interviewed the following employees as a part of the investigation:

- Complainant Billie Jean
- Respondent Wally Walker
- Rachel Jackson, Human Resources Leave of Absence Coordinator
- Sally Walker, Branch Manager at the Southeast Branch
- George Ward, a former employee of the Bank and Customer Service Manager at the Southeast Branch
- Jane Doe, Bank Teller at the Southeast Branch
• Richard Wall, Customer Service Representative at the Southeast Branch
• Allison Young, Loss Prevention Specialist at the Southeast Branch

I reviewed and relied upon the following documents in making my investigation findings and conclusions:

• Complainant’s Personnel File
• Respondent’s Personnel File
• The Bank’s Confidentiality Policy, Exhibit 1
• The Bank’s Standards of Conduct Policy, Exhibit 2
• The Bank’s Policy Prohibiting Discrimination & Harassment in the Workplace, Exhibit 3
• Prior Complaint by Richard Wall Against Respondent Alleging that Respondent Spread False Rumors About Him, Dated September 12, 2013, Exhibit 4

III. Factual Background

Complainant is a Bank Teller at the Bank’s Southeast Branch. She has worked for the Bank since January 20, 2011. She reports to Respondent.

Respondent is the Assistant Branch Manager at the Southeast Branch. He has been employed with the Bank since June 15, 2010. He reports to Sally Jones (“Jones”), the Branch Manager.

Complainant alleges that on November 25, 2014, the day before Thanksgiving, her co-worker John Smith (“Smith”), told her that Respondent had been spreading rumors about her to her co-workers, stating that she was pregnant and that she did not know if the father was her husband Steve or her boyfriend George Ward (“Ward”). Ward is a former employee and Customer Service Manager at the Bank’s Southeast Branch. Ward resigned his employment with the Bank on November 20, 2014 to take a position at another Bank.

Complainant stated that when Smith told her about the rumor, she was so upset that she went home early that day. She also stated that the news ruined her Thanksgiving weekend and the time she spent with her family.

Complainant stated that as she thought about the situation over the Thanksgiving weekend, she decided to contact Ward to see what, if anything he told Respondent about her being pregnant. Complainant stated that Ward told her that a few days before Thanksgiving, he had lunch with Respondent and told him in confidence that he and Complainant were expecting a child and that he was excited. Respondent stated that Ward told her that he told Respondent to keep the information confidential. Complainant stated that she was upset to learn that Ward told Respondent the news of her pregnancy, as they both are aware that Respondent has a reputation for “having a loose mouth” and for not keeping the confidences of his employees.
Complainant stated that upon returning to work following the Thanksgiving weekend on Monday, December 1, 2014, she confronted Respondent about the rumors and he told her that he did not spread any such rumors. Complainant stated that Respondent told her that she and Ward are two of his best friends, and that he would never disclose any personal information about either of them without their approval. Complainant stated that she believed Respondent at that time so she did not say anything further and decided to end things there.

Complainant stated that on December 16, 2014, she went to the café in the building at the Southeast Branch to get a cup of tea and she was speaking with the café owner Alex Green (“Green”). She stated that during their conversation, Green asked her “When is the baby due?” and asked her if she was excited. Complainant stated that she once again became very upset and asked Green how did he know she was pregnant. Complainant stated that Green could see that she was visibly upset and initially, he started to pull back a little. Complainant stated that Green eventually told her that Respondent was in the café a few days ago and told him that Complainant was pregnant and she did not know who the father was. Green also told her that several other employees were around when Respondent shared this news. Complainant stated that she could not believe what she was hearing.

Complainant stated that after speaking with Green, she immediately went to Human Resources to make a report. She was hoping to meet with Connie Jackson (“Jackson”), the Human Resources Manager who takes employee complaints. However, Jackson was not at work that day, so she met with Rachel Jackson (“Jackson”), the Human Resources Leave Coordinator. Complainant stated that she did not know Jackson very well, but she had met with her a couple of years ago when she processed her maternity leave. Complainant stated that she also knew Jackson and her boyfriend Ward are good friends.

Complainant stated that she is traumatized by the incident and she feels her personal privacy rights have been violated. She stated that she also does not believe Respondent would have spread rumors about her being pregnant, but for her being a woman. She believes Respondent’s alleged misconduct has impacted her reputation and future career opportunities with the Bank.

IV. Complainant’s Specific Allegations

a. Alleged Privacy Violation

Complainant states that Respondent violated her right to privacy, and the Bank’s Confidentiality and Standards of Conduct Policies, by spreading rumors to her co-workers that she was pregnant and did not know who the father was. Respondent denies this allegation stating that he did not spread rumors about Complainant and that he never would have done such a thing given his close relationship with Complainant and Ward.

Each of the witnesses I interviewed confirmed that Respondent told them that Complainant was pregnant. For example, Ward confirmed that a few days prior to Thanksgiving, he had lunch...
with Respondent and told him that he and Complainant were expecting a child together. Ward stated that he asked Respondent to keep this information in confidence.

Additionally, Smith stated that Respondent told him that Complainant was pregnant and that she did not know who the father was. Smith stated that on Tuesday, November 24\textsuperscript{th}, he was meeting with Respondent in his office and that while they were meeting, Complainant passed by Respondent’s office. Smith stated that as Complainant passed by, Respondent told him that Complainant was pregnant and that she did not know if the father was her husband or Ward. Smith stated that he was surprised that Respondent would tell him something of this nature. He also stated that he was somewhat embarrassed that Respondent shared such information with him because he felt it was of a personal and confidential nature. Wall also stated that he filed a similar complaint against Respondent in September 2013, based on Respondent spreading rumors about him of a personal nature. \textbf{See Exhibit 4}.\textsuperscript{1}

I also met with Green, the café owner. Green stated that on November 24\textsuperscript{th}, at approximately 12:30 p.m., Respondent was in the café, along with several other employees from the Southwest Branch, and he announced to everyone that Complainant was pregnant. Green stated that shortly after announcing this, when Respondent approached the cash register to pay for his lunch, he whispered to him that although Complainant was pregnant, she did not know who the father was. Green is not sure whether any of the other employees overheard Respondent make this statement. However, he stated that he was surprised that Respondent would share such information with him.

I also met with several other employees, including Jane Doe, Richard Wall and Allison Young, who were in the café when Respondent allegedly announced out loud that Complainant was pregnant. Each of these individuals stated that they were in the café when Respondent made this statement.

\textbf{Finding & Conclusion}

Based on the foregoing, I find that Complainant’s allegation that Respondent violated her right to privacy is substantiated and is supported by the evidence. Although Respondent denies this allegation, the testimony of each of the witnesses suggests otherwise. Each of the employees interviewed stated that Respondent told them Complainant was pregnant. The evidence also confirms that Respondent told Wall and the café owner that Complainant was pregnant, but she did not know who the father was. Each of the witnesses also stated that Respondent has a reputation for spreading rumors about employees and sharing the confidences of employees. In

\textsuperscript{1}In my interview with Respondent’s manager Jones, she confirmed that Wall made a report against Respondent of a similar nature in September 2013. She stated that the complaint was investigated and that it was determined that Respondent had spread rumors about Wall to Wall’s co-workers. Jones stated that she verbally counseled Respondent about this alleged misconduct, advised him to discontinue such conduct in the future, and reminded him of his duty of confidentiality as a manager and representative of the Bank.
particular, Wall stated that he filed a similar complaint against Respondent in September 2013 alleging that Respondent engaged in similar misconduct towards him.

Respondent’s sharing of confidential information about Complainant constitutes a violation of the Bank’s Confidentiality and Standards of Conduct policies, which he signed off on at the beginning of his employment with the Bank and annually since then. The Bank’s Confidentiality policy states that all employees at the Bank have a right to privacy with respect to their personal information. **Exhibit 1.** The Bank’s Standards of Conduct Policy sets forth the Bank’s expectations in terms of how its employees should treat one another, including showing respect for one another. **Exhibit 2.** Respondent’s conduct violated each of these policies and failed to demonstrate the principles and standards expected of the Bank’s managers.

b. **Alleged Gender Discrimination**

Complainant also alleges that but for her female gender, she does not believe Respondent would have spread rumors about her. Respondent denies this allegation. Other employees interviewed stated that Respondent has a reputation for discussing the personal information of employees and for spreading rumors about employees. However, such conduct does not appear to be limited to women. For example, as is discussed above, in September 2013, Wall filed a complaint against Respondent alleging that Respondent also spread rumors and confidential information about him. Hence, it appears that while Respondent has an issue with respecting the privacy rights of other employees, the issue is not gender-based.

**Finding & Conclusion**

Based on the foregoing, I find that Respondent’s conduct does not violate the Bank’s policy against discrimination and harassment which is intended to address misconduct that is targeted at individuals based on their gender. **Exhibit 3.**

V. **Overall Conclusion, Factual Findings & Recommendations**

In conclusion, and based on the reasons set forth above, I find that Complainant’s claim that Respondent violated her right to privacy, and violated the Bank’s Confidentiality and Standards of Conduct Policies, is substantiated and supported by the evidence. I find that Complainant’s allegation of gender discrimination is not substantiated or supported by the evidence.

Based on these findings, I recommend the Bank issue Respondent a written warning advising him of the findings of the investigation and advising him that any continued violations of a similar nature, may result in further disciplinary action, up to and including termination. Given Respondent’s prior history of engaging in similar conduct, along with his now strained relationship with Complainant (and possibly other employees at the Southeast Branch), I also suggest the Bank consider transferring Respondent to another Bank branch.
Thank you for your attention to this matter. Should you have any questions or comments, please do not hesitate to contact me.

Sincerely,
/s/Investigator

Attached Exhibits 1-4