

Compliance & HR Working Together – No Seriously

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COMPLIANCE WEEK 2013
POWERFUL INSIGHTS, PRACTICAL IDEAS, REAL SOLUTIONS

#CW2013

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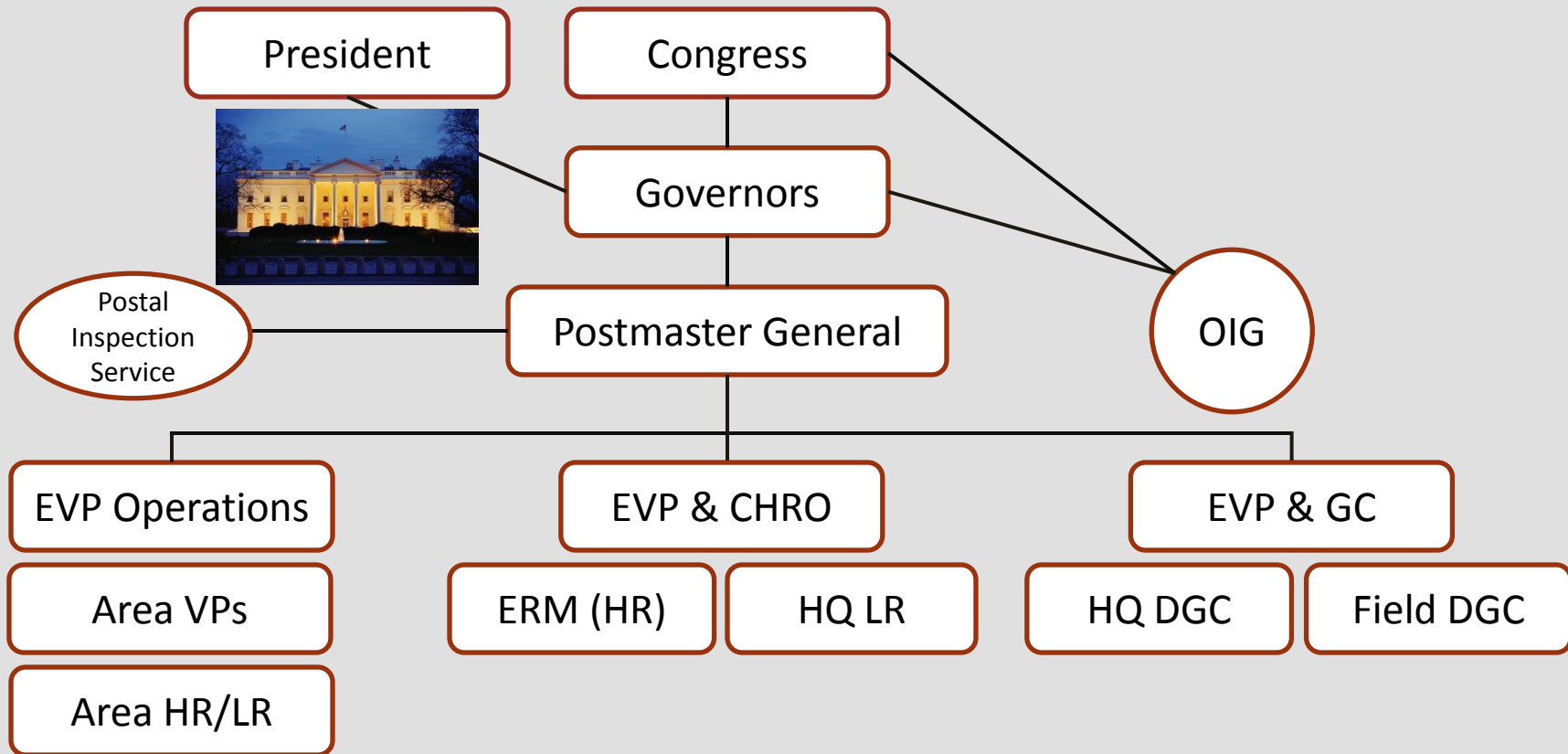
USPS Compliance-Based Disciplinary Decisions Compliance Function is Divided

- Internal: Finance, General Counsel
- “External”: Inspector General, Inspection Service

HR Function is Divided and “Once Removed”

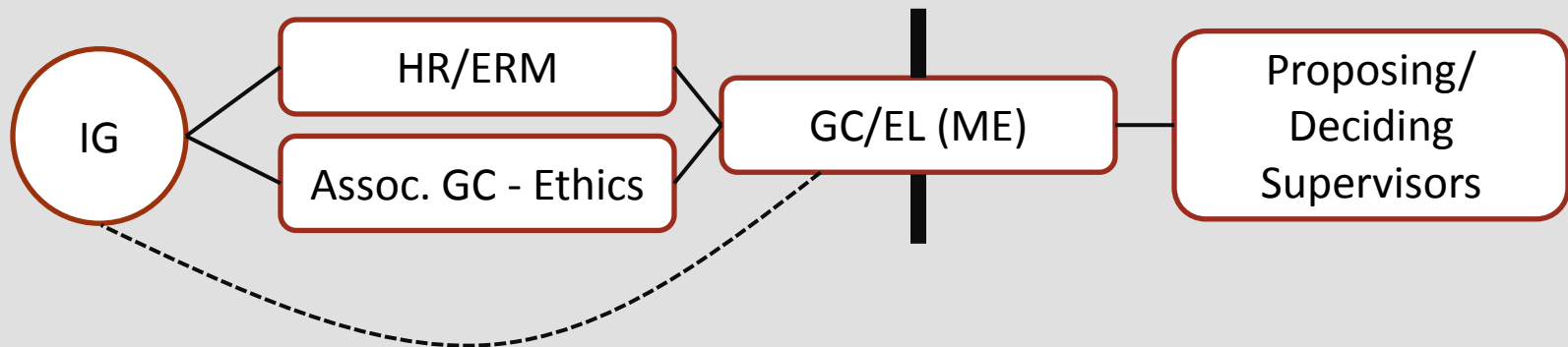
- Headquarters and the Field
- General Counsel’s role

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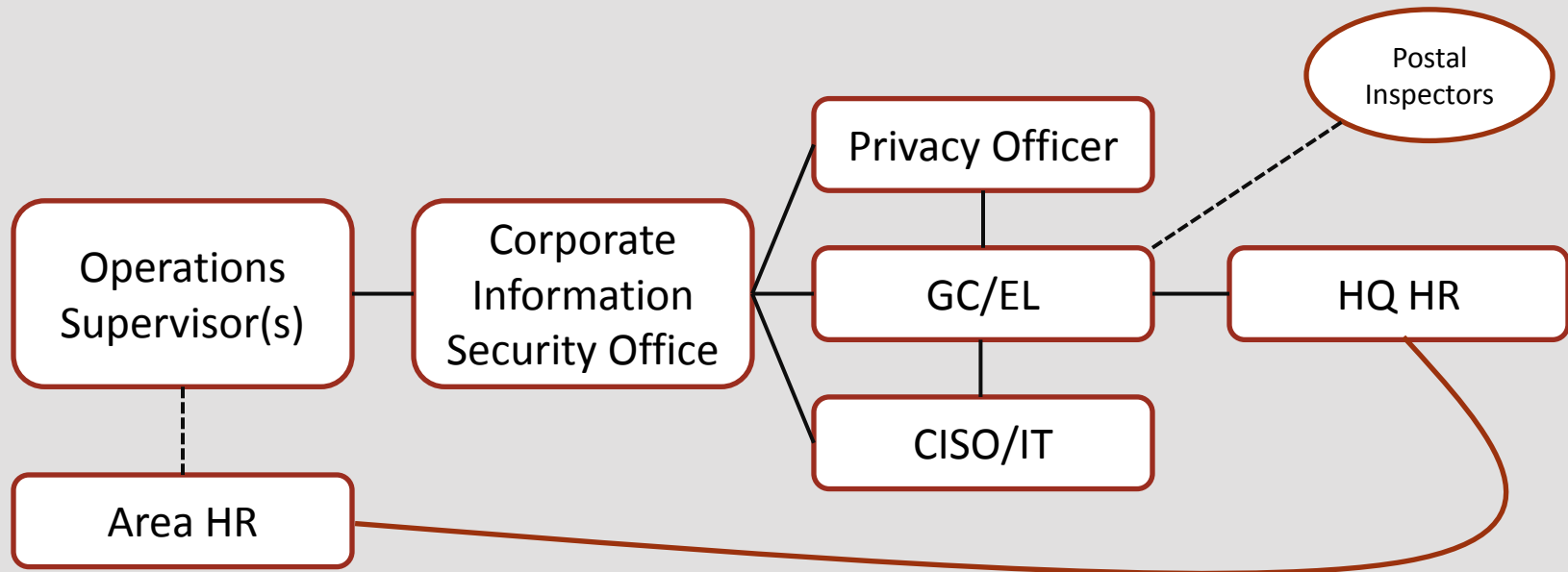
Scenario 1: IG Investigation – HQ Executive



Why is this arrangement good for the Postal Service? For the IG? For Human Resources? Appeal to self-interest!

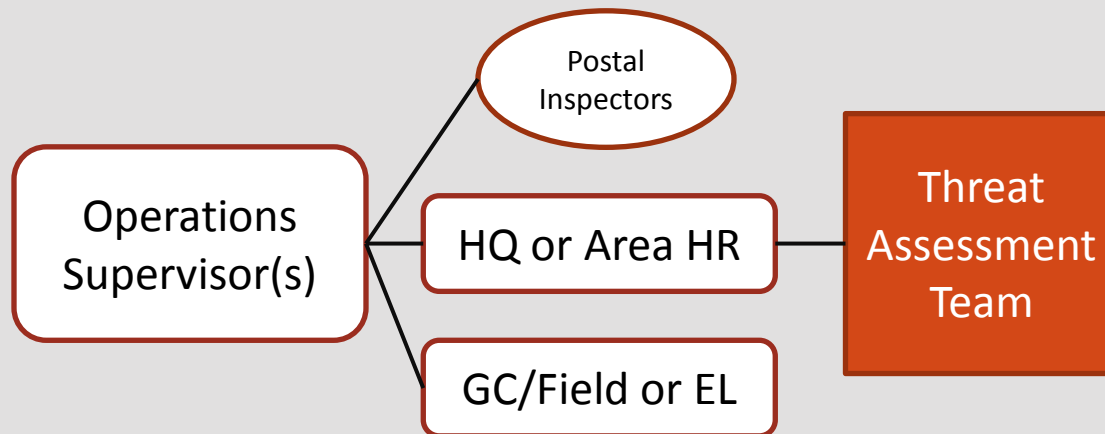
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Scenario 2: Management Investigations



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Scenario 3: Threats of Violence



TAT

- Cross-functional
- Multidisciplinary
- Assists in assessing threatening situations
- Develops risk abatement plans that minimize risk of violence
- HR, LR, Safety, Operations, Postal Inspector, GC, EAP, outside mental health professional, ad hoc resources

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“Share everything.”

“Play fair.”

“Don’t hit people.”

“Put things back where
you found them.”

“Clean up your own
mess.”

“Don’t take things that
aren’t yours.”

“Say you’re sorry when
you hurt someone.”

“Warm cookies and cold
milk are good for you.”

~~“Take a nap every
afternoon.”~~

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Jacki Trevino

Fluor

Senior Manager,
Corporate Ethics & Compliance



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Key Challenges

- Turf Issues
 - HR feels threatened that Ethics is trying to “meddle in their business”
- Reluctance to partner with Ethics to achieve common deliverables
 - Meeting regulatory requirements of harassment training
 - Employee surveys
 - Assessing risks
- Hesitation to share issues that could potentially be ethics issues
 - HR wants all concerns that are of an HR nature raised to the HR office, not willing to raise all ethics issues to the Ethics office
- Resources

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How to Overcome the Challenges

- Establish credibility
- Lay the foundation
 - Define “blurred” boundaries
 - Provide tools
- Ask, listen and act
- Communicate, communicate, communicate
- Open lines of communication
- Begin to embed “ownership” at each business segment
- Leveraging resources
- Collaborating on investigations
- Provide feedback to corporate executives and segment leadership
- Going beyond the scope
- Educate and train on ethics & compliance
- Maintaining credibility, accountability and respect

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“ HR Professionals have to know when to step away from any investigation, such as one that may involve a person where the HR professional may have or can be perceived as not being totally objective.”

-David Gustin,
Director Employee Relations, Dresser Corporate

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The Investigation Protocols are general protocols that help ensure consistency and high-quality, thorough investigations across Fluor. The protocols focus on 5 key areas:

1. Opening & Categorizing the Case
2. Planning the Investigation
3. Executing the Investigation Plan
4. Determining Appropriate Follow-Up
5. Closing the Case

Investigating Departments Include:

- ◆ Corporate Security
- ◆ HSE
- ◆ HR
- ◆ Industrial Relations
- ◆ Internal Audit
- ◆ Law

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INVESTIGATION PROTOCOLS

TABLE OF CONTENTS

I. Roles & Responsibilities		
II. Conducting the Investigation		
Step 1: Opening and Categorizing a Case	Activities: Categorize the C&E Allegation, notify the relevant individuals, and assemble the investigation team.	Approximate Time: 1 to 3 days
Step 2: Planning the Investigation	Activities: Determine the required investigation tasks, including document reviews and interviews, and document those in a written Investigation Plan.	Approximate Time: 1 to 3 days
Step 3: Executing the Investigation Plan	Activities: Complete planned investigation tasks and update key business and functional leaders, as necessary.	Approximate Time: 1 to 2 weeks ¹
Step 4: Determining Appropriate Follow-Up	Activities: Convene the investigation team and the relevant business unit representatives to decide on the appropriate disciplinary action or other follow-up.	Approximate Time: 1 day to 1 week
Step 5: Closing The Case	Activities: Communicate investigation results to case stakeholders and complete case report.	Approximate Time: 1 day to 1 week
III. Appendices		
Appendix 1:	Escalation Procedures	
Appendix 2:	C&E Allegation Categories and Responsibilities	
Appendix 3:	Investigation Guidelines for Referral to Law Department	
Appendix 4:	Compliance Investigation Leads and Investigation Liaisons	
Appendix 5:	European Union (E.U.) Special Considerations	
Appendix 6:	E-Mail to Notify Management of Investigation (sample template)	
Appendix 7:	Investigation Team Selection Criteria	
Appendix 8:	External Investigator Selection Criteria	
Appendix 9:	Case Worksheet	
Appendix 10:	C&E Allegation Scoping	
Appendix 11:	Investigation Planning Considerations	
Appendix 12:	Protocols for Interviewing and Worksheet Documenting Interviews	
Appendix 13:	Interim E-mail Updating Management (sample template)	
Appendix 14:	Interim E-mail Updating Complaintant (sample template)	
Appendix 15:	Suggestions for Determining Follow-up Action	
Appendix 16:	Disciplinary Action Framework	
Appendix 17:	E-mail Updating Management (sample template)	
Appendix 18:	Case Executive Summary Report	
Appendix 19:	Close-Out E-mail to the Complainant (sample template)	
Appendix 20:	Close-Out Meeting Planner to the Subject	

¹ Depending up on the level of complexity and the location of the investigation, it may take longer to execute the Investigation Plan.

1

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Compliance Issue

- Conflicts of Interest
- Financial Fraud
- Bribery/Corruption/ Gifts & Entertainment
- Falsification of Documents
- Accounting, Auditing Practices
- Confidential Information
- Violations of Laws & Regulations
- Misappropriation of Assets
- Environmental, Health & Safety Concerns
- Retaliation
- Expense Report Abuse

Human Resources Issue

- Discrimination
- Harassment
- Wrongful Disciplinary Action
- Abusive or Intimidating Behavior
- Internet or Email Abuse
- Workplace Conduct
- Theft
- Drugs & Alcohol

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Policy

- For all employees
- Understand how to raise concerns & how concerns will be handled



Protocol

- Management training on how to handle employee concerns
- When to escalate those concerns of a sensitive nature



Process

- Investigation Team
- Investigation Scope
- Case Management

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Q VanBenschoten

Intertek

Compliance Officer - Americas





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