

Implementing Order



Implementing Order No.: IO 7-7

Title: POLICIES AND PROCEDURES ESTABLISHING A PUBLIC SERVICE HONOR CODE FOR ELECTED AND APPOINTED COUNTY OFFICIALS AND COUNTY EMPLOYEES

Ordered: 10/20/2015

Effective: 10/30/2015

AUTHORITY:

Citizens' Bill of Rights and Sections 1.01, 2.02 and 5.02 of the Miami-Dade County Home Rule Charter; Commission on Ethics and Public Trust Enabling Ordinance, Section 2-1067 et seq., of the Code of Miami-Dade County, Florida ("the Code"); Section 2-1077 of the Code; and the Conflict of Interest and Code of Ethics Ordinance, Section 2-11.1 of the Code.

SUPERSEDES:

This Implementing Order supersedes and replaces Administrative Order 7-7 ("Employees Having Knowledge of a Crime"), which became effective on October 22, 1964. Administrative Order 7-7 established the policy that County officials and employees under the jurisdiction of the County Manager who have knowledge or information of activity which may constitute a crime shall report such information immediately and personally to either the State Attorney or Grand Jury, and that such officials and employees who so report shall also cooperate fully with the investigating authority.

POLICY:

It shall be the policy of Miami-Dade County that all elected and appointed County officials and County employees shall adhere to this Public Service Honor Code ("Honor Code"). The Honor Code consists of the following minimum standards regarding the responsibilities of all public servants in the County. Violation of any of the mandatory standards listed below may result in enforcement action as provided below under ENFORCEMENT.

Each elected and appointed public official and employee of the County shall, when acting in his or her official capacity, comply with the following mandatory standards:

- 1) Serve and protect the public interest above any personal or institutional interest or loyalty; and
- 2) Act as the public's surrogate by protecting it against waste or fraud; and
- 3) Respect and uphold laws, ordinances, resolutions, rules, and regulations that protect the public against abuses in County government by assisting law enforcement and other Federal, State, County and local authorities charged with protecting the public trust; and
- 4) Report any information concerning activity which may constitute a crime, of which he or she has personal knowledge, immediately and personally to either the State Attorney or Miami-Dade County Grand Jury; and

- 5) Cooperate fully with law enforcement agencies or other official investigative authorities in providing truthful testimony and other relevant information pertaining to any alleged violation of the public trust.

RESPONSIBILITIES OF SUPERVISORS AND ETHICS OFFICERS:

County supervisors and ethics officers shall counsel and encourage employees in their respective departments to report violations of the Miami-Dade Conflict of Interest and Code of Ethics Ordinance to the Miami-Dade Commission on Ethics and Public Trust (“Ethics Commission”), and any waste, fraud or other abuse of public resources to the Miami-Dade County Office of Inspector General.

ENFORCEMENT:

The Honor Code shall be enforced as follows:

- 1) The Mayor or the Mayor’s designee may use the administrative process of the County for violations of the Honor Code committed by all appointed officials or employees subject to the authority of the Mayor.
- 2) The Ethics Commission shall have jurisdiction over violations of the Honor Code committed by elected County officials and by all other County officials and employees not subject to the administrative authority of the Mayor. The Ethics Commission shall follow the procedures outlined in Section 2-1074 of the Code in conducting such investigations or hearings as it deems appropriate. The Ethics Commission may impose a letter of reprimand or letter of instruction following a determination that a violation of the Honor Code has occurred. Such action by the Ethics Commission shall not prevent the Board of County Commissioners or any department head or supervisor from taking any additional action or imposing any penalty that they are authorized to take or impose.
- 3) Whenever any elected or appointed County official or employee is in doubt as to the proper interpretation or application of the Honor Code as to himself or herself, he or she may request a binding opinion from the Ethics Commission.
- 4) Adherence to the Honor Code by County employees shall be included, wherever appropriate and to the extent legally permissible, in the criteria for evaluations for merit increases, promotions, and professional recognition.
- 5) The Ethics Commission shall include the Honor Code in its ethics training programs for County officials and employees.

PROTECTION OF EMPLOYEES:

The County shall not dismiss, discipline, or take any other adverse personnel action against an employee for complying with the Honor Code. Further, the County shall not take any adverse action that affects the rights or interests of any employee in retaliation for the employee’s compliance with the Honor Code. If the County takes any of the adverse actions stated in the preceding sentences as a result of an employee’s compliance with the Honor Code, the employee shall be entitled to apply to the Mayor, the appropriate department, entity or agency

director and/or to the Ethics Commission for redress, each of which shall take appropriate steps within their authority and discretion to ensure that no employee is penalized for compliance with the Honor Code.