

# COVID-19 AND YOUR PENDING WORKPLACE INVESTIGATIONS

## **COVID-19 and Your Pending Workplace Investigations**

While our lives are changing in dramatic ways that tend to make us feel more isolated and insecure, the world of workplace investigations continues to move forward. Workplace investigations are built on a foundation of thorough effort that is conducted fairly and confidentially and is performed in a timely fashion. The novel coronavirus has the capacity to tilt the factors of timeliness and fairness on their axes.

COVID-19 dropped on the scene unannounced, and while none of us had time to prepare (if that were even possible), our pending cases have become no less important. Although these cases remain pressing, it's extremely difficult to deliver in the same steadfast way. Nevertheless, there are strategies you can implement to help ensure you provide your clients with the same fair and timely work you always have.

### **Assess the Unique Situation at Hand**

You're going to need to assess every case on its own merits and depending upon where you are in the investigation and the needs of that particular client, you should proceed accordingly. If you are in the process of writing reports, for example, it shouldn't be a huge problem adapting; you can continue working – at your home office, back bedroom, kitchen table, or wherever you are currently set up.

If you need to get into the nitty-gritty of an investigation, however, things are a bit different, and you're going to need to critically assess how best to tackle the work. Some cases don't require a hurried pace, and you can make plans with these clients accordingly. Some cases, however, need immediate attention, and for those, we have video chat, electronic communication, and good old-fashioned phone calls. The fact is that some clients are more tech-savvy than others, and the answer to treating everyone's case as fairly as possible, and to being as timely as possible, is to address each client's unique needs within the evolving parameters of this national emergency.

### **Use Technology**

Our current reality of social distancing can be challenging, but we have technology that allows us to come together face to face – if only virtually. There is a wealth of knowledge, information, and trust to be gained from looking your clients in the eye and from being able to express yourself clearly (with all the meta-information gleaned from body language). Again, you may have clients who don't have the technological know-how, equipment, or desire to go this route, but with some additional effort, phone calls can still get the job done. Further, our ability to send large amounts of data electronically and to make deep dives into the ocean of information is also a powerful tool.

### **We Need to Talk**

We're all stressed beyond anything most of us have previously experienced, and your natural inclination may be to go into hibernation for the interim. However, communication in this situation is king. Stay in touch with your clients and assuage their fears about their pending cases. You haven't forgotten about them, and you need to let them know this. Further, share your strategies for moving forward in the face of the unknown, and ask for input. When your clients fully invest in their cases, everyone wins, and strategizing together can help you find the path forward that best suits the unique needs of each individual case.

### **Access Your Inner Boy/Girl Scout**

Let *Be Prepared* be your guide. While it may seem like business is at a standstill for the foreseeable future, your best bet is to expect the unexpected. Move forward with your ongoing investigations via a path that's tailored to the circumstances involved and within the parameters that we find ourselves, but keep your finger on the pulse of what's going on in with your client's business and the world.

As we slowly emerge from the current crisis, you are going to need to be able to run with the conditions on the ground, and a big part of that is being ready to go. In fact, there is every indication that workplace investigations will be at least as robust as they were pre-coronavirus. While the times we find ourselves in are nothing if not unpredictable, it's important to keep our thoughts trained on the work we will be addressing on the other side of this, which is likely to include a new breed of workplace investigations.

### **We're All in This Together**

COVID-19 is an equal opportunity crisis, and we are all, truly, in this together. As we weather the storm, stay focused on your practice and use every tool in your arsenal to help you stay connected with your clients and on-point with their cases. If there was ever a time to flex your creative problem-solving muscles, now is that time. Stay with your current cases with an eye toward future needs, and if you experience a lull in your work, avail yourself of the opportunity to prepare for nimble action when the time comes.



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Matthew Zandi has extensive experience in both the public and private sectors with over 40 trials in state, federal, and international courts. He is nationally recognized as one of the leading experts in Qui Tam, fraud, and various state and federal whistleblower statutes, compliance, investigations, litigation, and policy. During his tenure as an Assistant U.S. Attorney, Mr. Zandi oversaw the Affirmative Civil Enforcement Task Force (ACE) where he led investigations and litigations of whistleblower claims and Qui Tam litigations nationwide.