



Who's Lying? Conducting Effective Workplace Interviews

Presented by: Andrew Foose, J.D.
Co-President
Global Compliance™
Brightline Learning Division

CONFIDENTIAL & PROPRIETARY
This material is confidential and proprietary to Global Compliance® and/or third parties and may not be reproduced, published or disclosed to others without the express authorization of the General Counsel of Global Compliance.

Success – It's all in the planning

- Who to interview, in what order
- Where to interview
 - Location and environment
 - Phone interviews vs. face-to-face interviews
- Physical, electronic, documentary evidence
- Interviewing technique – the “Funnel Method”
- Making credibility determinations

How Do I Deal with “He Said/She Said” Situations?

Tony complains that he overheard his manager, Betty, make a phone call during which Betty offered a bribe to a government official in order to win a contract with the State Department of Housing. You are assigned to conduct the investigation and interview Betty, who categorically denies offering the official a bribe. You cannot find any other witnesses who overheard the conversation that Tony reported.

After you complete your investigation, could you legitimately conclude that Tony is telling the truth and that Betty offered a bribe to the government official? If so, on what basis?

3



Credibility Determination Factors

- Inherent plausibility of the story
- Past record
- Motive to lie
- Corroboration
- Demeanor

4



Judge If the Witness Is Being Truthful (1 of 2)

Is anything suspicious about these responses?

Q: Governor Clinton, have you ever smoked marijuana?

A: I have never violated the drug laws of my country.

Q: Governor Bush, have you ever used cocaine?

A: The White House security check asks about prior drug use, and I could pass that security check.

Q: Alice, have you ever run your fingers through Ronald's hair?

A: Not that I recall.

5



Judge If the Witness Is Being Truthful (2 of 2)

Q: Susan, what did you do with the money when you emptied the cash register last Friday night?

A: My standard practice is to empty the cash register, take the money to the safe and count it there, and then put it in the safe.

Q: Henry, have you ever told an ethnic joke in the workplace?

A: Not really. Speaking of jokes, you should hear the ethnic jokes that Joe and Mark tell around here.

6



John-Karen Scenario (1 of 3)

You receive a call from your CEO. She has learned that one of your employees, Karen, is upset with another employee, John, about something that happened last Thursday night. Without consulting you, the CEO asked both Karen and John to write down what happened last Thursday night. They have given the CEO their written statements, and neither John nor Karen saw the other's written statement.

7



John-Karen Scenario (2 of 3)

According to Karen's written statement, last Thursday night, she and John went to a sales call, then went to a restaurant where they both had too much to drink, and then went back to the office. According to Karen, at the office John pushed her up against a wall and grabbed her breast.

8



John-Karen Scenario (3 of 3)

In John's written statement, he agreed that after the sales call, he and Karen went to a restaurant where they had way too much to drink and eventually went back to the office. According to John's statement, at the office he leaned in and tried to kiss Karen. He said that he only did this because he felt like Karen had been flirting with him the whole night. For example, according to John, she complimented him on his good looks, discussed concerns she had about her relationship with her boyfriend and asked him to buy her flowers.

You are asked to investigate.

9



Valerie-Doug Scenario (1 of 2)

Valerie files a complaint alleging that her supervisor, Doug, changed her shift and denied her vacation time she needed to attend a family wedding because she had reported some safety concerns at their plant. According to Valerie, she originally told Doug about the problems but then, when nothing was done, called into the company hotline. Although she called anonymously, she thinks Doug must have found out, which is why he retaliated against her. Doug denies the allegations and says that the actions he took were legitimate based on (i) her performance and (ii) scheduling needs of the plant. He also denies knowing of any calls Valerie may have made to the hotline. You conduct a thorough investigation and conclude that Doug is telling the truth. As a result, no action is taken.

10



Valerie-Doug Scenario (2 of 2)

Two months later, your organization's attorney calls and tells you that Valerie is suing the organization based on the alleged retaliation. The attorney also says that the company has since learned that Doug was notified that there had been a report of safety concerns and that he had said that he knew who had complained and would take care of things. Which of the following is your response?

- a. "Um...I'm sorry, but you've reached the wrong number."
- b. "Hey, I did a good job. Mistakes happen. We'll see them in court!"
- c. "Settle the case!"

11



Contact Information

Andrew Foose, J.D.
Co-President
Global Compliance™
Brightline Learning Division
andrew.foose@globalcompliance.com
(202) 841-5700

www.globalcompliance.com

12

