

Meyers, Robert (COE)

INQ 03-126

To: Schechtman, Ricky (COC)
Subject: RE: Traffic Functional Standards (JSD) Committee

Ms. Schechtman,

Based on the facts you have provided me, there is nothing in the County's Conflict of Interest and Code of Ethics Ordinance that prohibits the National Center for State Courts (NCSC) from covering the reasonable costs of your travel and lodging expenses related to your appointment to a national committee of NCSC to develop functional requirements for Traffic Court Automation.

If you have any additional questions, please contact me at your convenience.

Sincerely,

Robert Meyers
Executive Director

-----Original Message-----

From: Schechtman, Ricky (COC)
Sent: Tuesday, December 16, 2003 11:09 AM
To: Meyers, Robert (COE)
Subject: Traffic Functional Standards (JSD) Committee

Mr. Meyers,

You were able to assist me last year regarding per diem that I received from a National Center for State Court Conference (NCSC) which I attended and spoke at (I have forwarded that e mail below). I have now been invited by the NCSC to be on a Nationwide Committee (JSD) that will develop functional requirements for Traffic Court automation (this is directly related to my work with the one-of-a-kind SPIRIT Optical Imaging Project that we designed and implemented here in Miami-Dade County). There will be three(3), 3 day-long out-of-town meetings of the JSD Committee to complete the functional requirements. The first set of meetings will begin on January 6, 2004.

The NCSC will be covering the costs of travel, food and lodging. Is this considered per diem as well? I do not want to be in conflict with any County policies or violate any laws.

Thank you for your assistance.

Ricky Schechtman
Senior Deputy Clerk

-----Original Message-----

From: Meyers, Robert (COE)
Sent: Monday, December 23, 2002 3:37 PM
To: Schechtman, Ricky (COC)
Subject: RE: NCSC Per Diem

Ricky,

Thank you for all the information. Based on the facts you have provided me, I conclude that there is no violation of the County Conflict of Interest and Code of Ethics Ordinance if you accept the per diem of \$42. The expenses incurred by the Association to have you present at the conference cannot be considered a gift for two reasons: 1) there is

consideration for the expenditures; that is, you presented and were part of the official program and 2) all of the costs, including the per diem of \$42, seem to be reasonable costs that one incurs on official county business for transportation, lodging, meals and other miscellaneous expenses associated with conference travel. The fact that the state reimburses at \$21 per day does not change my thinking. Therefore, under the circumstances, I see no reason why you would be precluded from accepting the per diem of \$42 for each day you attended the conference.

If you have any additional questions, feel free to contact me at your convenience.

Thank you,

Robert Meyers

-----Original Message-----

From: Schechtman, Ricky (COC)
Sent: Thursday, December 19, 2002 5:44 PM
To: Meyers, Robert (COE)
Subject: Re: NCSC Per Diem

Yes there was a registration fee which did include breakfasts, one box lunch and beverages. I did not have to pay registration as I was presenting and considered faculty.

Hope this helps.

Thanks

Ricky

Ms. Schechtman,

Thank you for the information. I assume that the per diem of \$42 is for meals and other incidentals associated with your travel to and from the conference and seems to be a reasonable under the circumstances. The only question I have is whether there was a registration fee to attend the conference, and if so, did it cover meals while attending the conference?

The State rate of \$21 is exceedingly low and doesn't represent that actual costs of three meals out, especially when one attends conferences in big cities.

Once you respond to my question about the registration fee, I will give you an opinion.

Thanks,

Robert Meyers

-----Original Message-----

From: Schechtman, Ricky (COC)
Sent: Thursday, December 19, 2002 11:18 AM
To: Meyers, Robert (COE)
Subject: NCSC Per Diem

Mr. Meyers,

Per our telephone conversation yesterday, 12/18/02, I am a Senior Deputy with the Clerk of Courts. I attended a National Center for State Courts (NCSC) E-Court Conference last week. I was invited by NCSC to be on their E-Court program and to present the County's SPIRIT Paperless Traffic Court Project to the conference attendees. The NCSC paid for my airline travel and hotel. During that time, I was on educational leave. I have copied the text from the County's Leave Manual and it is as follows:

16.03.01

Educational Leave may be taken only when authorized by the Department Director.

16.03.02

Educational Leave may be approved for an employee to attend training and educational courses, conferences and seminars, where such attendance is expected to benefit the County. Educational Leave is considered as time worked.

16.03.03

Participation in County produced training programs should be recorded as time worked.

16.04.01

Educational Leave shall be paid without limit

16.05.01

Employees on Educational Leave are paid for the number of regularly scheduled work hours for which they attend the educational program

I have been provided with an expense report from the NCSC to complete. As "faculty" of the NCSC at the conference, I am entitled to a \$42 per diem from NCSC. As I explained, I talked to Murry Greenberg about this as I know that when we travel for the County, the County per diem is only \$21 per day. He did not see any problem with this, but wanted me to check with you first. I do not want to file the NCSC expense report and get paid something that I might not be entitled to. I have provided you with the expense account form and instructions as attachments in case you need to see them.

I need to know whether filing the expense reports and receiving \$42/day compensation from NCSC is appropriate or not. I will not be filing these forms until I hear from you.

Again, thank you for your consideration of this matter. And thank you for returning my phone call yesterday.

I await your response.

Ricky Schechtman
Senior Deputy
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