
INQ 16-117 Maurette

From: Diaz-Greco, Gilma M. (COE)
Sent: Monday, April 18, 2016 8:53 AM
To: Maurette, Cynthia (Elections) <cmid@miamidade.gov>
Cc: Centorino, Joseph (COE) <CENTORI@miamidade.gov>; Perez, Martha D. (COE) <perezmd@miamidade.gov>; Murawski, Michael P. (COE) <MURAWSK@miamidade.gov>; Turay, Radia (COE) <Radia.Turay@miamidade.gov>
Subject: Cynthia Maurette, Human Resources, Miami-Dade County Elections department (Outside Employment) INQ 16-117

Dear Ms. Maurette:

It was a pleasure to speak with you over the phone. You inquired whether the County Ethics Code would prohibit the Elections Department (Elections) from granting Elections employees permission to engage in outside employment with the restriction that employees cannot engage in outside employment during the “blackout periods” set by department policy to ensure that the department is staffed during election cycles.

As we discussed, the Ethics Commission is empowered to provide opinions on whether a County employee’s proposed outside employment creates a conflict of interest between his or her private and public duties. Miami-Dade Code § 2-11.1(j). In this case, we concur that the employee mentioned here would not have a prohibited conflict under the Ethics Code to engage in outside employment as a limousine driver because the outside employment is not related to his county work, it would not require the use of County resources, and would it would be performed outside of the employee’s duty hours.

With respect to the issue of restricting elections employees from engaging in outside employment for “black out” periods during election cycles, this is a matter of department policy. In this regard, it is within the authority of the department Director to establish policies to ensure that the department is properly staffed and to set limitations on outside employment that are in the best interest of the Elections department and the County. See RQO 00-10 (County department has discretion to deny outside employment if they find that it is contrary, detrimental or adverse to the interest of the County or the department.)

Please contact us if we can be of further assistance.

Best regards,

Gilma (Mimi) Diaz-Greco
Staff Attorney



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From: Maurette, Cynthia (Elections)
Sent: Monday, April 11, 2016 3:34 PM
To: Diaz-Greco, Gilma M. (COE) <GDIAZGR@miamidade.gov>
Cc: Marti-Perez, Susana (Elections) <MARTIS@miamidade.gov>; Ponce, Jose J. (Elections) <josep@miamidade.gov>
Subject: Outside Employment
Importance: High

Good afternoon Gilma,

I work in HR for Elections and we have a question that requires your expertise regarding outside employment.

During the election cycle there are weeks designated as "black-out period", where the employees cannot take time off or call out sick, however, true emergencies are allowed with proper documentation.

We have an employee requesting outside employment for his personal limo/private care service that he conducts after his hours at Elections are complete.

The question is this simple, can the outside employment be approved, while making stipulations that during the "black-out periods" the outside employment cannot be conducted?

We are only asking the question, because there have already been instances with this employee that he has "emergencies" during these periods and outside of the "black-out periods" and the impression of the numerous emergencies is that he leaves to provide the limo/car service to a client.

We just want to know if such clause can be added?

Should you have any further questions, please call me at 305-499-8309.

Regards,
Cynthia Maurette
Miami Dade Elections, Human Resources.