

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Thursday, April 27, 2017 9:56 AM
To: Sanchez, Rodzandra (COE)
Subject: Adrian Torres, Building Manager, Internal Services Department (Military service, Outside Employment) INQ 17-127

INQ 17-127 Torres

From: Diaz-Greco, Gilma M. (COE)
Sent: Thursday, April 27, 2017 9:55 AM
To: Torres, Adrian (ISD) <Adrian.Torres@miamidade.gov>
Cc: Centorino, Joseph (COE) <Joseph.Centorino@miamidade.gov>; Murawski, Michael P. (COE) <Michael.Murawski@miamidade.gov>; Perez, Martha D. (COE) <perezmd@miamidade.gov>; Turay, Radia (COE) <Radia.Turay@miamidade.gov>
Subject: Adrian Torres, Building Manager, Internal Services Department (Military service, Outside Employment) INQ 17-127

Dear Mr. Torres:

It was a pleasure to speak with you over the phone. You inquired whether a County employee requesting military leave would be required to complete the County's Outside Employment ("OE") paperwork. (OE Request and OE Statement).

The Miami-Dade Commission on Ethics has previously clarified in RQO 14-03 that military service does not constitute outside employment pursuant to Section 2-11.1(k) of the Miami-Dade County Ethics Code. *See also* INQ 03-89 and INQ 13-143. This opinion explained that the Miami-Dade County Leave Manual, the State of Florida Employee Handbook, the Federal Employee Handbook, as well as Florida Attorney General Opinions all treat military service by government employees outside of the context of outside employment. Given that reserve or active military service cannot be denied by a public employer, it follows that military service should not be considered outside employment.

Consequently, an employee on leave for reserve or active military service is not required to file the outside employment paperwork listed above. However, the employee must follow the policies and procedures addressing military service by public employees set out in the Miami-Dade Leave Manual which can be found at: <https://www.miamidade.gov/humanresources/library/compensation-leave.pdf>.

Please note that if the employee is a reporting individual, under Section 112.3145, Florida Statutes, he or she must disclose any income earned through military service on his or her financial disclosure form (State Form 1) annually.

This opinion is based on the facts presented. If these facts change, please contact us. Do not hesitate to call me if I may be of further assistance.

Cordially,

Gilma (Mimi) Diaz-Greco
Staff Attorney



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