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Has This Happened in Your Business?

A supervisor is accused of sexually harassing a subordinate employee, a manager is suspected of verbally abusing her direct reports, the theft of valuable company trade secrets may be occurring with regularity, a whistleblower reports on alleged illegal activity by upper management – what do these seemingly unrelated issues have in common? They all require the skilled, efficient and thorough investigation of possible wrongdoing to remedy any alleged workplace improprieties and to minimize, to the extent possible, the financial exposure of a company resulting from such provable misconduct.

Related Services

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What We Do

THE INVESTIGATION

In any employment law claim which is aggressively litigated, a critical issue which is always front and center is the quality and thoroughness of the investigation that was or was not conducted on the employer's behalf. Whether it is the Equal Employment Opportunity Commission, a judge, jury or arbitrator who is analyzing the credibility of a workplace investigation, certain principles are paramount in such analysis. These include:

- Who did the investigation?
- What were the qualifications of the person doing the investigation?
- How thoroughly was such investigation conducted?
- What was the quality of the workplace interviews?
- What was the validity of the legal conclusions that were drawn in the context of the facts as derived by the investigator?
- And, was the investigation fair, unbiased and well documented?

THE BENEFITS

As we have seen with recent, embarrassing workplace allegations at Fox News and Uber, companies are well-advised to invite outside law firms to conduct unbiased and skilled workplace investigations. Outside legal counsel can apply skilled investigatory techniques to ascertain whether appropriate remedial measures need to be taken to avoid costly and counterproductive interruptions to normal operations resulting from a myriad of damaging employee claims. At Offit Kurman, our Co-Founder Howard Kurman's extensive experience with workplace investigations can provide the legal and political cover that are critical to a company that desires to minimize legal cost and financial exposure, as well as potentially embarrassing publicity arising out of often salacious workplace allegations.

THE INVESTIGATOR

Howard Kurman, Offit Kurman's Co-Founder and former Chair of its sophisticated Labor And Employment Law Practice, is an experienced and well-credentialed labor and employment attorney who frequently conducts impartial and skilled workplace investigations. Mr. Kurman is engaged by companies that either do not have the internal capability of performing such investigations themselves, or choose, for a variety of reasons, to outsource such investigations to an attorney who will conduct critical workplace investigations with the utmost sensitivity and understanding of what the law requires of all responsible employers faced with allegations of workplace misconduct of one sort or the other.

Mr. Kurman is a skilled interrogator who successfully utilizes years of effective trial work in getting to the facts arising out of any workplace complaint by conducting penetrating employee interviews and producing well-reasoned observations, conclusions, and recommendations regarding what, if any, remedial actions should be pursued because of his investigations. Through decades of his experience in the labor and employment field, Mr. Kurman is well situated after conducting his investigations to produce comprehensive reports summarizing his conclusions and his analysis of the relevant facts in the context of applicable federal, state or local workplace laws, including discrimination, wage/hour, and wrongful discharge claims.

OUR EXPERIENCE

- Conducted intensive investigation of alleged sexual assault of a commercial cleaning employee by an outside vendor, an investigation that lasted for 3 weeks and involved numerous witness interviews resulting in a thoroughly researched and welcomed investigatory report to client.
- Led a detailed investigation of alleged workplace theft by numerous employees which resulted in a mass termination that was substantiated at an administrative hearing based on the quality and intensity of the investigation and its accompanying report.
- Engaged by numerous employers to investigate alleged workplace harassment conducted by high level executives, resulting in written findings that were accepted by the boards of such companies and the subsequent assignment to provide proactive workplace training to all management level employees.