
INQ 16-137 Washington

From: Diaz-Greco, Gilma M. (COE)

Sent: Tuesday, May 10, 2016 10:07 AM

To: Washington, Virginia (HR) <VXW@miamidade.gov>

Cc: Centorino, Joseph (COE) <CENTORI@miamidade.gov>; Murawski, Michael P. (COE) <MURAWSK@miamidade.gov>;

Perez, Martha D. (COE) <perezmd@miamidade.gov>; Turay, Radia (COE) <Radia.Turay@miamidade.gov>

Subject: Virginia Washington, Division Director, County HR Recruitment Testing and Career Development Division (Outside Employment) INQ 16-137

Dear Ms. Washington:

It was pleasure to speak with you. You inquired whether an employee in your department would have a conflict of interest under the County Ethics Code between her County employment and her proposed outside employment.

Background

You supervise the County's HR Recruitment, Testing and Career Development Division which includes both the Recruitment and Internal Placement section and the Career Development section. Ms. Yamilet Ceballo is employed as an Internship Coordinator in the Recruitment and Internal Placement section. Her current County responsibilities include coordinating County internship programs (such as the Mayor's Executive Internship program, and Urban Fellows) for high school and college undergraduate and graduate students, from local colleges and universities.

Ms. Ceballo is seeking outside employment as an Adjunct Professor teaching Supervisory Skills and Management classes at Miami Dade College (MDC), a County vendor. Miami Dade College is one of thirty-five County vendors under the professional development contract, and one of four County vendors under the Executive and Mid-Manager Leadership Development Contract which provides training to County employees on a multitude of subjects. The administration and oversight of MDC's contract is handled in HR's Career Development section, not in the Recruitment and internal Placement section where Ms. Ceballo is employed. Further, you advise that Ms. Ceballo has no involvement in the selection of vendors for trainings provided countywide.

Legal Analysis

Sections 2-11.1(j) and (k) of the County Ethics Code prohibit County employees from engaging in outside employment which would impair the County employee's independence of judgment in the performance of his or her official duties. Based on the facts presented here, we find that Ms. Ceballo's proposed outside employment as an Adjunct at MDC is not likely to create conflicting employment because: her public duties as an Intern Coordinator in the HR department and her job responsibilities as an adjunct teaching Supervisory Skills and Management classes are not closely related; she does not work in the HR department section that oversees and administers MDC's contract with the County; she has no involvement in the selection, oversight, or administration of County training vendors; and the outside employment would occur outside of her County hours.

However, certain limitations would apply. Ms. Ceballo cannot use County time or resources in the furtherance of their outside employment (Miami-Dade Code § 2-11.1(g)); she would be prohibited from using any confidential

information acquired as a result of her County employment to derive a personal benefit (Miami-Dade Code § 2-11.1(h)); and she cannot represent MDC in any matter before the County (Miami-Dade Code § 2-11.1(m)).

Furthermore, we remind Ms. Ceballo that all County employees engaged in outside employment must obtain permission to engage in that employment on a yearly basis. Full-time County employees are also required to file the [Outside Employment Statement](#) on a yearly basis. Miami-Dade Code §2-11, Administrative Procedure 7-1, and Procedure 403. In addition, County employees employed by County vendors must file an Affidavit with the Miami-Dade Clerk of the Courts disclosing employment with that vendor (Miami-Dade Code §2-11.1(f)). This affidavit can be found on the COE's website at: [http://ethics.miamidade.gov/library/2016-publications/affidavit of no controlling interest.pdf](http://ethics.miamidade.gov/library/2016-publications/affidavit%20of%20no%20controlling%20interest.pdf).

This opinion is based on the facts presented. If these facts change or if you have any further questions, please contact us.

Best regards,

Gilma (Mimi) Diaz-Greco
Staff Attorney



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From: Washington, Virginia (HR)
Sent: Monday, May 09, 2016 4:35 PM
To: Diaz-Greco, Gilma M. (COE) <GDIAZGR@miamidade.gov>
Subject: RE: Outside Employment - Request for an Opinion

Good afternoon:

I am confirming that the information specified below regarding Ms. Ceballo's current county responsibilities is correct.

Please let me know if you need anything further. Thank you in advance.

From: Diaz-Greco, Gilma M. (COE)
Sent: Monday, May 09, 2016 9:59 AM
To: Washington, Virginia (HR)
Subject: FW: Outside Employment - Request for an Opinion

Good morning Virginia:

I am finalizing the draft on the opinion regarding Yamilet Ceballo's proposed outside employment .

I just wanted to verify that I had described her job duties correctly. Would it be correct to describe her job duties as:

Her current County responsibilities include coordinating County internship programs (such as the Mayor's Executive Internship program, and Urban Fellows) for high school and college undergraduate and graduate students, from local colleges and universities.

Once you confirm, I'll send the draft to our Executive Directors for final approval and will send it to you afterwards. I anticipate that you should have the opinion by tomorrow.

Best regards,

Gilma (Mimi) Diaz-Greco
Staff Attorney



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From: Diaz-Greco, Gilma M. (COE)
Sent: Friday, May 06, 2016 9:16 AM
To: Washington, Virginia (HR) <VXW@miamidade.gov>
Subject: RE: Outside Employment - Request for an Opinion

Thank you Virginia-

From: Washington, Virginia (HR)
Sent: Friday, May 06, 2016 9:11 AM
To: Diaz-Greco, Gilma M. (COE) <GDIAZGR@miamidade.gov>
Subject: RE: Outside Employment - Request for an Opinion

Good morning:

Please see attached the request for outside employment for Ms. Yamilet Ceballo.

Let me know if you need anything else. Thank you for your assistance.

From: Diaz-Greco, Gilma M. (COE)
Sent: Friday, May 06, 2016 8:51 AM
To: Washington, Virginia (HR)
Subject: RE: Outside Employment - Request for an Opinion

Would you please send Ms. Ceballo's Request for OE form?

Thanks-

From: Washington, Virginia (HR)
Sent: Thursday, May 05, 2016 6:05 PM
To: Diaz-Greco, Gilma M. (COE) <GDIAZGR@miamidade.gov>
Cc: Cuellar, Arleene (HR) <JMNSTKS@miamidade.gov>
Subject: Outside Employment - Request for an Opinion

Good afternoon:

The Human Resources Department is requesting an opinion from the Commission on Ethics and Public Trust to ensure there is no conflict of interest that exists with an employee's request for outside employment.

Ms. Yamilet Ceballo, Human Resources Internship Coordinator, is requesting outside employment as an Adjunct Professor with Miami Dade College. Her current county responsibilities include coordinating internship programs, for high school and college (undergraduate and graduate) students, with local colleges and universities. Ms. Ceballo is assigned to the Recruitment and Internal Placement section.

Miami Dade College is one of thirty-five vendors under the professional development contract and one of four vendors under the Executive and Mid-Manager Leadership Development Contract which provides training to County employees on a multitude of subjects. The administration and oversight of this contract is handled in the Career Development section. Both sections are under my supervision in the Recruitment, Testing and Career Development Division.

Ms. Ceballo has no involvement in the selection of vendors for trainings provided countywide.

If you have any questions or need additional information, please feel free to contact me. Thank you for your assistance.

Virginia Washington
Division Director, Recruitment, Testing and Career Development
Human Resources Department
(305) 375-1793 Office / (305) 375-5768

Ability is what you are capable of doing
Motivation determines what you do, but
Attitude determines how well you do it.



REQUEST FOR OUTSIDE EMPLOYMENT

Sections 2-11.1(j) and (k) of the Miami-Dade County Code provide that County employees may accept incidental or occasional outside employment as long as the employment is not contrary, detrimental or adverse to the interests of the County and as long as **no County time, equipment, or other resources are used**. Miami-Dade County **Administrative Order 7-1** and **Procedure 403** require that any County employee intending to engage in outside employment must first obtain approval from his/her Department Director using this **Request for Outside Employment** form. These approvals must be renewed on an annual basis. Copies of all outside employment approvals shall be maintained in the centralized personnel files of the Human Resources Department. Each County department shall also maintain appropriate records regarding outside employment requests. Full-time County employees engaging in outside employment must also file an **Outside Employment Statement** form with the Elections Department by July 1st of each year, in accordance with §2-11.1(k)(2) of the Miami-Dade County Code. More detailed information on outside employment is available on the **Miami-Dade Commission on Ethics website**.

Employee's Name Yamilet Ceballo	Employee ID Number E75713
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Present County Employment (check one)

<input checked="" type="checkbox"/> County <input type="checkbox"/> Public Health Trust	
Department Human Resources	Position or Title HR Program Coordinator Internships
Job Responsibilities Responsible for coordinating internship programs including the Mayor's Executive Internship Program, Urban Fellows and other community initiatives such as Big Brothers Big Sisters and other duties as assigned.	

Proposed Outside Employment

Name of Company/ Organization	Miami Dade College
Job Title	Adjunct Instructor
Responsibilities	Teach classes-supervisory skills and management
Location	varies
Work Schedule	after 5:00pm and weekends
Total hours per week	4
Will your proposed outside employer release you if and when your services are needed by the County? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

In my outside employment, I am employed by one of the following types of organizations:

- ☐ Company or organization that is not a County vendor.
- ☒ Company or organization that is a County vendor. (An Ethics Opinion should be requested to ensure that no conflict of interest exists, and the County employee is required to file a sworn **affidavit** disclosing such employment with the County Clerk of the Board.)
- ☐ Self-employed through my private business, whether incorporated or not. (If your privately-owned business is seeking to contract with Miami-Dade County, you are required to request an **ethics opinion**.)
- ☐ Company or organization owned by an immediate family member; defined as a spouse, domestic partner, parents, stepparents, children, and stepchildren of employee. (If the company owned by your immediate family member is seeking to contract with Miami-Dade County, **ethics opinion** is required.)

I affirm that the information I have provided is true and I pledge to abide by the requirements listed here.


Employee's Signature

04/27/14
Date

Department Director's Approval

Date