

Wisconsin Human Resources Handbook

Chapter 412

Investigation and Pre-Disciplinary (Loudermill) Procedure

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Sec. 412.010 Introduction

This chapter is designed to provide guidance to human resources and management staff on the disciplinary investigation process and establishes the framework under which the State of Wisconsin will conduct employee investigations. Management has the right to take disciplinary action for behaviors exhibited by an employee that violate agency policy or State of Wisconsin work rules. Work rules apply to on-duty misconduct or off-duty misconduct that adversely affects the ability of either the State of Wisconsin to carry out its mission or an employee to perform his/her duties and responsibilities. Investigation and pre-disciplinary procedures for represented Public Safety Employees – employees in positions classified as State Patrol Troopers and State Patrol Inspectors – may be impacted by their collective bargaining agreement.

In order to remove, suspend without pay, discharge, reduce the base pay of or demote an employee for misconduct, a fair and thorough investigation must be conducted. The investigation determines the facts and should be objective, seeking out all evidence of guilt or innocence and any mitigating circumstances. It also means respecting rights of the employee, which include notice of the essential allegations of misconduct, personal representation and an opportunity to respond to the allegations.

Sec. 412.020 Statutory Authority

Section 230.34 (1)(a), Wis. Stats., states: “An employee with permanent status in class or an employee who has served with the state as an assistant district attorney or an assistant state public defender for a continuous period of 12 months or more may be removed, suspended without pay, discharged, reduced in base pay, or demoted only for just cause. It is just cause to remove, suspend without pay, discharge, reduce the base pay of, or demote an employee for work performance or personal conduct that is inadequate, unsuitable or inferior, as determined by the appointing authority, but only after imposing progressive discipline that complies with the administrator’s standards under s. 230.04 (13m)”.

Sec. 412.030 Investigatory Process

After a potential work rule violation is reported or suspected, the supervisor and/or human resources staff will complete Employee Investigation Reports – First Report of Potential Work Rule Violation (DOA-15807-A). The appointing authority/designee will review the report/incident to determine whether a workplace investigation is necessary. If the appointing authority/designee determines work rule violations may have occurred after a fact-finding process, investigators will be assigned. Investigators must use Employee Investigation Reports – Investigation Chronological Log; Investigatory Interview; and Summary of Investigation Findings (DOA-15807-B, C & D) to document the chronological sequence of events, investigatory interviews, and summarize the investigation findings. DPM Enterprise may approve, upon request, an alternative investigation recording mechanism, in place of DOA-15807.

Each situation is unique; therefore, a set time limit is not required for employee investigations to be completed. The State of Wisconsin expects investigations to proceed in an efficient and timely manner. The process will take the amount of time necessary for the investigators to complete an accurate record of events and gather all the facts.

Employees who are the subject of an investigation must be notified of the investigatory interview. The content of the written notice must include the following:

- Direction to appear at the investigatory interview.
- Date, time, location of scheduled meeting (if scheduled via phone or teleconference – include instructions with the phone number and/or video link to attend meeting).
- Brief description of the misconduct alleged to have occurred.
- Notice that a personal representative, including union representative, of the employee's choosing is allowed, subject to sec. 412.060.
- Notice that investigation will be recorded, if applicable.
- Employee Assistance Program (EAP) information.

The delivery of the notice can be completed by email, certified mail or hand delivery, as long as receipt of notice is verified.

In most circumstances, scheduling of the investigatory interview should be during an employee's normal hours of work. Reasons to schedule an investigatory meeting outside an employee's normal hours of work would include accommodating the employee or if there is an immediate need for information. Employees will be provided a minimum of 24 hours advance notice of the investigatory interview. An employee who is not able to obtain representation within the timeframe given may request additional time by communicating the request to the investigator. It is the state's expectation that investigators will work with employees to accommodate the preferred representation but not permit unnecessary delay. In most cases, when reviewing a request for additional time, a delay of no more than two (2) additional business days is reasonable. In the event the employee's preferred representative is not available within the extended timeframe, the employee must select an alternate representative. Employees are responsible for informing their personal representative of the date, time and location of the investigatory meeting. The employer may reschedule the investigatory interview for extraordinary circumstances.

In investigations regarding conduct which could constitute a criminal offense, pursuant to the United States Supreme Court's decision in *Garrity v. New Jersey*, 385 U.S. 493 (1967), a public employee's refusal to answer a question cannot be used as grounds for discharge where he/she is required to answer the questions unless he/she has been warned that the statements cannot be used against the employee in criminal proceedings. Accordingly, in such situations, management must decide whether it wants to require the employee to answer (and by so limit potential evidence in a criminal proceeding) or allow the employee to decide to remain silent or speak. One of the following options should then be included in the notice.

- Require answers from the employee:
You are required to answer the questions truthfully and completely to the best of your ability. If you refuse to answer, you may be disciplined for that refusal, in addition to any other discipline which may be imposed for other misconduct. Any information or evidence you furnish in response to questions asked of you during this

meeting, or any information or evidence which is gained by reason of your answers, may not be used against you in criminal proceedings.

- Employee's choice to remain silent or answer questions:

This is not a criminal investigation, but inquiry into illegal acts may be pursued to determine whether there has been a work rule violation. The allegations involved here are serious and may involve future criminal charges. Management is not going to require you to make any statement or answer any questions during this interview. Therefore, if any answer or statement you voluntarily give during this interview could be self-incriminating, it could be used against you in a criminal prosecution. If you choose not to answer questions or make a statement, management will make a decision based on the facts and information available to it.

Additionally, management must document on the Employee Investigation Reports – Investigations Involving Criminal Matters (DOA-15807-G) that one of the options has been provided to the employee. A handwritten signature, an electronic signature, or documenting the employee's verbal notification is acceptable for the form. This form must be completed prior to any questions being asked at the investigatory meeting.

A documented good faith effort must be made to interview all employees identified as relevant witnesses to an event. When a witness supervisor is assigned to investigate an employee, the supervisor must submit a written statement summarizing the event(s) to human resources prior to participating in or conducting any formal interviews. A witness supervisor may be tasked with leading an investigation when the matter involves attendance or performance issues, or when a subject matter expert is needed.

In situations in which there is an alleged criminal violation, or an employee is arrested, the employer will utilize one of the following, or a combination of the following options, if a potential nexus exists between the alleged conduct and the employee's job:

- Place the employee on paid or unpaid administrative leave, per Section 412.070 or 412.080, respectively, of this chapter, until the employee's arrest/criminal complaint is resolved (e.g., the employee is convicted, etc.).
- Temporarily reassign the employee within the agency until the arrest/criminal complaint is resolved.
- Initiate a formal workplace violation investigation. An independent investigation should involve interviewing the employee, the law enforcement officer who wrote the arrest report, and/or possibly other witnesses identified in the police report. Merely relying on police reports does not constitute an independent investigation.

Witness interviews will be documented on Employee Investigation Reports – [Investigation Chronological Log](#) and [Investigatory Interview](#) (DOA-15807-B & C). Written notice of witness interviews should be given and will include the following:

- the employee has been identified as the witness.
- direction to appear for the interview.
- date, time, place, location of scheduled interview (if scheduled via phone or teleconference – include instructions with the phone number and/or video link to attend meeting).
- reason for interview.
- notice that the investigation will be recorded, if applicable.

Note: If a witness was previously interviewed for a fact-finding related to harassment complaints, Use of Force reviews, or other similar process, and a structured Q&A was conducted, it may not be necessary to re-interview the witness. Information obtained during the intake and/or fact-finding process may be used in the disciplinary investigation. The prior interviews should be documented on the Employee Investigation Reports – Investigation Chronological Log and Investigatory Interview forms (DOA-15807-B & C). Employees may also be interviewed again. However, if the witness becomes the subject of an investigation, the employee must be re-interviewed to ensure due process is met.

If, during a witness interview, it is determined the witness employee may have violated agency work rules, the interview will stop, and the employee must be issued a formal investigation interview notice and is subject to the standard investigatory interview process.

Investigatory interviews with the subject of the investigation are conducted by two members of management, or their designees, utilizing Employee Investigation Reports –Investigatory Interview form (DOA-15807-C). If a human resources representative conducts an investigation, this person will not be involved in subsequent steps of the discipline process (e.g., participate in determination of the level of discipline and the grievance process, etc.). In most circumstances Regional/Agency Human Resources Directors shall not conduct investigative interviews. General guidelines are as follows:

- Conduct the meeting in a room which ensures privacy and provides adequate space for the participants.
- Make arrangements to avoid any interruptions.
- Use the Employee Investigation Reports –Investigatory Interview form (DOA-15807-C) to inform the individuals of the process being followed.
- Listen very carefully to the information offered by the employee. Ask questions that seek information about the events. Questions should be probing, not judgmental and should not call for speculation. Ask clarifying questions. Do not make opinion comments to the employee at this meeting about his/her answers, about others who may be involved, or about potential discipline.
- Record investigation (in accordance with employing unit procedures) or take extensive notes.
- If applicable the employee may be given a confidentiality request – must consult with your Human Resources office prior to issuing.
- The employee and the personal representative are allowed to break from the meeting to caucus or consult when necessary.
- Summarize all findings from the interview on Employee Investigation Reports –Summary of Investigation Findings form (DOA-15807-D).

An employee has an unqualified “duty to cooperate” in an internal investigation into work related matters *where there is no possibility of criminal charges* being brought against him/her. In this situation, an employee can be directed to answer all questions. Refusal to participate, answer or be fully forthcoming may result in discipline up to and including termination.

Following the investigatory interview, investigators should consider the information provided by the employee; investigate any claims or leads provided by the employee; and consult with the human resources/employment relations office and appointing authority/designee regarding further steps. The findings must be summarized on Employee Investigation Reports –Summary of Investigation Findings form (DOA-15807-D). If a finding of no work rule violations is reached, the employee shall be notified in writing. If an employee resigns from state service or transfers to another state agency, efforts should be made to complete the investigation. Where the investigation cannot be completed following the resignation, investigators should document the closing of the investigation due to resignation. A resignation acceptance letter should be issued noting the employee’s resignation while under investigation.

Sec. 412.040 Pre-disciplinary (Loudermill) Process

If, after the investigation, it is determined a work rule violation may have occurred and discipline may be appropriate, management *must* provide the employee with an opportunity to respond to the essential facts and/or to offer mitigating information or circumstances. This meeting is referred to as a pre-disciplinary or *Loudermill* meeting, following the Supreme Court case Cleveland Board of Education v. Loudermill, 470 US. 532 (1985), and is a constitutional requirement based upon the 14th Amendment to the U.S. Constitution.

The objective of this meeting is to ensure that the employee has a full and fair opportunity to provide information for consideration prior to finalizing the discipline decision. This is the opportunity for the employee to “tell their side of the story.” This meeting also provides management with the opportunity to confirm/verify that it has reasonably considered and evaluated all available, relevant facts. To achieve this, the employee must be made aware of

management's assessment of the essential facts which resulted in the determination a work rule violation may have occurred.

Employees must be notified of the pre-disciplinary meeting. The content of the notice must include the following:

- Direction to appear at the pre-disciplinary meeting.
- Date, time, location of scheduled meeting. (If scheduled via phone or teleconference – include instructions with the phone number and/or video link to attend meeting).
- Work rules, serious acts of misconduct, and/or policies violated, and a brief description of the misconduct.
- Expectation the employee will come prepared with any additional documentation that supports their position, if any, to present at the pre-disciplinary meeting.
- Notice that a personal representative, including a union representative, of the employee's choosing is allowed, subject to sec. 412.060.
- Notice that the meeting will be recorded, if applicable.
- Employee Assistance Program (EAP) information.

The delivery of the notice can be completed by email, certified mail or hand delivery, so long as receipt of notice is verified.

The pre-disciplinary meeting will occur during an employee's normal hours of work. Notice will be given a minimum of 24 hours in advance. An employee who is not able to obtain representation within the timeframe given may request additional time by communicating the request to the management designee. It is the state's expectation that the management designee will work with employees to accommodate the preferred representation but not permit unnecessary delay. In most cases, when reviewing a request for additional time, a delay of no more than two (2) additional business days is reasonable. In the event the employee's preferred representative is not available within the extended timeframe, the employee must select an alternate representative. Employees are responsible for informing their personal representative of the date, time and location of the pre-disciplinary meeting (If scheduled via phone or teleconference – include instructions with the phone number and/or video link). At the employer's sole discretion, the employer may reschedule the pre-disciplinary meeting.

In special circumstances when the facts are well documented and well known (e.g., attendance, etc.), a pre-disciplinary meeting may commence shortly after the investigatory meeting. In these cases, notice of the potential pre-disciplinary meeting must be given at the same time as the investigatory notice. This meeting notice must include all alleged work rule violations.

The pre-disciplinary meeting will be conducted by two members of management, or their designees, utilizing the Employee Investigation Reports – Pre-Disciplinary Meeting form (DOA-15807-E). In most cases the appointing authority will not participate in the pre-disciplinary meeting. Witnesses are not allowed during the pre-disciplinary meeting. Guidelines are as follows:

- Identify the essential facts upon which the appointing authority/designee will be basing the disciplinary decision.
- Allow the employee the opportunity to provide additional information, identify potential witnesses, or mitigating factors.
- Inform the employee that discipline has not been determined.
- Record pre-disciplinary meeting (in accordance with employing unit procedures) and/or take extensive notes.
- The employee and the personal representative are allowed to break from the meeting to caucus or consult when necessary.

Following the pre-disciplinary meeting the management designee will consider the information provided by the employee, investigate any claims or leads provided by the employee, and consult with the human resources/employment relations office and appointing authority/designee regarding further steps. A final determination of appropriate level of discipline will be made by the appointing authority/designee and written

notification must be given to the employee. Please refer to [Chapter 410 – Employee Work Rules and Discipline Procedure](#), of the *Wisconsin Human Resources Handbook*, for additional information regarding discipline.

If an employee resigns from state service at the termination meeting, the employer shall acknowledge the resignation and note the employee resigned while under investigation.

Sec. 412.050 Investigation File

The investigation file refers to the complete record of the investigation and must include the following:

- Completed forms– Employee Investigation Reports (DOA-15807 A to H), including evidence and all exhibits.
- Prior discipline issued, if applicable.
- Disciplinary letter/No action letter.

Note: A copy of the discipline letter must be placed in the employee’s official personnel file. All other documents contained within the investigation file should be stored separately from the personnel file and maintained by HR. Retention is governed under RDA HR000112 – Employee Discipline Related Records.

Sec. 412.060 Role of a Personal Representative

Employees will be allowed a personal representative if desired at formal investigatory meetings and during pre-disciplinary meetings. A personal representative may be a co-worker, a family member, friend, an attorney, union member, etc. The personal representative may participate in person, by telephone or teleconference. The selection of a personal representative may be limited to a specific geographic location to contain fiscal impact or based on operational need. Also, an employee’s choice of personal representative may not inordinately delay the scheduling of meetings. A personal representative cannot be someone who is also interviewed during the investigatory process.

If a personal representative is another department employee, they must coordinate with their supervisor and must be able to attend without disrupting the department’s operational needs and/or traveling an unreasonable distance. During the investigatory meeting(s) and the pre-disciplinary meeting:

- The employee and the personal representative are allowed to break from the meeting to caucus or consult when necessary.
- The personal representative may not answer questions posed to the employee.
- The personal representative may only ask clarifying questions during the investigatory meeting.
- Additionally, only during the pre-disciplinary meeting the personal representative may speak on behalf of the employee and may provide a written statement on the employee’s behalf.
- At no time may the personal representative disrupt the process.

Additional limitations on the personal representative include that the personal representative may not be someone in the employee’s direct chain of command or present a potential conflict of interest. A state employee who serves as a personal representative will be allowed to attend investigatory/pre-disciplinary meetings without loss of pay if it occurs during their normal hours of work and it does not disrupt operations.

Any expenses incurred by the employee or their personal representative while investigating, preparing, traveling, or attending an investigatory and/or pre-disciplinary meeting shall be the sole responsibility of the employee or personal representative. Limited and reasonable utilization of state resources such as computers, office equipment, office supplies, and state email is allowed. Utilization of state vehicles to attend an investigatory and/or pre-disciplinary meeting is prohibited. Employees who are personally assigned state vehicles may utilize their personally assigned vehicle to attend an investigatory and/or pre-disciplinary meeting so long as they coordinate with their supervisor and are able to attend without disrupting the department’s operational needs.

Sec. 412.070 Paid Administrative Leave

Paid administrative leave is the temporary removal of a permanent employee from duty, while remaining in paid status, at the direction of the appointing authority. The appointing authority may, after consultation with human resources, place an employee who is the subject of an investigation on administrative leave with pay based on one or more of the following factors:

- The alleged work rule infraction is so serious that termination of employment is likely.
- The employee's continued presence at the worksite compromises the safety or security of the employee, other persons, the public or the worksite.
- The employee's continued presence may impede the investigation.

The State of Wisconsin expects investigations to be completed in an efficient and timely manner. Therefore, the investigation of employees on administrative leave should be completed as quickly as possible.

Employees placed on administrative leave under this section must be available during identified work hours. If the employee is not available for health reasons, vacation, or personal business, the employee is required to follow regular procedures for obtaining authorization for an approved absence and will be required to take appropriate leave. Employees who are on administrative leave are not eligible to work except to participate in investigation activities at the direction of the appointing authority/designee. In addition, best practice would be to disable key cards, phones and/or computer access for any staff on administrative leave.

Employees placed on administrative leave must be notified in writing. The content of the notice must include the following:

- Designate administrative leave with pay.
- Required hours of availability.
- Contact information of employee on leave.
- Who to contact with questions.
- Pre-approved scheduled leave will not be cancelled.
- Holidays will be covered by available leave
- No access to the workplace, phone, etc., if applicable.
- EAP information.

The notice for administrative leave with or without pay is filed in the payroll document file and investigation file. Administrative leave letters are not stored in the employee's personnel file.

Sec. 412.080 Unpaid Administrative Leave

The appointing authority may, after consultation with human resources, place an employee on administrative leave without pay based on one or more of the following factors:

- The employee is not available for work due to incarceration, incapacitation, unfit for duty, etc.
- The employee has experienced a loss of licensure, certification, etc., necessary to perform the duties of the job.
- A formal investigation is being conducted and the employee is serving an original probationary period.
- The employee qualifies for summary suspension as outlined in Policy Bulletin [DPM-0504-ER](#).

Department of Administration, Division of Personnel Management (DPM) Enterprise staff approval must be obtained for requests under Policy Bulletin [DPM-0504-ER](#).

Employees who are placed on unpaid administrative leave under this section must be available during identified work hours. Employees who are on administrative leave are not eligible to work except to participate in

investigation activities at the direction of the appointing authority/designee. In addition, best practice would be to disable key cards, phones and/or computer access for any staff on administrative leave.

Employees placed on unpaid administrative leave must be notified in writing. The content of the notice must inform the employee of the following:

- Designate administrative leave without pay.
- Required hours of availability.
- Contact information of employee on leave.
- Who to contact with questions.
- Pre-approved scheduled leave will not be cancelled.
- No contact with co-workers or access to the workplace, phone, etc., if applicable.
- EAP information.

The notice for administrative leave with or without pay is filed in the payroll document file and investigation file. Administrative leave letters are not stored in the employee's personnel file.

Sec. 412.090 DPM Enterprise Staff Participation in the Investigation/Pre-Disciplinary Process

Assistance may be requested from DPM Enterprise Workforce Relations (WR) staff in conducting investigations and pre-disciplinary interviews for an agency. The following situations may be appropriate for an agency to request DPM assistance:

- When a conflict of interest is present involving the employment relations staff assigned to the agency.
- High profile infraction/s that may result in significant public interest.
- When conduct may involve criminal matters.
- High level individual/s are the subject of the investigation.
- Highly complex cases or unique circumstances as discussed with DPM
- Limited agency staff experience in conducting staff investigations, or in the particular subject area.

Additionally, DPM Enterprise Workforce Relations staff must be consulted in all cases which result in a recommendation to skip level(s) of progressive discipline, including up to termination, and in cases involving serious misconduct. This excludes termination of probationary employees without restoration rights, performance improvement plan terminations, LTEs, and medical separations.

Sec. 412.100 Administrative Information

This chapter was issued in September 2019 to provide enterprise guidance and instructions for the investigation process.

This chapter was updated in September 2020 to provide clarification on personal representatives and to include updates made to Employee Investigation Reports (DOA-15807 A-H).

This chapter was updated in February 2021 to reflect the new State of Wisconsin Employee Assistance Program (EAP) vendor and to include sample language for the notification of unemployment insurance information to employees separating from state service as required by s. DWD 120.02, Wis. Adm. Code.

This chapter was updated in December 2021 to provide guidance on notices regarding the use of phone and/or teleconference to conduct investigatory/pre-disciplinary interviews. Information was added to clarify the use of the Employee Investigation Reports – Investigation Involving Criminal Matters (DOA-15807-G) form.

This chapter was updated in February 2022 to provide additional clarification related to general guidance regarding investigation and pre-disciplinary hearings.

SAMPLE SUBJECT INVESTIGATORY NOTICE

[insert date]

[insert name]

[insert delivery method]

[insert classification]

[insert work or home address]

Dear [insert name]:

This letter is to notify you that you are directed to appear at an investigatory meeting concerning [insert brief description].

This meeting is scheduled to occur:

DATE:

TIME:

LOCATION:

You must answer management's questions truthfully and thoroughly. You are entitled to a personal representative during this meeting. If you choose to select a personal representative, please notify me of your choice no later than [insert date]. It will be your responsibility to inform your personal representative of the date and time of this meeting.

I also want to make you aware of the Employee Assistance Program which serves as a free, confidential referral service for obtaining outside services to support your well-being and resilience in work and life. Information about the program is available through [insert EAP Vendor Information].

Please let me know if you have any questions.

Sincerely,

[insert name]

[insert classification]

cc: Supervisor
Human Resources

ATTACHMENT #2

SAMPLE WITNESS INVESTIGATORY NOTICE

[insert date]

[insert name]

[insert delivery method]

[insert classification]

[insert work or home address]

Dear [insert name]:

This letter is to notify you that you are directed to appear at an investigatory meeting concerning **[insert brief description of incident]**. You have been identified as a witness in this matter. You are not the subject of this investigation. The meeting has been scheduled to occur:

DATE:

TIME:

LOCATION/INSTRUCTIONS FOR PHONE OR VIDEO CONFERENCE:

[insert name] will be joining me in this interview. You must answer management's questions truthfully and thoroughly. Please let me know if you have any questions

Sincerely,

[insert name]

[insert classification]

cc: Supervisor
Human Resources

ATTACHMENT #3

SAMPLE COMBINATION INVESTIGATORY/PREDISCIPLINARY NOTICE

[insert date]

[insert name]

[insert delivery method]

[insert classification]

[insert work or home address]

Dear [insert name]:

You are directed to report to [insert location/instructions for phone or video conference], at [insert time] on [insert date], for an investigatory meeting.

The purpose of this meeting is to investigate an alleged violation of the following State of Wisconsin Work Rules:

- Work Rule #__,
- Work Rule #__,
 - [if applicable] Serious Misconduct - ...

Specifically, we will be discussing [insert brief description of incident].

You are entitled to a personal representative during this meeting. If you choose to select a personal representative, please notify me of your choice no later than [insert date]. It will be your responsibility to inform your personal representative of the date and time of this meeting.

If after reviewing your responses from the investigatory interview and materials it is determined work rules were violated, a pre-disciplinary meeting will occur shortly after your investigatory interview.

I also want to make you aware of the Employee Assistance Program which serves as a free, confidential referral service for obtaining outside services to support your well-being and resilience in work and life. Information about the program is available through [insert EAP Vendor Information].

Sincerely,

[insert name]

[insert classification]

cc: Supervisor
Human Resources

SAMPLE PRE-DISCIPLINARY NOTICE

[insert date]

[insert name]

[insert delivery method]

[insert classification]

[insert work or home address]

Dear [insert name]:

This is to notify you that a pre-disciplinary meeting has been scheduled for [insert date], at [insert time]. The meeting will be held at [insert location/instructions for phone or video conference]. Please report promptly.

At this meeting, you will be given an opportunity to refute management's findings and to introduce additional information, facts, or evidence not yet presented to management for consideration in making a final decision regarding whether disciplinary action should be taken for violation of the following State of Wisconsin work rules:

- Work Rule #__,

- Work Rule #__,
 - [If applicable] Serious Misconduct - ...

Specifically, [insert essential facts of misconduct].

You have the right to personal representation during this meeting. If you are selecting a personal representative, please notify me of your choice no later than [insert date]. It will be your responsibility to inform your personal representative of the date and time of this meeting. Please let me know if you have questions regarding this process.

I also want to make you aware of the Employee Assistance Program which serves as a free, confidential referral service for obtaining outside services to support your well-being and resilience in work and life. Information about the program is available through [insert EAP Vendor Information].

Sincerely,

[insert name]

[insert classification]

cc: Supervisor
Human Resources

ATTACHMENT #5

SAMPLE PAID ADMINISTRATIVE LEAVE TEMPLATE

[insert date]

[insert name]

[insert delivery method]

[insert classification]

[insert work or home address]

Dear [insert name]:

This letter is to inform you that effective immediately you are being placed on administrative leave with pay from your employment as a [insert classification] at [insert employing unit] pending **[insert either: the outcome of an investigation of alleged misconduct OR final review of your work performance]**

This administrative leave with pay is effective immediately and until further notice. Your scheduled hours of work will be [insert time], Monday through Friday, except holidays (if this administrative leave is in effect during legal holidays, we will use available leave to cover the holiday). During this time you are directed to remain available and have the ability to report to [insert employing unit] in the event you are ordered to attend a meeting.

You have indicated you can be reached by telephone at your phone number of [insert phone number]. If this is not your correct phone number, you are required to clarify it upon receiving this letter. Failure to be readily available during these hours may subject you to disciplinary action. If for any reason you will not be available by phone at your home during these hours, you must notify [insert name], [insert classification]. If you are unable to speak with [insert name] directly, you must leave a message on their voice mail at [insert number]. In the event the employer tries but is not able to contact you during the hours indicated, you will be removed from pay status. In addition, any pre-approved scheduled vacation time will not be cancelled while you are on administrative leave. In those instances, you will be removed from administrative leave and the appropriate leave time will be used to cover the pre-scheduled days off.

During this administrative leave all agency rules/policies still apply. You are directed not to access the workplace or any resources normally accessible in the workplace without specific direction or approval of your supervisor or their designee.

You will be contacted by agency staff as to the time and place of any meetings or proceedings and will be expected to cooperate fully by providing complete and truthful information in all phases of the process.

I also want to make you aware of the Employee Assistance Program which serves as a free, confidential referral service for obtaining outside services to support your well-being and resilience in work and life. Information about the program is available through [insert EAP Vendor Information].

Sincerely,

[insert name]

[insert classification]

cc: Supervisor
Human Resources

ATTACHMENT #6

SAMPLE RESIGNATION DURING INVESTIGATION ACKNOWLEDGMENT LETTER

[insert date]

[insert name]

[insert delivery method]

[insert classification]

[insert work or home address]

Dear [insert name]:

This letter is to confirm that on [insert date] you submitted your resignation from your position as a [insert class title] in the [insert division/agency, office, board, etc.]. [insert division/agency/office/board/etc.] accepts your resignation of employment with an effective end date of [insert date].

It is noted that you resigned your employment while you were the subject of a disciplinary investigation that alleged you engaged in misconduct and violated department work rules that might have resulted in discipline.

As a reminder, anything meeting the definition of “public record” in s. 16.61, Wis. Stats. is property of your employing agency. Unless authorized by an applicable Records Disposition Authorization (RDA), you may not destroy public records or take your agency’s only copy of a public record. If you wish to take duplicates of public records with you upon your departure, you must obtain prior approval from your supervisor.

I also want to make you aware of the Employee Assistance Program which serves as a free, confidential referral service for obtaining outside services to support your well-being and resilience in work and life. These services are available for up to twelve months after separation from state service. Information about the program is available through [insert EAP Vendor Information].

[if applicable] You are required to return any state issued items such as identification card, keys, etc.

Sincerely,

[insert name]

[insert classification]

cc: Personnel File

[other]

ATTACHMENT #7

STATE OF WISCONSIN
DEPARTMENT OF ADMINISTRATION
DIVISION OF PERSONNEL MANAGEMENT
DOA-15807-A (R9/2020)
§ 230.34 & § 111.80, WIS. STATS.



EMPLOYEE INVESTIGATION REPORTS
FIRST REPORT OF POTENTIAL WORK RULE VIOLATION

This form shall be utilized to document initial allegations of work rule violations and to initiate a formal investigation. The completed form must be submitted to Human Resources.

THIS SECTION TO BE COMPLETED BY SUPERVISOR OR HUMAN RESOURCES STAFF

SUBJECT OF INVESTIGATION (Last Name, First Name, M.I.) [Last Name, First Name, M.I.]	JOB TITLE OR CLASSIFICATION [Classification]	AGENCY / DIVISION / WORK UNIT
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INCIDENT DATE(s): [Incident Date(s)]	INCIDENT TIME(s)	EMPLOYEE STATUS <input type="checkbox"/> Permanent <input type="checkbox"/> Probationary <input type="checkbox"/> LTE
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BRIEF DESCRIPTION OF INCIDENT(s) (*who, what, where, when and why, if known*) attach related documents.

WITNESSES AND/OR POTENTIAL WITNESSES

NAME OF PERSON REPORTING ALLEGATION	CLASSIFICATION	DATE OF REPORT
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ADDITIONAL INFORMATION AND/OR EVIDENCE

THIS SECTION TO BE COMPLETED BY HUMAN RESOURCES STAFF

SPECIAL CONSIDERATIONS / ACTIONS IF NECESSARY

TEMPORARY REASSIGNMENT ADMINISTRATIVE LEAVE WITH PAY ADMINISTRATIVE LEAVE WITHOUT PAY NO CHANGE

OTHER:

CONDUCT INVOLVES POSSIBLE CRIMINAL VIOLATION(S)

OTHER:

EMPL ID:	<input type="checkbox"/> EXEMPT <input type="checkbox"/> NON-EXEMPT	SENIORITY DATE:	CASE NUMBER (If applicable): [Case Number]
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NAME(S) OF ASSIGNED INVESTIGATORS:

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ATTACHMENT #7 cont.

STATE OF WISCONSIN
DEPARTMENT OF ADMINISTRATION
DIVISION OF PERSONNEL MANAGEMENT
DOA-15807-B (R9/2020)
§ 230.34 & § 111.80, WIS. STATS.



CASE NUMBER (If applicable):
[Case Number]

**EMPLOYEE INVESTIGATION REPORTS
INVESTIGATION CHRONOLOGICAL LOG**

**INVESTIGATOR
INSTRUCTIONS:**

This form is to document the chronological sequence of events beginning with the initiation of the investigation. Record all interviews, meetings, and other significant events of the investigation.

SUBJECT OF INVESTIGATION (Last Name, First Name, M.I.) [Last Name, First Name, M.I.]	JOB TITLE OR CLASSIFICATION [Classification]	INCIDENT DATE(S): [Incident Date(s)]
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DATE	DESCRIPTION OF EVENT

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ATTACHMENT #7 cont.

STATE OF WISCONSIN
DEPARTMENT OF ADMINISTRATION
DIVISION OF PERSONNEL MANAGEMENT
DOA-15807-C (R9/2020)
§ 230.34 & § 111.80, WIS. STATS.



CASE NUMBER (If applicable):
[Case Number]

EMPLOYEE INVESTIGATION REPORTS
INVESTIGATORY INTERVIEW

INVESTIGATOR INSTRUCTIONS: Document the content of an investigatory meeting with an individual interviewed as part of an employee investigation.

SUBJECT OF INVESTIGATION (Last Name, First Name, M.I.) [Last Name, First Name, M.I.]			INCIDENT DATE(S): [Incident Date(s)]	
NAME OF INTERVIEWEE (Last Name, First Name, M.I.)	JOB TITLE OR CLASSIFICATION	INTERVIEWEE STATUS <input type="checkbox"/> Subject <input type="checkbox"/> Witness	INTERVIEW DATE	TIME
REPRESENTATIVE PRESENT (Last Name, First Name)	INVESTIGATORS NAMES (Last Name, First Name)			

REVIEW EACH OF THE FOLLOWING INFORMATION AS INDICATED WITH THE EMPLOYEE AND CHECK EACH BOX UPON COMPLETION

- FOR WITNESS INTERVIEWS: BEGIN THE MEETING BY REVIEWING THE FOLLOWING:
- Inform the employee the purpose of the meeting is to investigate allegations of misconduct in the work place
 - State they are required by work rule 1 to answer fully and completely the questions put to them, to the best of their ability; and if they refuse to answer they may be disciplined for that refusal.
 - Ask if they have any questions before beginning.
- FOR SUBJECT INTERVIEWS: BEGIN THE MEETING BY REVIEWING THE FOLLOWING WITH THE EMPLOYEE:
- Inform the employee the purpose of the meeting is to investigate.
 - State no decision will be made until all the facts of the investigation are considered.
 - State the employee is required by work rule 1 to answer fully and completely the questions put to them, to the best of their ability; and if they refuse to answer they may be disciplined for that refusal in addition to any other discipline, which may be imposed for other conduct.
 - As appropriate, state either:
 - These proceeding will be recorded. You are entitled to receive a copy of the recording made during the meeting. OR
 - These proceedings are not to be recorded. If it is found you have recorded this meeting, you will be in violation of work rule 11, which prohibits unauthorized recording.
 - (FOR SUBJECT WITHOUT A REP) Remind the subject the investigatory meeting notice included the right to have a representative; since one is not present, you assume they would like to proceed without one and note it in the REPRESENTATIVE PRESENT box above.
 - Ask if they have any questions about these guidelines before beginning.
- For potential criminal investigations – read and complete form DOA-15807-G – Investigations Involving Criminal Matters (Garrity / Oddsden Warning)

CONTENT OF INTERVIEW – Interviews and notes are conducted in Question and Answer format.

CLOSE THE MEETING BY REVIEWING THE FOLLOWING WITH THE EMPLOYEE:

FOR WITNESS INTERVIEW: END THE MEETING BY REVIEWING THE FOLLOWING:

- Thank them for answering questions
- Request the employee keep the information discussed confidential. This is a request only and not a directive.

FOR SUBJECT INTERVIEW: END THE MEETING BY REVIEWING THE FOLLOWING:

- State we are concluding the meeting; retaliation against witnesses because they participated, or you believe they participated, in this investigation is prohibited and subject to discipline.
- Inform the employee the State of Wisconsin provides an Employee Assistance Program. Provide the vendor web address, phone number, or provide a brochure.
- state the employee will be notified of the next steps in the process after the information is reviewed
- Request the employee keep the information discussed confidential. This is a request only and not a directive.

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STATE OF WISCONSIN
DEPARTMENT OF ADMINISTRATION
DIVISION OF PERSONNEL MANAGEMENT
DOA-15807-D (R9/2020)
§ 230.34 & § 111.80, WIS. STATS.



CASE NUMBER (If applicable):
[Case Number]

EMPLOYEE INVESTIGATION REPORTS SUMMARY OF INVESTIGATION FINDINGS

INVESTIGATOR INSTRUCTIONS: Summarize the findings and conclusions of the investigation. Attach all supporting documentation.

SUBJECT OF INVESTIGATION (Last Name, First Name, M.I.) [Last Name, First Name, M.I.]	JOB TITLE OR CLASSIFICATION [Classification]	INCIDENT DATE(S): [Incident Date(s)]
SUMMARY OF CONDUCT (Report facts only – no opinions or recommendations)		

POTENTIAL WORK RULE(S) VIOLATED	
WORK RULE #	WORK RULE AND SUPPORTING SPECIFIC FACTUAL INFORMATION/ DOCUMENTATION
Choose an item.	
Choose an item.	
Choose an item.	
Choose an item.	
Choose an item.	
Choose an item.	

POTENTIAL SERIOUS MISCONDUCT	
SERIOUS MISCONDUCT #	SERIOUS MISCONDUCT
Choose an item.	
Choose an item.	
Choose an item.	
Choose an item.	
Choose an item.	
Choose an item.	

POTENTIAL POLICY(IES) VIOLATED	
POLICY #	POLICY

COMMENTS

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STATE OF WISCONSIN
DEPARTMENT OF ADMINISTRATION
DIVISION OF PERSONNEL MANAGEMENT
DOA-15807-E (R9/2020)
§ 230.34 & § 111.80, WIS. STATS.



CASE NUMBER (If applicable):
[Case Number]

**EMPLOYEE INVESTIGATION REPORTS
PRE-DISCIPLINARY MEETING**

INSTRUCTIONS: Document the content of the pre-disciplinary meeting and any exhibits provided.

SUBJECT OF INVESTIGATION (Last Name, First Name, M.I.) [Last Name, First Name, M.I.]	JOB TITLE OR CLASSIFICATION [Classification]	INCIDENT DATE(S): [Incident Date(s)]
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PRE-DISCIPLINARY

INTERVIEW DATE	TIME	EMPLOYEE REPRESENTATIVE PRESENT (Last Name, First Name)	MANAGEMENT REPRESENTATIVE NAMES (Last Name, First Name)

BEGIN THE MEETING BY REVIEWING THE FOLLOWING WITH THE EMPLOYEE:

- (IF NO REP PRESENT) Remind the subject the pre-disciplinary notice included the right to have a representative; since one is not present, you assume they would like to proceed without one and note it in the REPRESENTATIVE PRESENT box above.
- As appropriate state either:
 - These proceeding will be recorded. You are entitled to receive a copy of the recording made during the meeting. OR
 - These proceedings are not to be recorded. If it is found you have recorded this meeting, you will be in violation of work rule 11, which prohibits unauthorized recording.
- Ask if there are any questions about these guidelines before beginning.
- Inform the employee of management's assessment of the essential facts which resulted in the finding a work rule violation occurred.
- Ask the employee if there any mitigating factors to consider?
- For potential criminal investigations – review the previously completed form DOA-15807-G – Investigations Involving Criminal Matters (Garrity / Oddsen Warning)

EMPLOYEE RESPONSE

CLOSE THE MEETING BY REVIEWING THE FOLLOWING WITH THE EMPLOYEE:

- State the meeting is concluded and retaliation against witnesses who participated, or believed to have participated, in this investigation is prohibited and subject to discipline.
- State the State of Wisconsin provides an Employee Assistance Program. Provide vendor web address, the phone number, or provide a brochure.
- Inform the employee they will be notified after the information is reviewed and a final decision is made.

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ATTACHMENT #7 cont.

STATE OF WISCONSIN
DEPARTMENT OF ADMINISTRATION
DIVISION OF PERSONNEL MANAGEMENT
DOA-15807-F (R9/2020)
§ 230.34 & § 111.80, WIS. STATS.



CASE NUMBER (If applicable):
[Case Number]

**EMPLOYEE INVESTIGATION REPORTS
FINAL CONCLUSION**

INSTRUCTIONS: To be completed by Human Resources staff. Provide the final conclusion below. Attach all supporting documentation.

SUBJECT OF INVESTIGATION (Last Name, First Name, M.I.) [Last Name, First Name, M.I.]	JOB TITLE OR CLASSIFICATION [Classification]	INCIDENT DATE(s): [Incident Date(s)]
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PRIOR DISCIPLINES AND / OR NOTICE (job instruction, Letter of Expectation, etc.)

Effective Date	Description & work rules (if applicable)	Disposition

DESCRIPTION OF FINAL CONCLUSION:

SAMPLE

COMPLETED BY:	DATE:
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ATTACHMENT #7 cont.

STATE OF WISCONSIN
DEPARTMENT OF ADMINISTRATION
DIVISION OF PERSONNEL MANAGEMENT
DOA-15807-G (R9/2020)
§ 230.34 & § 111.80, WIS. STATS.



CASE NUMBER (If applicable):
[Case Number]

**EMPLOYEE INVESTIGATION REPORTS
INVESTIGATIONS INVOLVING CRIMINAL MATTERS**

INSTRUCTIONS: HR determines appropriate option below. Investigator will read designated option aloud to employee prior to conducting the investigatory interview and obtain appropriate signatures.

SUBJECT OF INVESTIGATION (Last Name, First Name, M.I.) [Last Name, First Name, M.I.]	JOB TITLE OR CLASSIFICATION [Classification]
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Investigations into conduct which may constitute a crime as well as a dischargeable offense, neither a public employee's statements nor refusal to answer will be allowed as grounds for discharge where he or she is required to answer the questions, unless the employee has been warned that their statements cannot be used against him or her in criminal proceedings.

CHECK ONE OPTION BELOW

NOTICE OF RIGHTS

This is an administrative investigatory interview. Staff has the right to personal representation. The results of this interview will be used for employment purposes. This is not a criminal investigation but since the work rules prohibit illegal conduct, inquiry into illegal acts may be pursued to determine whether there has been a work rule violation. The charges involved here are serious and may involve future criminal charges.

- Require answers from the employee:**
You are required to answer all questions truthfully and completely to the best of your ability. If you refuse to answer, you may be disciplined for that refusal, in addition to any other discipline which may be imposed for other misconduct. Any information or evidence you furnish in response to questions asked of you during this interview, or any information or evidence which is gained by reason of your answers, may not be used against you in criminal proceedings.
- Employee's choice to remain silent or answer questions:**
This this is not a criminal investigation, but inquiry into illegal acts might be pursued to determine whether there has been a work rule violation. The allegation(s) involved here are serious and may involve future criminal charges. Management is not going to require you to make any statement or answer any questions at this time. Therefore, if any answer or statement you give during this interview could be self-incriminating, it could be used against you in a criminal prosecution. If you choose not to answer questions or make a statement, management will make a decision based on those facts and sources of information available to it.

SUBJECT OF INVESTIGATION SIGNATURE	DATE SIGNED:
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PRINT/TYPE INVESTIGATOR NAME (Last Name, First Name of each)

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Employee Management
Issue Date: September 2019
Revised: February 17, 2022

