



Miami-Dade Commission on Ethics & Public Trust

**Report of Inquiry**

**Investigator:** Sylvia Batista

**CASE  
CLOSED**

<b>Case No:</b> K13-001	<b>Case Name:</b> County Employees with conflicting outside employment.	<b>Date Open:</b> 1/2/13	Date: <u>1/27/15</u>
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**Audit:**

Obtain a list of all County employees who are known to hold outside employment or are known to be County vendors. This list should reflect the employees' current job duties and the type of outside work that they will perform. The ultimate goal of the audit is to arrive at a list of employees who have authorization for outside employment from their supervisors, but whose outside employment has not been approved by the COE.

The list could be produced by collecting information from the County regarding outside employment participation by County employees who are also registered as County vendors. This information is to be cross-referenced with requests for opinions submitted to the COE for the purpose of examining those County employees who have not asked for an opinion from the COE.

**Relevant Ordinance:**

The Conflict of Interest and Code of Ethics Ordinance, Sec. 2-11.1

(j) *Conflicting employment prohibited.* No person included in the terms defined in subsections (b)(1) through (6) and (b)(13) shall accept other employment which would impair his or her independence of judgment in the performance of his or her public duties.

(k) *Prohibition on outside employment.* (1) No person included in the terms defined in subsections (b)(5) and (6) shall receive any compensation for his or her services as an offer or employee of the County, from any source other than the County... (2) All full-time County and

municipal employees engaged in outside employment for any person, firm, corporation or entity other than Miami-Dade County, or the respective municipality, or any of their agencies or instrumentalities, shall file, under oath, an annual report indicating the source of the outside employment, the nature of the work being done pursuant to the same and any amount or types of money or other consideration received by the employee from said outside employment. Said County employee's report shall be filed with the supervisor of elections no later than 12:00 noon on July 1<sup>st</sup> of each year...

### Analysis:

#### **The Outside Employment Report:**

Inquiries directed to Eliel Flores (Flores), Records Supervisor in the Miami-Dade County Human Resources Department (HR), and Chris Crowley, Systems Support Manager in the Miami-Dade County Information Technology Department (ITD) produced an excel spreadsheet listing all county employees who have been approved for outside employment, with the exception of employees from Fire and Rescue and Police Departments (the "Outside Employment Report"). The Outside Employment Report lists the names, department number, department name, occupational code, employee's position and effective date of outside employment. However, the report does not list the names of the companies where the employees will perform their outside employment. This deficiency makes it impossible for the Outside Employment Report to be cross-referenced with vendor name on the active registered vendors list.

#### **Active Registered Vendors List:**

Inquiries directed to Walter Fogarty, Manager Procurement Vendor Service at ISD and to Adil Khan (Khan), Senior Procurement Contracting Officer at ISD resulted in an Active Registered Vendors List (the "Vendors List"). In order to make it possible for the Vendors List to be cross-referenced with the Outside Employment Report, it was necessary to break down the name of the vendor's contact person into three columns—last name, first name, and middle initial, for the reason that the Outside Employment Report lists employee names in the same manner. Additionally, Khan was asked to streamline the list to include active Florida vendors only making it a less cumbersome list. The outcome was to have an Active Registered Vendors List compatible for cross-referencing with the Outside Employment Report.

#### **Cross-referencing the reports and the resulting inadequacies:**

Flores, of HR, advised that Osvaldo Navarrete (Navarrete), Computer Services Manager at ITD, would be the person to contact with the project of cross-referencing the two reports. Navarrete assigned the project to Ronnie Jackson (Jackson), who attempted to cross-reference the reports using the last name, first name and middle initial fields. Jackson found that although both reports were on Excel, there was not a way to cross-reference them because they do not have a common field. It was suggested by Jackson that the only way to come up with names of county employees who hold conflicting outside employment is by cross-referencing the Active Registered Vendors List with the list of County employees on the payroll system. The result was a list of 361 County employees who bear the same name as

the contact persons identified by the vendors, which left us with dozens of people with common names with no certainty that they were the same persons.

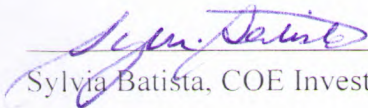
**Problems and Proposed Solutions:**

Surprisingly HR does not include the name of the company of the proposed outside employment in their master Outside Employment Report, although it is the first question on the Request for Approval of Outside Employment form. Had that information been included in the Outside Employment Report, it could have easily been cross-referenced with the "business name" in the Active Registered Vendors List producing a good number of accurate "hits."

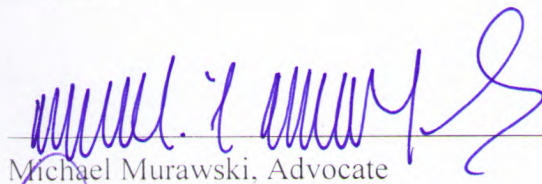
Another deficiency is that although the Vendors Registration Package includes questions about whether the vendor or any of its owners and principals are county employees or elected officials, the Request for Approval of Outside Employment form does not contain any questions about whether the employee's proposed outside employment involves contracting with the county.

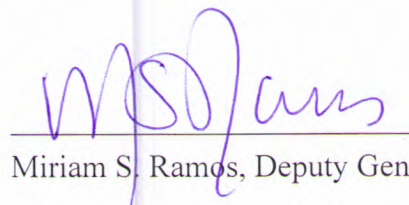
It is recommended that HR include the company name of the proposed outside employment to their master Outside Employment Report, and that the question of whether the outside employment being proposed involves contracting with the county be added to the Request for Approval of Outside Employment form. These two pieces of information would facilitate a more transparent system that would make it possible to see where conflicts may arise.

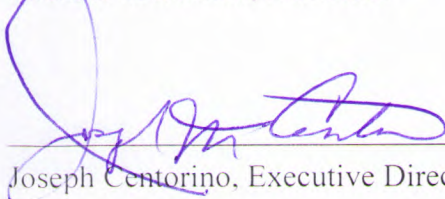
The process now in place, overseen by ISD Vendor Services, produced a list derived from the vendor's registration forms that does not begin to give a full picture of the number of county employees contracting with the county. Fogarty's query of vendors that have registered with ISD and have identified that they or a member of their immediate family are employed by the county comes to a total of eight (8).

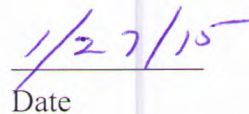
  
Sylvia Batista, COE Investigator

Approved by:

  
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Date