

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Monday, July 17, 2017 1:32 PM
To: Sanchez, Rodzandra (COE)
Subject: Evelyn Campos, Division Director of Professional Compliance, Miami-Dade Aviation Department (Outside Employment) INQ 17-169
Attachments: DOC070717-07072017110105.pdf

[INQ 17-169 Campos](#)

From: Diaz-Greco, Gilma M. (COE)
Sent: Monday, July 10, 2017 1:47 PM
To: Campos, Evelyn (Aviation) <ECampos@miami-airport.com>
Cc: Centorino, Joseph (COE) <Joseph.Centorino@miamidade.gov>
Subject: Evelyn Campos, Division Director of Professional Compliance, Miami-Dade Aviation Department (Outside Employment) INQ 17-169

Dear Evelyn:

We have had several conversations regarding outside employment and this email will serve to memorialize our conversations.

You inquired under what circumstances an ethics opinion on outside employment should be requested when an employee is requesting permission to engage in outside employment. The Miami-Dade Code at Section 2-11 (a separate ordinance from the County Ethics Code) requires County employees to request permission to engage in outside employment on a yearly basis. The County Ethics Code at Sections 2-11.1 (j) and (k) prohibit County employees from engaging in other employment which would impair employees' independence of judgment in the performance of their public duties. The County Ethics Commission has prepared guidelines as summaries of opinions to provide guidance on conflicting outside employment. ([COE Website Outside Employment Tab](#)).

The Ethics Commission has previously clarified that final discretion regarding whether to grant an employee permission to engage in outside employment rests with the department director based on staffing and operational needs of the department; personnel administration and performance issues; as well as considerations of whether the outside employment creates a prohibited conflict of interest under the County Ethics Code. See RQO 00-10, RQO 12-07, INQ 12-49 and INQ 13-28. Thus, permission to engage in outside employment may be denied for reasons other than prohibited conflicts of interest. If any department is unclear as to whether an employee's proposed outside employment would create a prohibited conflict under the County Ethics Code, the department should request an ethics opinion.

You also forwarded to me for review a draft of a revised outside employment policy for Miami-Dade Aviation Department to ensure that it complies with the County Ethics Code. After reviewing the policy we find that it meets with the requirements of the County Ethics Code. Our only suggestion would be that you add the relevant County Ethics Code sections, Miami-Dade Code Sections 2-11.1(j) and (k), to the Scope and Purpose Section and to the Authority Section. It might be advisable to also have the HR department and the CAO review the policy to ensure that it meets with employment law requirements.

Please do not hesitate to contact me if I may be of further assistance.

Best regards,

Gilma (Mimi) Diaz-Greco
Staff Attorney



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From: Campos, Evelyn (Aviation) [<mailto:ECampos@miami-airport.com>]
Sent: Friday, July 07, 2017 1:53 PM
To: Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov>
Cc: Campos, Evelyn (Aviation) <ECampos@miami-airport.com>
Subject: MDAD Policy on Outside Employment - DRAFT

Hi Mimi,

It was good speaking with you yesterday! Thank you for agreeing to give our desired policy on outside employment a look to assure we are in alignment with the Ethics Ordinance and other issues that you've been seeing under this topic. I will be meeting with our senior management next week to discuss this policy and begin the indoctrination to our personnel. I've also spoken with our Administration Director to begin advising potential new hires on this policy so they make an informed decision before joining the County. Your assistance has been invaluable, thank you so much!

Have an awesome weekend!



DRAFT

Departmental Standard Operating Procedure (DSOP)

DSOP No. 17-03

Effective: _____

SUBJECT: MDAD OUTSIDE EMPLOYMENT GUIDELINES

PURPOSE and SCOPE

Pursuant to Section 2-11 of the Code of Miami-Dade County and Administrative Order 7-1, Miami-Dade Aviation Department (MDAD) employees, upon written authorization to do so, may accept incidental or occasional outside employment as long as the employment is not contrary, detrimental, or adverse to the interests of the County. This policy provides guidance and requirements to MDAD employees seeking to engage in outside employment.

I. AUTHORITY

- A. Administrative Order No. 7-1, Outside Employment and Gratuities
- B. Section 2-11 of the Code of Miami-Dade County
- C. Miami-Dade County Procedure 403
- D. Operational Directive No. 99-03, Aviation Department Written Directive System
- E. Departmental Standard Operating Procedure No. 00-01, Departmental Standard Operating Procedures

II. DEFINITIONS

- A. Outside Employment: providing personal services, other than to Miami-Dade County that are compensated or traditionally compensated, including but not limited to, being an employee, and independent contractor, an agent, self-employment, rental property ownership and/or Board membership.

III. POLICY

All MDAD employees, whether full-time or part-time, must obtain written approval from the Department Director prior to accepting or engaging in outside employment by completing the Miami-Dade County Request for Outside Employment (Exhibit I) and the MDAD Supplemental Information for Outside Employment (Exhibit II) Forms. The Forms shall be accurately completed, signed and submitted to his/her immediate supervisor detailing the requisites of the outside employment opportunity and await authorization before accepting outside employment. Miami-Dade County policy permits departments to establish additional restrictions to its employees as deemed operationally necessary. As such, the following provisions are in effect:

- A. MDAD employees shall not be authorized to enter into outside employment with business entities operating at Miami International Airport, or any of the General Aviation Airports, if the employee's job responsibilities include oversight, interaction or direct contact with employees of that business entity.
- B. The Department reserves the right to revoke previously authorized outside employment in the event of an emergency or declared operational necessity. The employee is required to postpone all outside employment until the emergency or operational necessity has subsided and normal operations have resumed.
- C. Outside employment hours are not to exceed 16 hours per week or 32 hours per pay period.
- D. All violations incurred while performing outside employment job duties may also jeopardize continued employment with the Department.

Authorization for outside employment must be granted on an annual basis, by July 1st of each year, even if the conditions of such employment have not changed. Annual re-submissions are the responsibility of each employee previously granted outside employment and the lack of annual re-authorization can lead to the suspension of previous authorizations.

IV. SEVERABILITY

If any court of competent jurisdiction determines that a provision of this DSOP is illegal or void, the remainder of this OD shall continue in full force and effect. This DSOP is not intended to supersede any Miami-Dade County mandate, policy or procedure.

Approved By:

Emilio T. González, Aviation Director

Date: _____

Exhibit I – Miami-Dade County Request for Outside Employment
Exhibit II – MDAD Supplemental Form for Outside Employment



Miami-Dade Aviation Department Supplemental Information for Outside Employment

Employee Information

Employee Name: _____ Employee ID: _____

Division: _____ Job Classification: _____

Employee Status (Full-time/Part-time): _____ Hours Worked per Pay Period: _____

Supervisor/Manager/Chief: _____

List your specific duties/responsibilities under your current job classification:

What area(s) within Miami International Airport and/or the General Aviation Airports are you normally assigned to work?

- Terminal, specify concourse/location _____
- Cargo
- Ramp
- GAA, specify airport _____
- Other, please specify _____

List airlines, tenants, concessionaires, service providers or any other companies that you directly interact with as part of your current job at the Aviation Department:

Proposed Outside Employment

Name of Company/Organization for Outside Employment: _____

Proposed Job Title: _____

Is the Outside Employer a County vendor?

- Yes
- No

Does the Outside Employer conduct business with the Miami-Dade Aviation Department?

- Yes
- No

Have you had any direct interaction with the proposed outside employer in your current job classification with the Aviation Department?

- Yes if yes, please explain _____
- No

Will the requested outside employment be performed at Miami International Airport and/or the General Aviation Airports?

- Yes if yes, please indicate specific location (i.e. terminal, concourse, cargo, ramp, etc.):

- No if no, state address where the requested outside employment will be performed:

What will be your work schedule for the proposed outside employment?

What will be the proposed hours per week for your outside employment?

List your specific duties/responsibilities under the requested outside employment:

Employee Acknowledgement

I am requesting approval to perform outside employment during off-duty hours. The work will not exceed 16 hours per payroll week. Outside employment does not adversely affect my job performance, does not represent a conflict of interest or ethics violation with Miami-Dade County, and is not contrary, detrimental, or adverse to the interests of Miami-Dade County or the Miami-Dade Aviation Department. I understand that as an essential employee to the Department I am subject to recall to duty at any time when an operational necessity has been designated and that approval is only for the employment listed, and that continued approval is not assured. No County equipment, material, instruments, licenses, designations or facilities will be used and no part of such employment will be conducted on County time.

I certify that the data provided is correct, and that I have read and understand the conditions specified in applicable departmental directives concerning outside employment, and I agree to abide by the contents thereof, including specifically any terms and conditions of such employment. I understand that failure to comply with the stipulations indicated will cause for revocations of approval and could result in possible disciplinary action. I also understand and agree that approval or denial is entirely at the discretion of the approving authority.

Employee Signature: _____

Date: _____

Department Signatures

Approved:

Date:

Disapproved:

Supervisor/Manager/Chief

Supervisor/Manager/Chief

Division Director

Division Director

Assistant Director

Assistant Director