



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

Trials Division

RIGHTS AND OBLIGATIONS IN DISCIPLINARY PROCEEDINGS

You have all the rights and privileges guaranteed by the laws of the City and State of New York and the Constitutions of this State and of the United States which are available to public employees in disciplinary proceedings.

Either the agency advocate or this tribunal may call you as a witness and ask you questions about the charges which are the subject of this hearing. As a civil service employee, you are required by law to make yourself available for examination as a witness. If you refuse to appear as a witness, you may be subject to further charges and dismissal from your employment. Furthermore, if you are compelled to appear as a witness, you must answer any questions relating to the property, government or affairs of the City; the official conduct of any officer or employee of the City; or the performance of your official duties, whether or not such answers may tend to incriminate you.

Decisions of the Supreme Court of the United States make clear that if you are compelled to answer such questions as they relate to these charges, neither those answers which may be incriminating, nor any evidence or information which is gained by reason of such answers, can be used against you in any criminal proceeding.

You are further advised that if you refuse to testify or knowingly give any false answers or deceptive statements, you may be subject to criminal prosecution and disciplinary action by reason of such refusal or such false answers or deceptive statements.

In deciding your case, this tribunal may take official notice of agency-wide written standards of conduct, rules, regulations and directives relating to conduct or discipline which are on file with this tribunal. Should you be found guilty of any charge after this hearing, your personnel record may be considered by this tribunal in formulating a recommendation as to any penalty to be imposed. You and your representative have a right to review your personnel record, prior to its possible use by this tribunal, to insure that it conforms to any applicable collective bargaining agreement or any rule or regulation that pertains to its maintenance.