

LYBARGER WARNING

You are about to be interviewed as part of a personnel investigation. I am _____, an outside investigator who has been delegated the authority to interview you by _____. The nature of the investigation is alleged threats that you made against three Agency employees in February 2009.

If this were a criminal investigation, any statements you made could be used against you in a court of law. However, since this is an administrative investigation, neither your statements nor any information or evidence, which is gained by such statement, can be used against you in any subsequent criminal action. You are being ordered to answer questions specifically related to your employment with the department. You are further ordered to be truthful in all of your statements. Failure to be truthful will be considered insubordination and you will be subject to disciplinary action ranging from an oral reprimand up to and including termination.

You have the right to remain silent, and you have the right to the presence and assistance of a representative of your choice. You are hereby notified that although you have the right to remain silent, failure to answer questions directly related to this administrative investigation may result in your discharge or other punitive action. You have the right to have a representative, who is not involved in this investigation, present with you during your interview. This interview is being tape-recorded. You may also tape record the interview if you wish, or you may have a copy of this tape.

DATE:

SIGNATURE: _____

[CITY LETTERHEAD]

VIA PERSONAL DELIVERY

PERSONAL AND CONFIDENTIAL

March 3, 2010

NAME
ADDRESS

Dear Mr. _____:

This letter is to notify you that you are hereby placed on paid administrative leave from your position as _____ for the City of _____. Your paid leave is effective today, _____.

The purpose of this leave is to provide the City with an opportunity to investigate concerns relating to _____. Specifically, there has been a complaint of _____. This leave is not intended to be disciplinary, but rather is intended to give the City the opportunity to complete its investigation in an efficient manner and without interference.

However, during the period of this leave, you are not to exercise any of the authority arising from your employment with the City, or to be present on any City grounds or facilities, or to access any City equipment, including computers in your possession or to which you have access, unless specifically authorized by me or my designees. Please provide to the undersigned all keys, instruments (e.g. key cards) or pass codes providing access to City facilities, equipment or grounds. Please provide to the undersigned your City identification cards and badges in your possession. If you have a City computer in your possession, please return it to me immediately in its current condition, with no alterations or changes to its content of any kind.

You are directed to make yourself available and cooperate in the City's investigation. You are directed to do nothing to interfere with the investigation. During the time the investigation is being conducted, you are directed not to contact any City officers or employees to discuss this matter, other than myself, and to maintain the fact and the content of the investigation in confidence, except as it is necessary to protect your legal rights. You are also directed to retain and preserve, without alteration, any and all documents relating to your employment with the City, City business, or to the City's investigation, including information stored on any computers in your possession or to which you have access. If you have any documents or records, in whatever form, relating to City business or this investigation in your possession, either at home or elsewhere, please contact me immediately to make arrangements for the immediate return of these items.

During the period of this administrative leave, you shall remain available for purposes of the investigation, or any requested work, Monday through Fridays, 8:00 a.m. until 4:30 p.m. You are to be available to report to the City Attorney's Office on one hour's notice unless you have spoken to me, and different arrangements have been made. Since you are on paid leave, you

may be asked by me or my designees to continuing providing some services to the City. You are expected to fully cooperate with such requests.

You will remain on a paid administrative leave until such time as you are otherwise notified by the City.

If, as a result of the investigation, the City determines to proceed with any proposed disciplinary action against you, you will receive further notice from the City.

Finally, it is important that you, and others acting on your behalf, not make any comments or engage in any conduct that could be considered retaliation against any other City employee, or any other person who participates in the investigation.

If you have personal property that you wish to retrieve from your office, please contact _____ so that arrangements can be made for this purpose.

Sincerely,

INSERT NAME

cc: Personnel File

MEMORANDUM

TO: Complainant

FROM:

DATE:

SUBJECT: Complaint of Workplace Harassment, Discrimination, and Retaliation

I am sending this memorandum to confirm that you have verbally communicated to the City a complaint of discrimination, harassment and retaliation. After careful consideration, I have determined that the City will retain the services of an external investigator to investigate the issues and concerns you have raised. The City is in the process of engaging an external investigator's services at this time.

I would like to outline what you can expect from the investigation. All of the information you have provided will be reviewed as will any documentation you provide. As appropriate, other employees and managers will be consulted to assist in addressing and resolving the issues and concerns you have raised. The City will also strive to keep you informed of the progress of this investigation.

Additionally, I want to emphasize some of the City's expectations of you during this investigation. These expectations are a standard part of any investigatory process. The expectations include, but are not limited to, the following:

- * You are directed to cooperate fully throughout the investigation, and to be completely honest in answering questions and providing information to the investigator.
- * You are directed to provide the investigator with any information and documentation that you believe may help in the performance of the investigation. If you have any information or documentation that may be relevant to this matter, you are directed to deliver it promptly to Alicia Lara, Human Resources Director.
- * This is a confidential investigation. You must not discuss this investigation with any person who does not have a legitimate business need to know this information. If you have any questions about this requirement, at any time, please feel free to discuss those concerns with Alicia Lara.

If you have any questions or concerns about these expectations or about any part of this investigation, please contact .

cc:

MEMORANDUM

TO: Accused

FROM:

DATE:

SUBJECT: Notice of Confidential Personnel Investigation re: Workplace Complaint --
Harassment, Discrimination and Retaliation

The City _____ (“City”) has received a complaint about your conduct, which includes allegations involving harassment, discrimination and retaliation. The City takes all employment-related concerns very seriously. City policy provides that all reported incidents of harassment, discrimination or retaliation will be promptly and thoroughly investigated and requires the implementation of corrective action where deemed necessary.

Due to the seriousness of this situation, the City has determined that an external investigator’s services will be utilized to conduct this administrative investigation. The City is in the process of engaging an external investigator’s services at this time.

I want to emphasize some of my expectations of you during this investigation. The expectations include, but are not limited to, the following:

- * You are directed to cooperate fully throughout the investigation, and to be completely honest in answering questions and providing information to the investigator.
- * You are directed to provide the investigator with any information and documentation that you believe may help in the performance of the investigation. If you have any information or documentation that may be relevant to this matter, you are directed to deliver it promptly to _____, Human Resources Director.
- * While this investigation is being performed, you will remain in your current position. During this time, you must devote your full efforts to your job requirements but must remain available as needed to meet with and/or provide information to the investigator.
- * It is City policy to prohibit retaliation or reprisals towards employees. You are directed to refrain from any conduct that could be perceived as retaliation.
- * You are directed to cease any language or joking in your interactions with colleagues or subordinates that is sexual in nature or that could be perceived as demeaning to women. It
- * You will be allowed to bring a representative to the meeting with the investigator, when it occurs. If you choose to do so, this representative must not be an

individual who is subject to the same investigation; furthermore, this representative will not be required to disclose any information obtained from you in executing his or her representation duties. This representative will be free to make necessary clarifications of questions addressed to you during the investigative interview but will not be permitted to answer any questions directly addressed to you.

- * If you have any questions or concerns about any of these expectations, or about any part of this investigation, you can contact _____ directly. At this time, I am instructing you to only communicate directly with _____ on this matter.

Be advised that this investigation is serious in nature. Any information regarding this personnel investigation, including this memorandum, is considered confidential. You are to maintain strict confidentiality about the investigation and are not to discuss this personnel matter with other City employees or individuals who do not have a business need-to-know.

The City recognizes this may not be a pleasant experience for you; however, I want to assure you that the investigation will be as fair, thorough, professional and expeditious as it can be made. Accordingly, you will be meeting with an investigator as soon as practicable.

cc: