

<div><div><div>DAS</div><div>DEPARTMENT OF ADMINISTRATIVE SERVICES</div></div><div>STATEWIDE POLICY</div></div>	<div>NUMBER</div> <div>10.025.01</div>	<div>SUPERSEDES</div> <div>10.025.01 02/01/2019</div>
	<div>EFFECTIVE DATE</div> <div>03/03/2025</div>	<div>PAGE NUMBER</div> <div>Pages 1 of 5</div>
	<div>REVIEWED DATE</div>	
<div>Division</div> <div>Chief Human Resources Office</div>	<div>REFERENCE</div> <div>ORS 240.145(3) and (5); 240.250</div>	
<div>Policy Owner</div> <div>CHRO Policy Unit</div>		
<div>SUBJECT</div> <div>Human Resources Investigation Practices</div>	<div>APPROVED SIGNATURE</div> <div>Signature on file with the Chief Human Resources Office</div>	

POLICY STATEMENT

Oregon state government is committed to effective, efficient and impartial workplace investigations.

APPLICABILITY

All agencies, boards and commissions where not in conflict with applicable collective bargaining agreements.

ATTACHMENTS

Oregon State Government Investigations [Toolkit](#)

DEFINITIONS

Complainant: A person (or persons) who files a complaint with their immediate supervisor, another manager, or the agency, board, or commission human resources section, executive director, or chair, or the DAS Chief Human Resources Office.

Respondent: An individual against whom a complaint is filed against.

Unclassified "Executive" Service: as defined in ORS 240.205

Also Refer to State HR Policy 10.000.01, Definitions

POLICY

- (1) Agencies shall conduct investigations in accordance with state policy, procedure, and law.
- (2) Required training
 - (a) State agency staff tasked with conducting and reviewing personnel investigations on behalf of a state agency shall complete the Oregon Department of Administrative Services (DAS) required self-directed investigation training prior to conducting personnel investigations.
- (3) Investigation case tracking

- (a) State agencies shall use the Statewide Human Resources Information System maintained by DAS to track agency personnel complaints and investigations conducted by the state agency regarding allegations of workplace policy violations and workplace related misconduct.
- (b) It is the responsibility of the employing agency to submit and track investigations using the Statewide Human Resources Information System for investigations conducted on their behalf by a third party.
 - (A) Exceptions may be made in limited circumstances (i.e. to maintain confidentiality or avoid conflicts of interest) at the discretion of the employing agency or DAS Chief Human Resources Office (CHRO). CHRO may create and maintain case tracking under these circumstances.
 - (B) CHRO will maintain case tracking for investigations when completed on behalf of agencies.

(4) Timelines for agency investigations

- (a) Investigations shall be conducted in a timely manner. The appointing authority or designee will make reasonable efforts to begin the investigatory process on potential disciplinary issues within thirty (30) calendar days of becoming aware of the issue. However, circumstances and complexities of individual cases may delay initiation of an investigation.
- (b) Administrative leave or duty stationed at home pending an investigation: The agency will make every effort to notify the employee in writing of the initial reason for the action within seven (7) calendar days of the effective date of the action. The appointing authority or designee will make every effort to conduct the initial interview with the employee within thirty (30) calendar days of notification of the action.
- (c) The agency shall make every effort to complete the investigation within one-hundred twenty (120) calendar days. A complainant may request and shall be granted status updates every thirty (30) calendar days when an investigation process exceeds one-hundred twenty (120) calendar days. The agency shall document circumstances when timelines are extended.
- (d) Investigations conducted on behalf of the agency by DAS CHRO, DOJ, a partner agency, or a contracted Special Assistant Attorney General (SAAG), shall be completed in a timely manner. Every effort shall be made to complete the investigation within six (6) months. The investigator shall document circumstances when investigations are not completed within six (6) months.

(5) Investigations

- (a) All complaints will be taken seriously.
- (b) When an agency determines an investigation is necessary the investigation will be initiated in a timely manner. An agency will make effort to assign an investigator within seven (7) business days from when the complaint was received.
 - (A) The agency, board or commission may need to take steps to prevent further conduct in violation of policy and to mitigate risk.
 - (B) The agency will handle complaints and investigation processes in a discreet and confidential manner consistent with business operational needs, federal and state law, and state policy.
 - (C) All parties are expected to cooperate in the confidential investigation process.

- (D) The agency will notify all parties involved including the complainant, respondent and witnesses that retaliating against a person for making a complaint or for participating in an investigation process will not be tolerated.
- (E) The agency will notify the complainant, respondent and interviewed witnesses when the investigation is closed.
 - (i) A closure letter will be sent to the complainant informing them that the investigation is closed. The agency or designee will inform the complainant if any part of a complaint is substantiated, and that appropriate action will be taken to address the behavior or conduct. The complainant will not be given the specifics of the action.
 - (ii) A closure letter will be sent to the respondent in any investigation in which the respondent is not notified of the outcome through some other process (i.e., letter of expectation or formal discipline). The closure letter will include whether the complaint was substantiated or not.
 - (iii) Interviewed current state employee witnesses will be sent a closure letter notifying the witness that the investigation is closed. Details of the outcome of the investigation shall not be shared with witnesses unless required by law.

(6) Timely and appropriate action will be taken if some or all of the allegations in a complaint are substantiated.

(7) Discrimination and harassment investigations

(a) In addition to sections (4) and (5) of this policy, the following procedures apply to investigations of discrimination and harassment complaints:

(A) The agency's designated individual or alternate will notify the agency, board, or commission human resources designee, executive director, or chair, or the DAS Chief Human Resources Office as applicable, to coordinate and conduct, or delegate responsibility for coordinating and conducting an investigation.

(B) Documentation

(i) Agencies must maintain records of workplace harassment complaints including:

- (I) The date of the incident.
- (II) The date the complaint was received by the designated individual or alternate.
- (III) The dates the investigation was started and closed.
- (IV) The investigation report.
- (V) The outcome of the investigation and any actions taken by the agency.
- (VI) The dates the agency followed up with the employee subjected to the alleged harassment, or a signed waiver of the employer's responsibility to conduct follow up contacts with the employee subjected to the alleged harassment as required by 50.010.01 Discrimination and Harassment Free Workplace.

- (8) Investigations of unclassified “executive” service employees
- (a) Unclassified employees serve at the pleasure of the governor, or the agency appointing authority and may be terminated at any time.
 - (b) When an unclassified employee (executive service) is the respondent of an investigation into alleged violation of state human resource policies, the agency shall promptly notify the CHRO. The CHRO will work with the agency to determine the most appropriate means to complete an investigation. The CHRO will monitor the progress of the investigation.
 - (c) Also refer to CHRO Policy 40.035.01 Unclassified Service Employment, Investigation and Termination.
- (9) The CHRO has the authority to investigate or delegate the investigation of complaints of violations of human resource practices or violations of policy, rule or law. The CHRO may:
- (a) Determine the subject, scope, and methodology of an investigation.
 - (b) Meet or otherwise communicate with appropriate state agency management to provide information on the subject, scope and timeframe. Minimize, where possible, the impact of the process on the day-to-day activities of state agencies.
 - (c) Provide preliminary findings to the affected agency human resources manager or designee and work to ensure all pertinent information and documentation is considered.
 - (d) At the CHRO’s discretion, provide a written report and possible recommendations to the agency human resources manager and agency director or their designees and, when appropriate, the DAS director or other appointing authority.
 - (e) Maintain a copy of any written report, supporting documentation and agency action.
 - (f) If appropriate, notify the complainant when the investigation is complete and whether or not the allegations were substantiated.
 - (g) If appropriate, consult with the agency to develop and implement corrective action plans.
 - (h) If appropriate, follow up with the agency to ensure corrective actions are completed.
- (10) State agency directors, appointing authorities, or designee shall:
- (a) Cooperate, provide assistance and requested information to CHRO to ensure an effective and efficient investigation.
 - (b) Ensure actions affecting an employee are processed within applicable administrative rule, statute, state policy and collective bargaining agreement provisions.
 - (c) At the request of CHRO, provide documentation of any agency action after the conclusion of the investigation process.
- (11) State agencies will enter into an interagency agreement with DAS to conduct personnel investigations on their behalf. CHRO will meet with the agency to discuss the scope and details of investigation services. CHRO may conduct investigations on behalf of state agencies for the following reasons:

- (a) An actual or perceived conflict of interest exists for the agency HR department.
- (b) When it is determined that CHRO will conduct an investigation of an unclassified “executive” service employee.
- (c) When the investigation involves an agency human resources employee.