

CIVIL SERVICE EMPLOYEES ASSOCIATION, INC.
LOCAL 1000, AFSCME, AFL-CIO
143 Washington Avenue, Albany, New York 12210

****MEMORANDUM****

TO: Local and Unit Presidents
FROM: Nancy E. Hoffman, General Counsel
NEH
RE: Inspector General Questioning
DATE: March 1, 2002

In October 2000 we advised you that LRS staff should be contacted whenever a member is called to appear by an Inspector General's Office. Some IGs are now taking the position that only an attorney may accompany an employee in these investigatory interviews which generally involve allegations of fraud, corruption, criminal activity or conflicts of interest.

There is no requirement allowing a non-attorney union representative's participation. Even so, we still recommend that our LRS staff request to attend, so that the employee is "represented" with regard to any employment aspects of the case.

If our LRS request is denied and employment discipline does follow, we will be able to argue in the disciplinary hearing that any evidence obtained against the employee during the questioning should be excluded based on the denial of representation.

If the request is granted, it is important that the employee be advised that the LRS represents the employee only with regard to employment matters and not with regard to any criminal aspects of the matter. [Statements made in these investigations cannot be used against the employee in a criminal matter.]

Should you have any questions, please do not hesitate to contact me.

cc: Regional Directors [for LRS distribution]