

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Thursday, March 30, 2017 9:46 AM
To: Sanchez, Rodzandra (COE)
Subject: Rudolf Griffith, Human Resources Manager, MDCR (outside employment) INQ 17-99

[INQ 17-99 Griffith](#)

From: Turay, Radia (COE)
Sent: Wednesday, March 29, 2017 4:29 PM
To: Sanchez, Rodzandra (COE) <Rodzandra.Sanchez@miamidade.gov>
Cc: Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov>; Perez, Martha D. (COE) <perezmd@miamidade.gov>
Subject: INQ 17-99, Rudolf Griffith, Human Resources Manager, MDCR (outside employment)

From: Turay, Radia (COE)
Sent: Wednesday, March 29, 2017 4:28 PM
To: Griffith, Rudolph (MDCR) <Rudolph.Griffith@miamidade.gov>
Cc: Centorino, Joseph (COE) <Joseph.Centorino@miamidade.gov>; Kirkland, Tina (MDCR) <Tina.Kirkland@miamidade.gov>
Subject: RE: Outside Employment Inquiry

Dear Mr. Griffith,

You have inquired whether a conflict of interest exists under the Ethics Code between your County employment and your proposed outside employment as an attorney for the Law Office of Rudolph Griffith.

Background

You are a Human Resources Manager with Miami-Dade Corrections and Rehabilitation Department (MDCR). Your job responsibilities include responding to requests for information for EEOC complaints filed against the department through the County Attorney Office; mediating issues between supervisors vs. officers, officers vs. officers, and between all other departmental employees; investigating complaints of employees; investigating complaints from outside entities; administrating Fair Employment Practices issues; coordinating witnesses for both civil cases and fair employment practices hearings; and researching and performing clerical preparation for trial hearings.

You are seeking to engage in outside employment as a self-employer, for your law firm, The Law Office of Rudolph Griffith. In your role as attorney through your law firm, you provide legal advice to friends and members of the congregation of the church which you attend; you represent immediate family members in some types of court matters; and you respond to correspondence on behalf of your clients. You have represented to the Commission on Ethics ("COE") that none of your current clients work for Miami-Dade County, nor do they serve in any elected position in Miami-Dade County, nor are they contractors/vendors for Miami-Dade County. You have also represented that you do not represent any individual/entity that is suing Miami-Dade County, nor do you represent any individual/entity in any matter in which you have to appear on their behalf before MDCR or any other governmental entity in Miami-Dade County.

Further, you have indicated that you anticipate working no more than 4-10 hours per week for your law firm. Please note that, while no particular number of hours for outside employment is specified under the County Ethics Code, your

supervisors, in reviewing your request to engage in outside employment, must evaluate whether the number of hours that you will spend in your outside employment is likely to affect the staffing requirements of MDCR and/or is likely to affect the performance of your public duties. *See e.g.* RQO 12-11 (outside employment as private real estate agents is prohibited for government real estate officers because government real estate officers are granted a high level of autonomy to conduct government business, and it would be difficult to monitor the amount of time real estate officers spent on their private clients during the course of their government work day).

The Ethics Code at Section 2-11.1(j) states that a government employee may not accept outside employment that impairs his or her independence of judgment in the performance of his or her public duties. Based on the information that you have provided to us at this time, it appears to be unlikely that the type of outside employment that you are seeking to engage in would impair your independence of judgement in the performance of your County duties as a Human Resources Manager for MDCR. However, please be advised that, assuming your supervisors approve your request for outside employment, you will be subject to several limitations under the County Ethics Code.

In your employment with your law firm, you may not represent any County elected official, MDCR employee, MDCR contractor, or MDCR lobbyist; you may not file any law suit, nor represent any person in a law suit or other legal claim against Miami-Dade County; you may not utilize any County resources –including time, facilities, telephone or computer services, vehicles etc- in furtherance of your outside employment. Government employees also may not engage in any activity which would require them to disclose confidential information acquired by reason of their official position, nor use such information, directly or indirectly, for their personal gain or benefit. *See* Sec. 2-11.1(h), Ethics Code. Lastly, a government employee may not use his or her official position to secure privileges or exemptions for themselves or others. *See* Sec.2-11.1(g), Ethics Code.

As a reminder, pursuant to the Miami-Dade County Code at Section 2-11, government employees are required to request permission to engage in outside employment from their supervisors on a yearly basis. In addition, Sec. 2-11.1(k)(2) of the Code requires filing an outside employment disclosure form on a yearly basis.

This opinion is based on the facts presented. If any of the facts presented here change, or if you have any further questions, please contact us.

Sincerely,

RADIA TURAY

Staff Attorney
Miami-Dade Commission on Ethics and Public Trust
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Miami, FL 33130
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From: Griffith, Rudolph (MDCR)
Sent: Tuesday, March 28, 2017 3:58 PM
To: Turay, Radia (COE) <Radia.Turay@miamidade.gov>
Subject: RE: Outside Employment Inquiry

Good Afternoon,

This is in response to the questions in your e-mail.

1. Job Responsibilities are as follows:
 - a. Responsible for the administration of Fair Employment Practices issues (Title VII – discrimination, harassment, retaliation, etc.)
 - b. Responding to requests for information for EEOC complaints filed against the department via the County Attorney Office.
 - c. Mediating issues between supervisors vs. officers, officers vs. officers and between all other departmental employees.
 - d. Investigating complaints of employees.
 - e. Investigating complaints from other outside entities.
 - f. Coordinating witnesses for both civil cases and fair employment practices hearings.
 - g. Researching and performing clerical preparation for trial and hearings.
2. Outside job responsibilities for outside employment:
 - a. Providing legal advice to friends and members of the congregation of the church I attend.
 - b. As an attorney I represent, only immediate family members in some types of court matters, but not in the capacity of outside employment.
 - c. Responding to correspondence on behalf of clients.
3. While performing outside employment duties I represent no one who is Miami Dade Correction employee, vendor/contractor, or lobbyist.
4. I do not represent anyone suing Miami-Dade County.
5. I represent no one or entity in any matter nor do I appear on behalf of anyone before the Miami-Dade Correction Department or other governmental entity.

I hope that the above responses dispel your concern regarding any conflicts of interest. However, please contact me should you require additional information.

From: Turay, Radia (COE)
Sent: Tuesday, March 28, 2017 2:56 PM
To: Griffith, Rudolph (MDCR)
Subject: Outside Employment Inquiry

Hello Mr. Griffith,

It was a pleasure speaking to you a couple of minutes ago. As I indicated, my name is Radia Turay. I am a staff attorney with the Miami-Dade Commission on Ethics and Public Trust. I have been assigned to render an opinion regarding whether your proposed outside employment conflicts with your County employment. I however need additional information in order to do so. Please provide responses to the following questions:

- 1) Describe your job responsibilities with Miami Dade County
- 2) Describe your job responsibilities in your outside employment.
- 3) Do you represent anyone in your outside employment that is a Miami-Dade Corrections employee, vendor/contractor, or lobbyist?
- 4) Do you represent anyone on any matters in which they are suing Miami-Dade County?
- 5) Do you represent any person or entity in any matter in which you have to appear on their behalf before a Miami-Dade Corrections of government entity or board

I look forward to receiving your responses.

Best regards,

RADIA TURAY
Staff Attorney

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