

# Employee Incident Interview Checklist<sup>TM</sup>

Human Resources tool for use at inquires regarding potential violations of state or federal law, or the city's personnel policy

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## Obtain Background

- Obtain as much info about the incident as possible** (e.g., who was involved, departments, witnesses, subject matter, location).
- Visit with supervisor of employee involved in the incident.**
- Become familiar with the employee's history** (e.g., what type of employee is this person, any disciplinary issues).

## Interview Process

- Determine who will sit in on the interview with you** (e.g., should the City Manager or City Attorney be present).
- Maintain a professional tone and manner throughout the entire interview process.** Stay objective. Don't accuse.
- Clarify your role in the interview process.** Identify your role in the process and inform the interviewee.
- Decide whether to tape recording the interview.** Determine if city policy allows for such recordings. Decide if recording is warranted. If you record, provide the date and time.
- Inform interviewee of recording.** If you decide to record the interview, you may inform the interviewee that the conversation will be recorded (but are not required to by law).
- Why is the interview occurring?** Explain the reason for the interview, providing only details necessary and applicable to the interviewee (e.g.,

it may not be prudent to provide names to the interviewee of "victims" or witnesses at this time).

- Ask interviewee for information they would like to provide.** Allow interviewee to explain "their side of the story" and provide you with information they feel is important to the incident.
- Inform interviewee of confidentiality issues.** If interviewee agrees to provide their side of the story, inform them that what they say in the interview might not be kept confidential and may be used throughout the remainder of the inquiry.
- Address any retaliation concerns.** If interviewee is the complainant, victim or witness, inform them there will be no retaliation by the city for coming forth and providing information.

## Interview Questions

- What do you recall from the incident?** Without prompting interviewee or influencing their statement, allow them to open up about anything they recall. Use open-ended questions.
- Who was present during the incident?** Allow interviewee the opportunity to inform you if they have any witnesses that may corroborate or counter their statement.
- Did anyone influence the incident?** Determine if interviewee was acting solo or if they were prompted by another party.
- When did the incident occur?** Find out if it occurred during business hours, on a shift, during a break or off-duty.

~continued on the back~

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Human Resources Tool

- Where did the incident occur?** Determine whether the incident occurred on in a public place, on city property or in city vehicles.
- Did others give reason to think that actions/ words/gestures were welcomed?** Allow interviewee to explain their interpretation of the other party's intentions, statements, etc.
- Prior to this incident, how would you describe your relationship with the other party (professional & personal)?** Ascertain how the parties interacted prior to the incident.
- Did you report this information to a supervisor?**
- Did you tell any other co-worker about the incident or any of the information you've discussed in this interview?**
- Inform interviewee that they are not to discuss this incident or matter with any other employee after the interview.** Instruct the interviewee to refrain from contact or communication with the other party, witness, etc., regarding the incident.
- Notify the interviewee they will be contacted by yourself or another City employee about the status of the investigation.**
- Prepare a summation of the actions that took place in the interview, and sign and date the document for inclusion into the personnel file and incident file.** If interviewee provided you with any written material, include that, as well.
- Provide a copy of the interview tape recording and the summary to your attorney.**
- Inform interviewee's supervisor(s) of the status of the investigation and the non-disclosure policy, any required separation of interviewee and other party, and any action taken** (e.g., administrative leave or suspension, additional interviews, etc.).
- Inform your supervisor of the status of the investigation and any information learned from the interview.** Provide any recommendations to your supervisor regarding any action to be taken toward interviewee or in furtherance of the investigation. Recommendations may be provided verbally or in writing depending on the circumstances of the incident.

*Disclaimer: This document was created as an educational tool and was designed for instructional purposes, only. It is not intended to be used for any particular client regarding any specific situation or incident. The exact nature of an inquiry and precise formulation of questions should be determined by the facts of each incident. City officials are encouraged to contact the City Attorney for guidance in such activities. This document is not applicable to custodial interrogations by law enforcement officials in the course of criminal investigations.*

## Post-Interview Procedures

- After interviewee has left the interview room, stop the recording and make a notation of the time, date and location of the interview, and whether any other parties were present during the interview.**

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