

GARRITY RIGHTS

In the case of *Garrity v. New Jersey*, the U.S. Supreme Court determined that public employees could not be forced, under clear threat of discipline, to violate the principles of compulsory self-incrimination.

This decision established what have come to be called “Garrity Rights” for public employees.

The Garrity rule is similar to Miranda rights for public employees. However, the burden is on the employee to assert their Garrity rights. These rights can and should be asserted whenever an employee believes they are being investigated for possible criminal conduct.

Once an employee has asserted their Garrity rights, management must:

- Give a direct order to answer the question;
- Make the question specific, directly and narrowly related to the employee’s duty or fitness for duty;
- Advise the employee that the answers will not and cannot be used against him/her in a criminal proceeding, nor the fruits of those proceedings; and
- Allow union representation if the employee also asserts their Weingarten Rights.