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September 10, 2002

Lina Leahy
Budget Coordinator
Department of Parks and Recreation
275 N.W. 2nd Street
Miami, FL 33128

RE: REQUEST FOR ADVISORY OPINION 02-98

Dear Mrs. Leahy:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on September 9, 2002 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding your ability to receive paid administrative leave as well as county compensation for working as a verification specialist on election days.

In your letter, you advised the Commission that the Department of Elections has recruited county and non-county personnel to serve as pollworkers, troubleshooters and verification specialists on election days. You will work as a verification specialist. A verification specialist assists the Elections Department with electronic verification of a voter's registration on election days.

Pursuant to Administrative Order 4-76," (c)ounty personnel assigned to work as verification specialists and who have the

approval of their immediate supervisors to perform in such a capacity are to be granted administrative leave for the absence from their departments on the day of the election. County personnel assigned as verification specialists, other than election department employees, are paid an additional fee.

The Commission found the Conflict of Interest and Code of Ethics ordinance permits county employees to assist the Elections Department as pollworkers, troubleshooters and verification specialists and to be paid in both capacities. The Conflict of Interest and Code of Ethics ordinance only prohibits you from receiving special benefits or considerations in obtaining appointment as a verification specialist or in receiving paid administrative leave and pay as a verification specialist. However, pursuant to Administrative Order 4-76, all county personnel may receive paid administrative leave and pay for serving as verification specialists. Therefore, you are not receiving a special benefit and the dual pay is permissible.

This opinion construes the Miami-Dade Conflict of Interest and Code of Ethics ordinance only and is not applicable to any conflict under state law. Please contact the State of Florida Commission on Ethics if you have any questions regarding possible conflicts under state law.

If you have any questions regarding this opinion, please call the undersigned at (305) 579-2594 or Ardyth Walker, Staff General Counsel at (305) 579-2653.

Sincerely Yours,

A handwritten signature in black ink, appearing to read "Robert Meyers", with a long horizontal line extending to the right.

ROBERT MEYERS
Executive Director