
INQ 16-121 Callwood

From: Perez, Martha D. (COE)

Sent: Monday, April 18, 2016 4:02 PM

To: Callwood, Ashiel (ISD) <Ashiel.Callwood@miamidade.gov>

Cc: Silva, Juan (ITD) <Juan.Silva@miamidade.gov>; Centorino, Joseph (COE) <CENTORI@miamidade.gov>; Diaz-Greco, Gilma M. (COE) <GDIAZGR@miamidade.gov>; Turay, Radia (COE) <Radia.Turay@miamidade.gov>

Subject: Ashiel Callwood, Console Security Specialist, ISD, Outside employment, INQ 16-121

Dear Mr. Callwood,

It was a pleasure speaking to you. You inquired whether you are required to obtain outside employment approval from your County supervisor at the Internal Services Division (ISD) and whether your department may deny you permission to work outside employment.

Background

You are a part-time County employee working as a Security Specialist for ISD. You are also employed full time as a Security Officer for a County vendor. You were notified by Mr. Cruz, Building Manager at the Facilities & Utilities Management Division of ISD, that you were required to obtain approval for outside employment. You were also advised that your current full-time outside employment with a County vendor and your County work “appears as a policy infringement”.

Analysis

The County’s Administrative Order No. 7-1 states that, “ County employees must receive written approval from their department director prior to engaging in outside employment”. This Order applies to all County employees. Consequently, you are required to obtain approval for outside employment from your Department Director/ Supervisor.

Additionally, Section 2-11.1(j) of the County Ethics Code provides that no employee “shall accept other employment which would impair his or her independence of judgment in the performance of his or her public duties.” Regarding restrictions imposed by your County department with respect to the outside employment you currently hold, be advised that this is a matter of department policy. In the interest of ensuring that County business is conducted free of an employee’s personal and private financial interests, a Department Director may impose stricter policies and/or directives on outside employment if it determines that the outside employment is not appropriate. . In RQO 00-10 (attached herein), the Ethics Commission concluded that a 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.

Consequently, your Department Director may impose limitations on your outside employment as a Security Officer employed by a County vendor while employed part-time as a County Security Specialist/Officer for ISD.

This opinion is based on the facts as you have presented them to the Ethics Commission. Please contact us if these facts change. Inquiries regarding possible conflicts with departmental directives should be addressed with your Department Supervisor.

Martha D. Perez

Staff Attorney

MIAMI-DADE COUNTY COMMISSION ON ETHICS & PUBLIC TRUST

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From: Callwood, Ashiel (ISD)

Sent: Monday, April 18, 2016 1:14 PM

To: Ethics (COE) <ethics@miamidade.gov>

Subject: reference outside employment request form

Good Afternoon,

To whom is my May Concern:

I am a part-time employee employed by Miami Dade County as Console Security Specialist. In addition I am also employed full time by a Miami Dade County vendor as security officer. My county employer is forcing me to choose between employers by Wednesday the 20th of April stating concerns of conflict of interest. With my outside employment I am in no position to influence contracts or induce confidential information. The contract vendor in whom I am employed by does not render service to any establishment of my building management group. Should I become a full-time county employee I would respectively cease outside employment pursuant of county ordinates.

From: Callwood, Ashiel (ISD)

Sent: Monday, April 18, 2016 11:13 AM

To: Silva, Juan C. (ISD) <silvaj@miamidade.gov>; Cruz, Mike (ISD) <mcruz@miamidade.gov>

Cc: Horne, Charlotte (ISD) <DENISE2@miamidade.gov>

Subject: RE: Outside Employment Request Form

Good Morning Mr. Silva,

Understood!

From: Silva, Juan C. (ISD)

Sent: Monday, April 18, 2016 10:01 AM

To: Callwood, Ashiel (ISD) <Ashiel.Callwood@miamidade.gov>; Cruz, Mike (ISD) <mcruz@miamidade.gov>

Cc: Horne, Charlotte (ISD) <DENISE2@miamidade.gov>

Subject: RE: Outside Employment Request Form

Ashiel,

As informed you are currently in violation of county policies. Please complete your review no later than close of business Wednesday this week and let us know of your intentions.

Thanks,

Juan C. Silva

Director, Facilities and Utilities Management Division
Miami-Dade Internal Services Department
200 NW First Street, Miami, FL 33128
Ph: 305-375-3465; Fax: 305-375-3914

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From: Callwood, Ashiel (ISD)
Sent: Monday, April 18, 2016 8:47 AM
To: Cruz, Mike (ISD) <mcruz@miamidade.gov>
Cc: Horne, Charlotte (ISD) <DENISE2@miamidade.gov>; Silva, Juan C. (ISD) <silvaj@miamidade.gov>
Subject: RE: Outside Employment Request Form

Good Morning Mike,

As my direct manager thank you for communicating your thoughts reference to county policy directives. It appears that continued employment is contingent upon relinquishing employment due to outside employment being a county vendor. It is noted all county policies have stipulations and must be taken into consideration. I will further educate myself of this policy and take the appropriate action when necessary pending additional guidance. It is understood no action has been taken yet pending my decision.

Sincerely,

From: Cruz, Mike (ISD)
Sent: Friday, April 15, 2016 3:41 PM
To: Callwood, Ashiel (ISD) <Ashiel.Callwood@miamidade.gov>
Cc: Horne, Charlotte (ISD) <DENISE2@miamidade.gov>; Silva, Juan C. (ISD) <silvaj@miamidade.gov>
Subject: RE: Outside Employment Request Form

Good afternoon,

Regarding outside employment.

As I understand it...Working at the county and for a county vendor appears as a policy infringement and precludes processing such request for approval.

Unless otherwise directed, it appears that one obligation must be relinquished. Please feel free to contact our administrative office for further information or consideration in this regard.

Thank you

From: Cruz, Mike (ISD)
Sent: Wednesday, April 13, 2016 8:46 AM

To: Callwood, Ashiel (ISD) <Ashiel.Callwood@miamidade.gov>
Cc: Horne, Charlotte (ISD) <DENISE2@miamidade.gov>; Silva, Juan C. (ISD) <silvaj@miamidade.gov>
Subject: RE: Outside Employment Request Form

Good morning,

It is my understanding that policies regarding the request and the form had been recently changed. Please resubmit form to this email for further administrative review, with as much detail as possible.

Thank you

From: Callwood, Ashiel (ISD)
Sent: Monday, April 11, 2016 9:44 AM
To: Cruz, Mike (ISD) <mcruz@miamidade.gov>
Subject: Outside Employment Request Form

Good Morning Mr. Cruz,

Based on our conversation last week I understand there are some concerns regarding my full time employer and my outside employment request.

I have been working my current full time job from approximately 2009 and was accepted by the county to begin my part time position back in 2013 with the Department of Parks & Recreation. At that time no one mention or hinted information pertaining to request permission for outside employment nor during orientation process. In addition I don't recall any documents then or in 2015 being accepted to work part time with Internal Services Department that would prohibit or restrict current or future employment opportunities. I have briefly read the policies affecting employment. To my understanding this does not apply to my situation being I am and remained employed prior to accepting a position with the county.

SUMMARY

This is an overview of the different County policies affecting employment with Miami-Dade County.

PROCEDURE . 4. Outside Employment: Before accepting any employment other than their assigned work with the County, employees must request approval in writing and receive written approval from their department director. The department director will review requests to ensure that the additional work does not in any way adversely affect job performance, create a conflict of interest with the employee's County position, or otherwise reflect adversely upon the County.

Please allow me to discuss the matter and seek further information and consideration as soon as possible. I wish to comply as required and that the matter does not affect my employment opportunities.

Ashiel Callwood – Console Security Specialist
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Election Headquarters
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