



Employment Complaint Response Checklist

What to lock down in the first days after an internal complaint, HR investigation, or EEOC filing, before digital evidence starts to disappear.

1 ACT WITHIN THE FIRST 48 HOURS

- ☐ Confirm the exact date the complaint was filed, or the date litigation first became reasonably likely.
- ☐ Identify every custodian involved: the complainant, the accused, direct managers, and any HR personnel who handled the complaint.
- ☐ Issue a written litigation hold covering every relevant system, not just company email.
- ☐ Suspend auto-delete settings on relevant chat platforms and devices immediately.

2 WHAT THE HOLD LETTER MUST NAME

- ☐ Every messaging platform in use (Slack, Teams, texts on personal and company devices)
- ☐ Personal devices under a BYOD policy, and the company's actual scope of access
- ☐ Specific custodians by name and role, not just "HR" or "management"
- ☐ A clear date range tied to the alleged conduct
- ☐ Instructions to suspend auto-delete settings right away

3 WHERE THE EVIDENCE ACTUALLY LIVES

- ☐ Slack/Teams direct messages, not just channel activity
- ☐ Text messages on personal devices used for work
- ☐ File access logs (who viewed, edited, downloaded)
- ☐ Calendar entries and meeting records
- ☐ Badge access and VPN login records

4 QUESTIONS TO ASK INTERNALLY BEFORE LITIGATION STARTS

- ☐ Has IT actually suspended the deletion schedule, or just been told to?
- ☐ Does the BYOD policy give the company the right to collect from personal devices, or is separate consent required?
- ☐ Is a compliance export tool (Slack Discovery, Microsoft Purview) already configured, or does it need to be enabled before data starts rolling off the retention schedule?

5 COMMON MISTAKES TO AVOID

- ☐ Assuming email is the only relevant channel
- ☐ Letting HR or a manager self-collect "the relevant stuff" instead of a full, defensible export
- ☐ Waiting for the EEOC's formal request before locking anything down

A hold that only says "preserve relevant documents" invites exactly the kind of gap a plaintiff's attorney will later exploit. Name the platforms, the custodians, and the date range specifically.

BLACK DOG FORENSICS

Black Dog Forensics helps corporate and employment defense counsel preserve and analyze workplace communications, including chat platforms, mobile devices, and access logs, in employment litigation and EEOC matters nationwide.

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