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MIAMI-DADE
COMMISSION ON ETHICS & PUBLIC TRUST

In re:
Valdés v. Alvarez, Perez, Fernandez,
Washington, Lovely

C 16-36

PUBLIC REPORT AND FINAL ORDER

Rolando Valdés, a sanitation truck driver with Miami-Dade Public Works & Waste Management Department (PWWM), filed the above-referenced complaint against various employees of PWWM. Valdés alleged that he reported illegal activities to the Office of the Inspector General (OIG) in 2013 which resulted in a report substantiating the allegations. Subsequently, upon his return from a leave of absence in September 2013, Valdés claims that he has been retaliated against throughout the years by his supervisors who have engaged in bullying and intimidation tactics creating a hostile work environment. Valdés received a satisfactory evaluation and a merit increase in July 2016.

The County's Employee Protection Act, at Sec. 2-56.28.17 of the Miami-Dade County Code (as amended in October 2015), provides, *inter alia*, that... "Any employee protected under this division who alleges retaliation only after exhausting available administrative remedies (i) under section 2-47 (ii) this division, or (iii) an applicable collective bargaining agreement, file a written complaint with the Miami-Dade County Ethics Commission alleging a *prohibited personnel action*, no later than 60 days after a final written decision regarding an alleged prohibited personnel action has been rendered under the administrative or contractual procedures referenced above."

"*Adverse personnel action* shall mean the discharge, suspension, transfer or demotion of any employee or the withholding of bonuses, the reduction in salary or benefits, or any other adverse action taken against an employee within the terms and conditions of employment by the County."

The activities alleged by Valdés do not meet the criteria for adverse personnel actions as set forth in the Code. Accordingly, this complaint is legally insufficient.

On December 16, 2016, in closed session, the Ethics Commission's Staff Attorney recommended that the case be dismissed for lack of legal sufficiency. In open session, the Ethics Commission voted to dismiss the case.

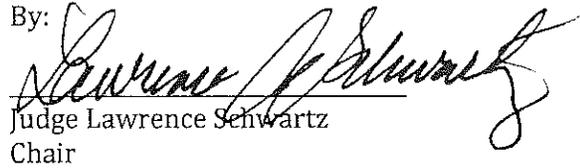
Wherefore it is:

ORDERED AND ADJUDGED that COMPLAINT C16-36 is dismissed against all Respondents.

DONE AND ORDERED by the Miami-Dade County Commission on Ethics & Public Trust in public session on December 16, 2016.

MIAMI-DADE COUNTY COMMISSION ON ETHICS &
PUBLIC TRUST

By:



Judge Lawrence Schwartz
Chair

Signed on this date: 1-5-2017