

## Employment and Labor

### Employee Investigations

Administrative or internal investigations are non-criminal investigations conducted by an employer (e.g. a federal agency or a private company) that are related to the alleged misconduct of an employee or employees. The purpose of an administrative or internal investigation is for an employer to gather relevant evidence regarding an employee's alleged misconduct and to determine whether the misconduct warrants a disciplinary or adverse action (e.g. termination or significant suspension) within the requirements established by law, policy or regulation. On occasion, an administrative or internal investigation can possibly lead to a criminal investigation.

Depending on the federal, state, local agency, or private employer involved, a supervisor or other designated investigator may conduct an investigation into the facts at issue. Employees may then be requested to provide verbal or written responses to questions that they are asked. Employees, depending on their particular employer (private, federal or state/local sector), may have a duty to fully cooperate with the assigned investigator. Employees may also be able to refuse to participate in an administrative or internal investigation unless ordered to do so (i.e., federal employees may decline to participate in an administrative investigation if it is voluntary and not ordered). Refusal to cooperate with an investigation in many situations, or by providing false statements or answers during an investigation, can be grounds for disciplinary action. Providing false statements, if made to a federal or other law enforcement investigator, can possibly also subject an individual to criminal penalties.

Therefore, it is very important to obtain the advice of counsel when asked to participate in an administrative or internal investigation prior to the first meeting with the investigator. Typically, prior to the first interview, it is important for an individual to discuss with an attorney the issues associated with the information being sought by the employer and their role in the facts at issue. An attorney familiar with administrative or internal investigations can provide legal advice in an employee's preparation for responding to questions about the individual's actions in a given case. Often times, counsel can also accompany the employee involved or provide him/her legal advice in responding to areas of questioning.

Our firm represents employees in administrative and internal investigations. Please [contact Berry & Berry, PLLC](#) to schedule a consultation with an attorney to discuss your matter.