



Miami-Dade Commission on Ethics & Public Trust

Investigative Report

Investigator: Breno Penichet

Case No. K 13-078	Case Name: Whistle-blower retaliation	Date Open: May 22, 2013	Date Closed: August 15, 2013
Complainant(s): Rolando Valdes	Subject(s): Miami-Dade County Dept. of Solid Waste		

Allegation(s):

Possible Whistle-blower retaliation by several supervisors in the Miami-Dade County Solid Waste Department (SWM), after an employee filed a complaint alleging unsafe conditions.

Relevant Ordinances:

Whistle-blower Retaliation, Sec. 2-56.28.17, Miami-Dade County Code
Exploitation of Official Position, Sec. 2-11.1(g), Miami-Dade Conflict of Interest and Code of Ethics Ordinance

Investigation:

Interviews

Rolando Valdes (Valdes), E304724, Doral Station Solid Waste

On May 22, 2013, Valdes, a SWM employee, contacted the COE to report a possible Whistle-blower retaliation complaint. According to Valdes, he has worked for SWM for over 4 years, and during that time he has tried to do a good job despite what he calls a lack of safety rules being followed.

Valdes advised that he often is forced to drive large tractor trailers carrying tons of trash that

he feels is unsafe due to the trailers' poor maintenance and over-loading. Valdes advised that the equipment is dirty and the proper paper work is not being submitted. Valdes advised that when he complained to his supervisors, Jorge Alvarez (Alvarez) and Arnaldo Perez (Perez) he was told "everyone else does it" and "what's the big deal?"

Valdes advised that he filed a complaint with the SWM Safety Department on August 9, 2012, but no action was taken. Valdes claims that since the filing of the complaint, he has noticed that his supervisors are very critical of his work, and are enforcing minor infractions against him, that others get away with.

Valdes further advised that he also reported the unsafe conditions to the Miami-Dade Office of the Inspector General (OIG). Valdes stated the unsafe conditions continue and he feels that his position with the department could be terminated when he returns from extended sick leave due to a traffic accident that occurred on his off- duty time. Valdes was asked if he reported the existing conditions to any outside agencies, such as the Florida Department of Transportation (FDOT) or the Florida Highway Patrol (FHP). Valdes advised that he had not.

Cedric Johnson (Johnson), Special Agent Supervisor, OIG

On May 22, 2013, Johnson was contacted in order to verify the information provided by Valdes. Johnson acknowledged he spoke to Valdes about the matter. Johnson advised the OIG has an active investigation but did not provide any particulars of the scope of their investigation.

COE Investigator Penichet reviewed Valdes' personnel file in order to determine if there was any pattern of retaliatory conduct by management. Information shows that he was disciplined *prior* to making his complaint to the SWM security office. Valdes' evaluations were also reviewed and did not show any drastic changes.

This investigator spoke to Valdes and advised him that if there is any adverse personnel action taken against him when he returns to work, he should file a formal complaint with the Ethics Commission in writing within 60 days.

Document/Audio/Video Review:

SWM Employee Safety and Health Concern form, filed by Valdes on August 9, 2012 spelling out his complaint (made part of the investigative file).
Valdes' employee files information showing discipline, and evaluations.

Several e-mails from Valdes to Johnson dated May 31, 2013 concerning his reporting of the existing conditions at his department.
Copy of the FDOT commercial motor vehicle manual 7th edition (4/2010)

Conclusion(s):

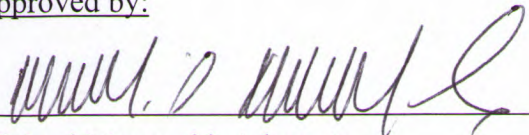
All the information obtained was discussed with Deputy General Counsel who determined that there is insufficient evidence to proceed under the Whistle-blower retaliation ordinance, specifically because no "adverse personnel action" was taken against Valdes as a result of his complaint. Valdes was advised to contact the COE in the future, should adverse personnel action be taken against him.

Accordingly, the case is closed without further action.

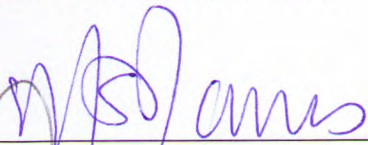


Breno Penichet, COE Investigator

Approved by:



Michael Murawski, Advocate



Miriam S. Ramos, Deputy General Counsel



Joseph Centorino, Executive Director

8/20/13

Date