

You should note, however, that the Commission may exempt some EIGs from these requirements or the Commission may grant a waiver of the requirements in a particular context in order to protect the integrity of an investigation. In any case, so long as you make a good faith assertion of a privilege, you have not failed to cooperate in the investigation.

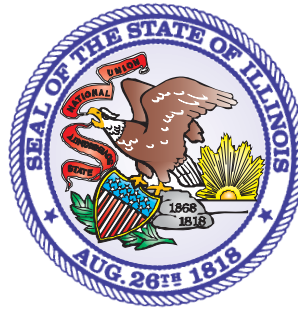
● ● ● | YOUR ETHICS OFFICER

You have a right to seek advice from your Ethics Officer on the interpretation and implementation of the Ethics Act. You also have the right to seek advice from private legal counsel. No EIG may infringe upon these rights.

Your cooperation in investigations, which is required of you as a State employee, helps improve the ethical climate in State government. If you believe, however, that an EIG or EIG employee has violated the law, including the rules of the Executive Ethics Commission, you may contact your agency Ethics Officer or complain, in writing, to the Commission.

Know
your
rights.

THIS PUBLICATION IS FOR
INFORMATIONAL PURPOSES
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TO CONSTITUTE AN OPINION.



EXECUTIVE ETHICS COMMISSION

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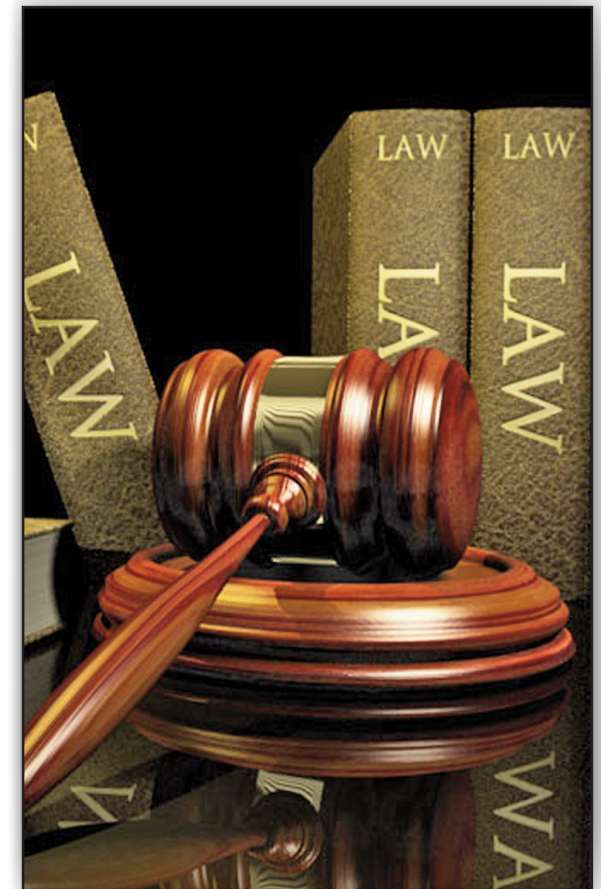


EXECUTIVE ETHICS COMMISSION



EXECUTIVE INSPECTOR GENERAL INVESTIGATIONS:

YOUR DUTIES AND RIGHTS



An Executive Inspector General (EIG) and his or her staff have a duty to respond appropriately to the complaints they receive. Their investigative work is essential to creating a positive ethical climate in the workplace. State officers and employees have a duty to cooperate in these investigations and a person who intentionally obstructs or interferes with an investigation is subject to an administrative fine of up to \$5,000.

This guide outlines the rights and responsibilities that State executive branch officers and employees have when they are involved in an EIG's investigation. For more information, you should contact your Ethics Officer or the Executive Ethics Commission.

● ● ● | INTERVIEWS

An EIG investigator might decide to gather information by interviewing you about certain events. Being the subject of an interview does not always mean that you are accused of wrongdoing or face any discipline. But if you are the subject of an investigation and the EIG reasonably believes that you will likely face discipline, you are entitled to be told at the interview whether the investigation is criminal or administrative in nature and be presented with a form that describes your rights during the interview.

If the investigation is criminal in nature, the form identifies your right to the presence of an attorney, union representative, or uninvolved co-worker.

If the investigation is administrative in nature, the form identifies your right to the presence of a union representative or uninvolved co-worker.

You must sign the form, acknowledging only that it was presented to you and you were given the

opportunity to read it. At any time during an interview, you may request the presence of an attorney, union representative, or uninvolved co-worker and the interview will be suspended and a new date and time scheduled.



● ● ● | INTERVIEW BEHAVIOR

Interviews must be conducted in a businesslike manner and interviewees must be treated with respect. The interviewer may not unduly embarrass, inconvenience or intimidate the interviewee. Personality clashes, acts of undue familiarity, abuse and profanity should be avoided. Firearms may not be used to intimidate an interviewee.

If you believe that an EIG employee violated your rights related to an interview, you may object in writing to the Executive Ethics Commission. Within 30 days the Commission will sustain or overrule the objection, appoint a Special Executive Inspector General or refer the matter to law enforcement.

● ● ● | RECORDING OF INTERVIEWS

If you are the subject of an investigation and the EIG reasonably believes you will likely face discipline, you also have rights related to the recording of the interview.

At such interviews, you must be presented with a form that describes your right at any time to refuse the interviewer's request to record the interview, require that the EIG record your interview (upon executing a request to record form), or stop the recording of the interview. You do not have the right to receive a copy of the recording, but it must be preserved by the EIG in the investigation file.

● ● ● | REQUESTS FOR DOCUMENTS

An EIG investigator may also request in writing that you give him or her copies of, or access to, certain documents or other items in your possession. In most cases, you should comply with these requests as soon as possible.

If, however, you are concerned about releasing documents because you are uncertain whether the release is permitted by law, you may request, in writing, a determination from the Commission. The Commission will make a determination within five business days. In the meantime, you should maintain the confidentiality of the request and an EIG may take reasonable steps to seal or otherwise insure the integrity of the requested items.