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September 10, 1999

David C. James
Chief
Department of Fire and Rescue
EMS Bureau
8175 N.W. 12th Street
Miami, FL 33126

RE: REQUEST FOR ADVISORY OPINION 99-33

Dear Mr. James:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on September 9, 1999 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding the outside employment of your subordinates as trainers of other rescue units.

In your letter you advised the Commission that the fire rescue department is currently participating in a study regarding the use of a heart attack drug prior to hospital admittance. The drug company trained several captains of the department in the use of the drug so they could train other emergency personnel in the department. The drug company would like to employ the captains to train other pre-hospital agencies in the use of the drug. The employment would occur during their off-duty hours at a salary of seven hundred and fifty dollars (\$750) a day.

The Commission found that The Conflict of Interest and Code of Ethics ordinance does not prohibit the fire rescue employees from

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serving as instructors for the drug company. Section 2-11.1 (j) governs outside employment. Section 2-11.1(j) provides that an employee shall not accept other employment which would impair his or her independence of judgment in the performance of his or her public duties. Since the drug training will not impair the employees' performance of their official duties, the outside employment is not prohibited by the Conflict of Interest ordinance.

However, the director retains the discretion to deny the outside employment if he finds the employment is contrary, detrimental or adverse to the department. Further, Section 2-11.1(k) requires employees to file an outside employment form with the Department of Elections.

Therefore, the Conflict of Interest and Code of Ethics ordinance does not prohibit the fire rescue employees from serving as instructors for the drug company.

If you have any questions regarding the opinion, please call the undersigned at (305) 579-2954 or Ardyth Walker, Staff General Counsel at (305) 579-2653.

Sincerely Yours,



ROBERT MEYERS
Executive Director