

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Thursday, May 04, 2017 11:03 AM
To: Sanchez, Rodzandra (COE)
Subject: Ethics Inquiry, Sterling Osborne, MDC Public Library Librarian Assistant, Outside employment (k), INQ 17-130

INQ 17-130 Osborne

From: Perez, Martha D. (COE)
Sent: Wednesday, May 03, 2017 10:14 AM
To: Osborne, Sterling (MDPLS) <osbornes@mdpls.org>
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: RE: Ethics Inquiry, Sterling Osborne, MDC Public Library Librarian Assistant, Outside employment (k), INQ 17-130

Dear Mr. Osborne,

You inquire whether assisting a friend by engaging in gardening and household tasks, where the friend compensates you for your services, constitutes outside employment. It is not clear whether this will be a one-time isolated undertaking or an activity you intend to do on a regular basis. **Assuming the latter**, this activity is akin to the work of a “caregiver”. There are in fact several community service programs and online providers, such as care.com, which assist the elderly by providing chores such as yardwork, lawn mowing, grocery shopping, house cleaning and minor home repairs for a fee. I refer you to the below response- INQ 17-75, where I indicated to you that, “[o]utside employment is considered any non-County employment or *business arrangement* in which the County employee provides a personal service that is *compensated or customarily eligible to be compensated.*” See Outside Employment Memorandum 2014. Consequently, assisting in gardening and other household tasks for someone else *on a steady and constant basis* where you are compensated for these services is outside employment and you must obtain annual approval from your supervisor and complete an outside employment statement. See below. On the form, you may indicate that you are “self-employed” as a “caregiver”

This opinion is based on the facts as presented. 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: Sterling Osborne [<mailto:osbornes@mdpls.org>]

Sent: Tuesday, May 02, 2017 12:40 PM

To: Perez, Martha D. (COE) <perezmd@miamidade.gov>

Subject: Re: Ethics Inquiry, Sterling Osborne, MDC Public Library Librarian Assistant, Outside employment (k), INQ 17-75

Good morning,

I have a question regarding the ethics and procedures surrounding outside employment. If I were to help an elderly friend with her gardening and other household tasks, and she were to give money to me as thanks, would that constitute outside employment? Would I need to fill out a Request for Outside Employment form? If so, how should I fill out the sections under "Proposed Outside Employment" if I'm not employed by a company or organization and don't have a job title? For the record, the help would be given during my time off of work from the county and therefore would not conflict with my work for the county.

Thank you,

Sterling Osborne

Librarian Assistant III

Miami-Dade Public Library System

2930 Aventura Blvd.

Aventura, Florida 33180

Tel. 305-931-5512



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From: Perez, Martha D. (COE) <perezmd@miamidade.gov>

Sent: Wednesday, March 15, 2017 12:21:44 PM

To: Sterling Osborne

Cc: Centorino, Joseph (COE); Diaz-Greco, Gilma M. (COE); Turay, Radia (COE)

Subject: RE: Ethics Inquiry, Sterling Osborne, MDC Public Library Librarian Assistant, Outside employment (k), INQ 17-75

Dear Mr. Osborne,

You inquire whether you are engaged in outside employment when you are paid for your performance of electronic music at various local venues or convention(s).

Background

You are employed as a Librarian Assistant III for MDC Public Libraries. As stated in your email, one of your *hobbies* is to make electronic music. On occasion, you would like to perform your electronic music in public venues **for a fee**, although you are not necessarily included in the venue's payroll.

Analysis

As an electronic music performer you will be compensated for your service/ performance. Outside employment is considered any non-County employment or business arrangement in which the County employee provides a personal service that is compensated or customarily eligible to be compensated. See INQ 13-08; Outside Employment Memorandum 2014. Consequently, if you will be compensated for your music performance at various venues, you must obtain approval for outside employment from your supervisor by completing a Request for Outside Employment form. Once permission is obtained, you must also file an annual "Outside Employment Statement" with the County's Department of Elections.

This opinion is based on the facts as presented and is limited to the question of whether the described activity constitutes outside employment and does not address any issues regarding conflicting employment. 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
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(305)350-0656
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From: Ethics (COE)
Sent: Monday, March 13, 2017 4:16 PM
To: Perez, Martha D. (COE) <perezmd@miamidadegov>
Subject: FW: Ethics Inquiry

From: Sterling Osborne [<mailto:osbornes@mdpls.org>]
Sent: Monday, March 13, 2017 10:58 AM
To: Ethics (COE) <ethics@miamidadegov>
Subject: Ethics Inquiry

Good morning,

I have a question regarding the ethics surrounding outside employment. One of my hobbies is making electronic music. Would it be considered outside employment if I were to, on occasion, perform my music in public, e.g. at various local venues or at a convention? Would it make a difference in whether or not such activity would be considered outside employment if the owner of a venue were to pay me for one night's performance (i.e. without my being on the venue's payroll)? If you need any more information or have any questions, please let me know.

Thank you,
Sterling Osborne
Librarian Assistant III
Miami-Dade Public Library System
2930 Aventura Blvd.

Aventura, Florida 33180
Tel. 305-931-5512



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