

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Friday, September 22, 2017 11:34 AM
To: Sanchez, Rodzandra (COE)
Subject: , Althea Gardiner, MDCR (outside employment) INQ 17-232

INQ 17-232 Gardiner

From: Turay, Radia (COE)
Sent: Wednesday, September 20, 2017 4:54 PM
To: Sanchez, Rodzandra (COE) <Rodzandra.Sanchez@miamidade.gov>
Cc: Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov>; Perez, Martha D. (COE) <Martha.Perez2@miamidade.gov>
Subject: FW: INQ 17-232, Althea Gardiner, MDCR (outside employment)

From: Turay, Radia (COE)
Sent: Wednesday, September 20, 2017 4:54 PM
To: Gardiner, Althea (MDCR) <Althea.Gardiner@miamidade.gov>
Cc: Centorino, Joseph (COE) <Joseph.Centorino@miamidade.gov>; Kirkland, Tina (MDCR) <Tina.Kirkland@miamidade.gov>
Subject: INQ 17-232, Althea Gardiner, MDCR (outside employment)

Dear Ms. Gardiner,

You have inquired whether a conflict of interest exists under the County Ethics Code between your County employment and your proposed outside employment as an adjunct professor at Miami-Dade College (MDC).

Background

You are a Training Specialist II for the Training Bureau at the Miami-Dade Corrections and Rehabilitation Department (MDCR). Your current job responsibilities include researching and developing course outlines, lesson plans, power point presentations, and educational handouts; supervising, planning, organizing and implementing various training classes; and assisting with county-wide training initiatives to ensure MDCR employees comply with training mandates.

You are seeking to engage in outside employment as an adjunct professor at MDC. In your role as an adjunct professor, you will likely teach an Introduction to Psychology course and a Human Growth and Development course. The proposed outside employment will be performed during your off-duty hours.

Legal Analysis

Sections 2-11.1(j) and (k) of the County Ethics Code prohibit County employees from engaging in outside employment which would impair the County employee's independence of judgment in the performance of his or her official duties.

Based on the facts presented here, we find that your proposed outside employment as a part time instructor at MDC School of Justice is not likely to create conflicting employment due to the following conditions: Miami-Dade College no longer directly contracts with MDCR for the purposes of training MDCR staff; you do not have the authority to approve or disapprove any agreements for services between MDC and MDCR for purposes of training MDCR staff; you have no

involvement in the selection, oversight, or administration of County training vendors; and in the event that MDCR staff attend the classes that you teach at MDC as part of their pursuit of their college education at MDC, their attendance would have no effect on their County assessments and promotions within MDCR. See INQ 16-137; INQ 10-125; and INQ 05-143.

However, certain limitations would apply, you cannot use County time or resources in the furtherance of your outside employment (Miami-Dade Code § 2-11.1(g)); you would be prohibited from using any confidential information acquired as a result of her County employment to derive a personal benefit (Miami-Dade § 2-11.1(h)); and you cannot represent MDC in any matter before the County (Miami-Dade Code § 2-11.1(m)).

Further, pursuant to 2-11 of the County Code, County employees are required to request permission to engage in outside employment from their supervisor on a yearly basis. In addition, Section 2-11.1(k)(2) of the County's Ethics Code requires filing a financial disclosure form on a yearly basis. In addition, County employees employed by County vendors must file an Affidavit with the Miami-Dade Clerk of Courts disclosing employment with that vendor (Miami-Dade Code § 2-11.1(f)). This affidavit can be found on the COE's website at: http://ethics.miamidade.gov/library/2016-publications/affidavit_of_no_controlling_interest.pdf.

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

Sincerely,

RADIA TURAY

Staff Attorney
Miami-Dade Commission on Ethics and Public Trust
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Ethics.miamidade.gov

From: Kirkland, Tina (MDCR)
Sent: Thursday, August 31, 2017 10:22 AM
To: Ethics (COE) <ethics@miamidade.gov>
Subject: RE: Ethics Opinion for Althea Gardiner
Importance: High

Greetings,

The attached is being submitted on behalf of Althea Gardiner for an Ethics Opinion.

Should you require additional information, please feel free to contact me at the number below.

Thanks

Shawntia Kirkland, Personnel Specialist 2
Personnel Management Bureau, Employee Relations
Miami-Dade Corrections & Rehabilitation Department
2525 NW 62nd Street, Suite 2000
Miami, Florida 33147
(Office) 786-263-6196 (Fax) 786-263-6127

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