C O P Y

The City of New York
DEPARTMENT OF BUILDINGS

Departmental Memorandum

Ethics

To: Borough Superintendents

Date: June 23, 1969

From: Thomas V. Burke, Director of Operations

Subject: Inquiries Relating to Incompetency or Misconduct of Employees

---

This department has received a memorandum dated May 12, 1969 from Mayor John V. Lindsay, including a report to the Mayor from the Corporation Counsel on the effect of recent court decisions pertaining to the aforesaid subject.

All employees should be directed to inform the Commissioner of the Department of Buildings immediately upon receipt of any allegation or indication of corruption. All Borough Superintendents having knowledge of such allegations of corruption shall advise the Director of Operations in writing of same. Investigation of allegations involving corruption is the responsibility of the Office of the Inspector General of Housing and Development Administration.

It is to be noted that an employee may be questioned as to his official conduct relating to incompetency or misconduct not amounting to corruption. If it appears that the inquiry may result in disciplinary proceedings based on the employee's answers to questions or on his refusal to answer, an exact stenographic record of the questioning of the employee should be made.

If the inquiry relates to incompetency or misconduct not amounting to corruption and the employee refuses to answer questions relating to his official duties and it is contemplated that a disciplinary charge will be based on this refusal, the following advice should be given to the employee:

"I wish to advise you that you have all the rights and privileges guaranteed by the laws of the State of New York and the Constitutions of this State and the United States, including the right not to be compelled to incriminate yourself. You have a right to have an attorney present if you wish."

"I wish further to advise you that if you refuse to answer any questions relating to the performance of your official duties, you will be subject to dismissal from your employment with the City. However, if you do answer questions, neither your answer nor any information or evidence which is gained by reason of such answers

can be used against you in any criminal proceeding. You are advised, however, that if you knowingly make any false answers or deceptive statements, you may be subject to criminal prosecution and disciplinary action by reason thereof."

Upon the completion of such inquiry, the Borough Superintendent shall send to the Director of Operations, a complete report including a copy of the stenographic minutes, any pertinent department records and his recommendations and conclusions.

The inquiry and record shall be considered a confidential report and no disclosure as to same should be made without clearance from the Commissioner.

(Signed) _____
Thomas V. Burke
Director of Operations