

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Tuesday, November 29, 2016 1:31 PM
To: Sanchez, Rodzandra (COE)
Subject: FW: Annette Perez-Ruiz, HR Manager, WASD; Opinion re William Hurtado, Meter Reader, CSD at WASD; Outside/Conflicting employment (j), (k); INQ 16-260
Attachments: Hurtado's Request OE.pdf

INQ 16-260 Perez-Ruiz

From: Perez, Martha D. (COE)
Sent: Tuesday, November 29, 2016 11:40 AM
To: Perez-Ruiz, Annette (WASD) <Annette.Perez-Ruiz@miamidade.gov>
Cc: Centorino, Joseph (COE) <Joseph.Centorino@miamidade.gov>; Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov>; Turay, Radia (COE) <Radia.Turay@miamidade.gov>
Subject: Annette Perez-Ruiz, HR Manager, WASD; Opinion re William Hurtado, Meter Reader, CSD at WASD; Outside/Conflicting employment (j), (k); INQ 16-260

Good morning Annette,

You have inquired about possible conflicts of interest between Mr. Hurtado's County employment and his proposed outside employment with a County vendor.

Background

Mr. William Hurtado (Hurtado) is employed as a Meter Reader in the Customer Service Division (CSD) of Miami-Dade County's Water & Sewer Department (WASD). Hurtado is assigned to the Central District area. His job duties consist of maintaining vehicle equipment, collecting readings of water meters on assigned routes and analyzing the meters for fraud and tampering. Hurtado is seeking outside employment with Feick Security (Feick), a County vendor. Feick provides security services to County departments, including WASD. Feick also has contracts with other entities not associated with the County. As a security supervisor/officer for Feick, Hurtado will perform the general duties of a security officer and/or security supervisor, including security monitoring and screening services in the inside and/or outside (perimeter area) of County buildings or facilities. At the moment, Feick provides security services to WASD's Blackpoint, South Miami Heights and possibly Alexander Orr Water Treatment Plants. Feick does not provide security services at the Central District Wastewater Treatment Plant or in the Central District Facility or boundary where Hurtado is employed. Hurtado is not involved in any way with the selection, administration, management or oversight of Feick's contract with WASD. Hurtado will work in his outside employment on weekends and his hours will range from 8 to 24 hours per week.

Analysis

Sections 2-11.1(j) and (k) of the County Ethics Code prohibit County employees from engaging in outside employment which would impair an employee's independence of judgment in the performance of his or her official duties or which creates a conflict between the employee's public duties and his private interests. It is within the discretion of County department directors to deny outside employment if it is determined, at any time, that such employment is contrary, detrimental or adverse to the interests of the County or the employee's department. See Miami-Dade County A.O. 7-1; RQO 00-10. Generally, the County Ethics Code does not prevent

an employee from being employed by a County vendor, as long as the employee does not have any involvement with the vendor's contract. See INQ 11-67. As per the facts presented to us, Hurtado's outside employment as a security supervisor/officer for Feick is not likely to conflict with his duties to the County as a Water Meter Reader for WASD [See RQO 16-02]:

- Hurtado's public duties as a Meter Reader for WASD, reading and analyzing water meters, and his duties as a security officer/ supervisor for Feick are not closely related;
- Although Hurtado's outside employment may likely be performed at a County facility, including water treatment plants maintained and overseen by WASD, he has assured that it will not be performed in an area or facility where he is assigned, to wit: the Central District boundary;
- Feick has contracts with WASD but not with Hurtado's section/division;
- Hurtado's County duties do not include involvement with any aspect of the contract(s) Feick has with WASD;
- Hurtado's outside employment will take place outside of his County hours.

In the event Hurtado's request for outside employment is approved, please be aware that the following limitations would apply:

- He may not be assigned to any area or facility which is serviced by Feick in any capacity;
- He may not be supervised by any County official or staff assigned to oversee, negotiate, enforce or otherwise have any involvement with the County contract(s) with Feick;
- Should Hurtado's status as Meter Reader assigned to Central District Section of WASD change at any time while he continues his outside employment with Feick, Hurtado shall immediately bring this matter to the attention of your supervisors;
- Hurtado shall not use County time or resources (including but not limited to, phones, radios, computers, equipment, customer and employee information) in furtherance of his outside employment [See Section 2-11.1(g)];
- Hurtado shall not use any confidential information gained through his County position nor shall he ever disclose confidential information acquired as a result of his County position, nor shall he ever use such information, directly or indirectly, for his own personal gain or benefit or for the benefit of Feick ;Hurtado shall not represent Feick in any matter before the County [See Section 2-11.1(h)];
- Hurtado shall not represent Feick in any matter before the County [See Section 2-11.1(m) (1)]; and
- Hurtado must complete an Affidavit with the Miami-Dade Clerk, disclosing employment with a County vendor [See Section 2-11.1 (f)] The Affidavit may be found at : http://ethics.miamidade.gov/library/2016-publications-rqo/affidavit_of_no_controlling_interest.pdf

In addition to the aforementioned limitations, Hurtado is reminded that he must obtain permission to engage in outside employment on an annual basis by filing a Request for Outside Employment with the Department Director (See A.O. 7-1) and file an Outside Employment Statement with the County's Elections Department by noon on July 1st of each year. See Section 2-11.1(k)(2), County Ethics Code

This opinion is based on the facts as presented to us. If any of these facts change, please contact us.

Sincerely,

Martha D. Perez

Staff Attorney

MIAMI-DADE COUNTY COMMISSION ON ETHICS & PUBLIC TRUST

19 West Flagler St. Suite 820

Miami, FL 33130

(305)350-0656

PEREZMD@miamidade.gov

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From: Perez, Martha D. (COE)
Sent: Tuesday, November 22, 2016 11:09 AM
To: Batista, Sylvia (COE) <Sylvia.Batista@miamidade.gov>
Subject: RE: for an Opinion re. William Hurtado

No, I'll take care of this one!

From: Batista, Sylvia (COE)
Sent: Tuesday, November 22, 2016 11:06 AM
To: Perez, Martha D. (COE) <perezmd@miamidade.gov>
Subject: RE: for an Opinion re. William Hurtado

Okay. Should I send it to him?

From: Perez, Martha D. (COE)
Sent: Tuesday, November 22, 2016 11:04 AM
To: Batista, Sylvia (COE)
Subject: RE: for an Opinion re. William Hurtado

Sylvia, I'll be glad to do so, but, in the future, all requests for opinions go first to Joe for assignment.
Thank you.

From: Batista, Sylvia (COE)
Sent: Tuesday, November 22, 2016 11:01 AM
To: Perez-Ruiz, Annette (WASD) <Annette.Perez-Ruiz@miamidade.gov>
Cc: Perez, Martha D. (COE) <perezmd@miamidade.gov>; Saller, Timothy R. (WASD) <Timothy.Saller@miamidade.gov>; Brewer-McDuffie, Cecilia (WASD) <Cecilia.Brewer-McDuffie@miamidade.gov>
Subject: RE: for an Opinion re. William Hurtado

Good morning Ms. Perez-Ruiz,

Thank you for contacting us. I will forward your request to Martha Perez, our Staff Attorney, who will provide an ethics opinion to Mr. Hurtado.

Please feel free to contact me with any questions or comments. Again, thanks you.

Regards,

Sylvia Batista

From: Perez-Ruiz, Annette (WASD)
Sent: Tuesday, November 22, 2016 8:56 AM
To: Batista, Sylvia (COE)
Cc: Brewer-McDuffie, Cecilia (WASD); Saller, Timothy R. (WASD)
Subject: for an Opinion
Importance: High

Good morning Ms. Batista,

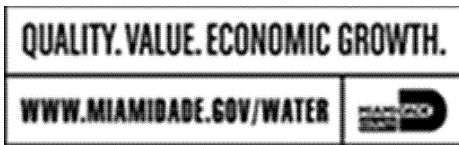
I am sending this request on behalf of Cecilia Brewer-McDuffie, Chief of Human Resources for Miami-Dade Water & Sewer Department.

We need an opinion on the employee's request for outside employment based the fact that the employer is a County Vendor.

If you have any questions or concerns please call me.

Sincerely,

Annette Perez-Ruiz
HR Manager, Labor Relations
Human Resources
Miami-Dade Water and Sewer
3071 SW 38 Avenue, Room 143
Miami, FL 33146
786-552-8676
miamidade.gov/water
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REQUEST FOR OUTSIDE EMPLOYMENT

Sections 2-11.1(f) and (g) of the Miami-Dade County Code provide that County employees may accept incidental or occasional outside employment as long as the employment is not contrary, detrimental or adverse to the interests of the County and as long as no County time, equipment, or other resources are used. Miami-Dade County Administrative Order 7-1 and Procedure 403 require that any County employee intending to engage in outside employment must first obtain approval from his/her Department Director using this Request for Outside Employment form. These approvals must be renewed on an annual basis. Copies of all outside employment approvals shall be maintained in the centralized personnel files of the Human Resources Department. Each County department shall also maintain appropriate records regarding outside employment requests. Full-time County employees engaging in outside or Outside Employment Statement form with the Elections Department by July 1st of each year, in accordance with §2-11.1(k)(2) of the Miami-Dade County Code. More detailed information on outside employment is available on the Miami-Dade Commission on Ethics website.

Employee's Name William Hurtado	Employee ID Number E317 691
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Present County Employment (check one)

<input checked="" type="checkbox"/> County	<input type="checkbox"/> Public Health Trust
Department Dept. Water & Sewer	Position or Title Meter Reader
Job Responsibilities (Please also include your work hours/days off and advise if you are on-call) Schedule 0700-1530 Not on call (New Hire)	

Proposed Outside Employment

Name of Company/Organization Faick Security	RECEIVED HUMAN RESOURCES 2016 OCT 25 10:21
Job Title Supervisor	
Responsibilities Report writing, Protection, Investigate, Interview	
Location 8869 S.W. 131 St, Miami, FL 33176	
Work Schedule Weekends Saturday or Sunday	
Total hours per week 8, 16, or 24	
Will your proposed outside employer release you if and when your services are needed by the County? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

In my outside employment, I am employed by one of the following types of organizations:

- Company or organization that is not a County vendor.
- Company or organization that is a County vendor. (An Ethics Opinion should be requested to ensure that no conflict of interest exists, and the County employee is required to file a sworn affidavit disclosing such employment with the County Clerk of the Board.)
- Self-employed through my private business, whether incorporated or not. (If your privately-owned business is seeking to contract with Miami-Dade County, you are required to request an ethics opinion.)
- Company or organization owned by an immediate family member, defined as a spouse, domestic partner, parents, stepparents, children, and stepchildren of employee. (If the company owned by your immediate family member is seeking to contract with Miami-Dade County, ethics opinion is required.)

I affirm that the information I have provided is true and I pledge to abide by the requirements listed here.

<u>W. Hurtado</u> Employee's Signature	<u>10-25-16</u> Date
<u>K. Alexander</u> Immediate Supervisor's Signature	<u>11-01-16</u> Date
_____ Division Chief's Signature	_____ Date
_____ Deputy Director/Assistant Director (As Needed)	_____ Date
_____ Department Director's Approval	_____ Date

WASD
HUMAN RESOURCES SECTION
ROUTING SHEET

Date: 11/09/16

From: Gabriel Hernandez Jr.

Subject: Approval for Outside Employment

Phone: 786-552-8548

(Circulate in Order)

	Initial & Date		
	Approval	Disapproval	Comments
Tim Saller (for review)	TPS 11/9/16		
Cecilia Brewer-McDuffie (for review)			
Aimee Martinez (for signature)			
John Mendez (for review)			
Arlyn Rull (for review)			
Lester Sola (for signature)			

Once routing is completed, call Human Resources' main number, 786-552-8669, to coordinate pick-up. Thank you.

Additional information (as needed):

William Hurtado id#317691, NOTE; Mr. Hurtado stated that the outside Employer is a county vendor, please advise.