

Prkic, Christina (COE)

From: Prkic, Christina (COE)
Sent: Monday, August 25, 2003 12:50 PM
To: 'marylu1@stis.net'
Cc: Meyers, Robert (COE)
Subject: Response: Outside employment, etc....

Hi Mary,

Robert Meyers forwarded me your request for information pertaining to such matters as outside employment and transacting business with the County.

You presented several questions which I will address individually.

1) Rules dealing with outside employment.

Section 2-11.1 (j), "Conflicting Employment prohibited," states that employees may not accept other employment that may impair their independence of judgment. Accordingly, you may not accept outside employment which would get in the way of your public service. Employees may request an advisory opinion from the Ethics Commission seeking clarification of this subsection.

Under 2-11.1 (k) employees must report the outside employment and income earned on the required disclosure forms by July 1st of each year with the Supervisor of Elections. Municipal employees file with the their Municipal Clerk.

The decision to grant permission for outside employment rests with the department director, per Section 2-11. No time frame for a response is provided in this section.

2) Rules on transacting business with the County.

Section 2-11.1 (c) outlines the rules pertaining to employees doing business with County. In short, employees may not do business if the employee works in the department which will enforce, oversee or administer the subject of the contract. Additionally, employees cannot do business with the County if the contract would interfere with their job performance/duties OR the employee participated in determining the subject contract requirements or the awarding of the contract.

The above-mentioned prohibition extends to employees' immediate family and business entities in which they or their immediate family have a controlling financial interest [10% or more of outstanding capital stock].

3) Doing business with County employees.

Previous Ethics Commission opinions have determined that employees engaged in outside employment may NOT use County resources, i.e. e-mail, fax, etc... or time in furtherance of the employment. In a recent inquiry 03-20, an employee was advised that he could not market or solicit business [health insurance] from co-workers in his department. Also, he could not solicit other County employees on County property during working hours.

Therefore, outside employment activities should take place after work. In response to your specific example, sales presentations or meetings should not occur on county property during working hours.

4) Advertising with the County.

No specific provisions within the Code of Ethics address advertising with the County. However, employees may not use or attempt to use their County position to secure special privileges or benefits, see Section 2-11.1(g). Therefore, if you want to advertise with the County, you may not obtain special discounts, offers or benefits by virtue of your position, that would not be available to the general public.

5) Individual department rules.

The Conflict of Interest and Code of Ethics provisions mentioned above apply uniformly to all County departments and agencies. Should you need interpretation of these rules as they relate to your situation, you may request a formal opinion

from the Ethics Commission.

If you have any additional questions, please do not hesitate to contact us. You can also visit our website at www.miamidade.gov/ethics. For the full text of the Code of Ethics Ordinance, click "Ordinance" and for our catalogue of advisory opinions interpreting the Code, click "Library of Opinions."

Kind regards,

Christina Prkic
Staff Attorney
Miami-Dade County Commission on Ethics and Public Trust
P: (305) 350-0615

Tracking:	Recipient	Delivery	Read
	'marylu1@stis.net'		
	Meyers, Robert (COE)	Delivered: 8/25/03 12:50 PM	Read: 8/25/03 1:57 PM

Christine - Let's discuss.

Meyers, Robert (COE)

From: Mary Wagner [marylu1@stis.net]
Sent: Monday, August 18, 2003 3:02 PM
To: Robert Meyers

Robert
~~10/10~~ 03-85

Subject: outside employment/job,business owner, independent contractor, etc.

Robert, Here are the questions, as to our telephone conversation last week:

1. What are the rules and regulations dealing with outside employment? The only one I know is filling out the form and submitting it to the department's director, then waiting for the reply. Also, is there a time frame as to when I can expect a response from the director?
2. What are the rules, regulations and procedures for doing business with the county when the person is a county employee?
3. What are the rules, regulations and procedures for doing business with just county employees? Could a presentation be done during their lunch, in their lunchroom (county property)? Could it be done after work in the lunchroom?
4. What are the rules, regulations and procedures for advertising with the county if the person is a county employee?
5. Would the agency/department the person works for have any rules, regulations and/or procedures in place dealing with the above mentioned areas? Who would I contact to find out about this subject?

Thank you, Robert, for your time and information. If you are in a time crunch, just e-mail where I can find the information and I will go hunting. Please remember, I only have access through my home computer.

Mary Wagner
27020 SW 142 Avenue
Naranja, Florida 33032
marylu1@stis.net

Respectfully,
Mary Wagner