


March 28, 2026

MEMO TO: David Raatz, Director of Council Services

F R O M: Ryan Martins, OCS Ambassador 

Keoni Shirota, OCS Personnel Specialist 

Marlene Rebugio, Support Supervisor 

SUBJECT: **“CONDUCTING EFFECTIVE WORKPLACE INVESTIGATIONS,”  
MAUI ARTS & CULTURAL CENTER, JANUARY 21, 2026**

We attended a County-sponsored training called “Conducting Effective Workplace Investigations” by Sarah O. Wang, Esq. on January 21, 2026 at the Maui Arts & Cultural Center. She provided guidelines on conducting fair and thorough workplace investigations.

A copy of Ms. Wang’s presentation is attached. This report provides highlights and our comments.

### **Key concepts**

The training established that investigations are essential for making fact-based decisions and satisfying the “Seven Tests of Just Cause,” a standard that, when applicable, requires employers to provide proper notice, conduct a fair investigation, and obtain evidence before issuing discipline. Investigations should be triggered by specific events—such as policy requirements, factual disputes, or formal complaints—and must be conducted promptly by a neutral, trained investigator who does not report to the parties involved.

The process requires careful preliminary planning, which includes identifying applicable policies and considering interim measures. Paid administrative leave is an interim measure that can protect all parties and prevent retaliation during the inquiry. Investigators are responsible for preserving evidence. During witness interviews, the focus must remain on gathering firsthand facts rather than opinions. Assess truthfulness by looking at the details of this specific incident, instead of relying on what you know about the person's personality or background.

The training outlines the requirements for an investigation report and necessary post-investigation actions. Use the report to summarize what was done, sort out the facts, and decide if a County policy was broken. Investigators are advised to document interviews separately and have witnesses review and sign their statements to ensure accuracy. Decision-makers must determine appropriate discipline that is consistent with past practices and take proactive measures to prevent recurrence, while also notifying the complainant and accused of the outcome.

### **Takeaways and recommendations**

Marlene Rebugio (Support Supervisor):

- Policy review—OCS may want to consider a review of our current policies. While documents like the Violence in the Workplace Action Plan explicitly require investigations, other policies do not. We need to determine if our policies should explicitly state the need for investigations.
- Identifying gaps—OCS can use investigations as opportunities to identify gaps in our current rules and OCS policies.
- Documentation—Documenting the reasoning behind our steps is vital (e.g., noting exactly why we chose to interview Witness A and not Witness C).

Keoni Shirota (Personnel Specialist)

- Every investigation is different, and they may not go as planned.
- Re-interviews may need to happen for clarification or because of new findings.
- New issues may arise during the investigation, including expansion of the current investigation, start of a new investigation based on findings, or change of investigator.
- Carefully consider someone's past record in the current investigation.
- Consensus on reviewing our current policies and procedures.

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- Overall great to know and glad we attended.

Ryan Martins (Amabassador)

- An investigation must be done even if the complainant is anonymous. Investigate the situation, not the person.
- Is there any notice of the rules, policies, or procedures that have been violated? Has employee signed documents acknowledging they knew of the rules, etc. that they violated?
- Get the accused's side of the story, even if a superior witnessed the event, when investigating prior to discipline.
- Investigate to find substantial evidence or preponderance of evidence rather than certainty.
- A determination should be made based on evidence that the incident was more likely than not to have occurred.

Thank you for the opportunity to attend this training. If you have questions, please contact Ryan at ext. 5518, Keoni at ext. 8254, or Marlene at ext. 7832.

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cc: Deputy Director of Council Services