



Miami-Dade Commission on Ethics & Public Trust

Investigative Report

Investigator: Larry Lebowitz

Case No.	Case Name:	<u>Date Open:</u>	<u>Date Closed:</u>
PI 13-003	Diaz Workforce		
Complainant(s): Hotline caller Requested anonymity	Subject(s): Arlene Diaz	06/12/2013	06/14/2013

Allegation(s):

The anonymous source made a variety of allegations during an initial intake call on the COE hotline with Investigator Sylvia Batista, and in subsequent follow up conversations with this investigator (and Staff Attorney Victoria Frigo, who was also on the line).

- 1) Source complained that she was being harassed, threatened by supervisors at South Florida Workforce Improvement Board, specifically Diaz, Administrative Officer 2, source's direct supervisor at the Workforce Refugee program, and Diaz's supervisor, Juan P. Hernandez, director of Adult Programs at Workforce, because they failed to pursue source's complaints about Diaz's performance/malfeasance on the job.
- 2) Source said Diaz has been exploiting her position, running her after-hours psychology practice, consulting with private clients, from her county cubicle at Workforce during normal business hours; spending her "entire day" on the phone with the outside work; abusing county copy machine privileges, copying pages from textbooks and manuals for her outside work rather than performing her public duties.
- 3) Instead of adequately investigating the complaints, the source said Workforce management retaliated, "harassed and suspended" the source for one week.

Applicable Law:

Potential exploitation of official position under the county Code of Ethics.

Investigation:

Interviews

**Anonymous source. (Identity and cellphone number in file).
Interviewed June 12 (on speakerphone with COE Staff Attorney Victoria Frigo present)**

Please see attached summary of interview notes for further detail.

Teresa Serrano, Human Resources Manager, South Florida Workforce, (305) 594-7615 x261

Serrano provided additional context about Diaz's performance as supervisor over the Refugee program, a reprimand in Hernandez's file, and confirming phone extensions, names and spellings of other potential sources of information originally provided to Investigator Batista by the complainant.

Juan P. Hernandez, Director of Adult Programs, South Florida Workforce, (305) 594-7615 x238

Hernandez said there has been absolutely no issue with Diaz's outside employment as a counselor. On at least two separate occasions he has signed requests/disclosures giving Diaz permission for the outside employment. Hernandez also repeated what is reflected in Diaz's personnel evaluations: She gets the job done with limited resources and staffing, puts in extra hours when necessary. Her work has not suffered due to her outside employment, nor has he heard any complaints about her outside work except from the anonymous complainant.

Document/Audio/Video Review:

**Disciplinary Action Report pulled from complainant's personnel file.
Reviewed June 12-14**

This document lays out, in great detail, prior animus and verbal threats made by complainant toward direct supervisor Diaz; management's counseling of complainant in presence of union representatives; escalating hostilities between the complainant towards both management and co-workers; major disruptions being caused by complainant inside the workplace. These issues – and others -- ultimately led to complainant receiving a one-week suspension without pay in May 2012.

Complainant subsequently missed extensive amounts of time on sick leave, but did not comply with management's request that complainant seek professional counseling. Complainant refused to accept responsibility, but union rep urged complainant to drop the appeal. Some of the allegations lay out a pattern of disruptive behavior toward managers and fellow co-workers dating back to December 2010

Direct quote from the summary: "Within the past few months, [the complainant] has displayed a growing dissatisfaction with her immediate supervisor, peers, co-workers and management. Her behavior in the workplace has interfered with the operation of the department. Her attitude has affected the morale of the organization. She finds fault with or complaints about many aspects of her place of employment, i.e. organizational activities held in the office, her workstation location, noise, staff interactions, etc. Of far greater concern to the SFW are the comments [complainant] Karpis made in February 2012 directed at her immediate supervisor, Ms. Diaz." [In February 2012, Workforce managers contact GSAF union rep (OTTO CASTILLO) to schedule a disciplinary counseling session/meeting. Complainant was furious, and, according to the report, verbally threatened DIAZ in angry remarks to HERNANDEZ: "Arlene doesn't know who she is messing with," and, "How dare a meeting be scheduled with the union without my knowing about it?"

RECORD OF COUNSELING FROM PERSONNEL FILE OF JUAN P. HERNANDEZ

Reviewed June 13 & 14: Hernandez was reprimanded in February 2011, in part, for losing control of his subordinates and failing to quickly and adequately address an escalating set of personnel and morale issues in his area. [Later confirmed that this was oblique reference to growing problems caused by complainant in Refugee program area]

REQUESTS FOR OUTSIDE EMPLOMENT BY ARLENE DIAZ

Reviewed June 12 & 13: Diaz fully disclosed her outside work at two Family Wellness Healing Center locations in 2011; filing approved by Hernandez and Department Director Rick Beasley.

Conclusion(s):

This isn't a matter for the Commission on Ethics to pursue. Even if the allegations could be corroborated, the complainant/source has extreme credibility issues. Department documented verbal threat toward supervisor in Disciplinary Action Report. Disciplinary appeal was dropped at urging of complainant's union rep. Except for the complainant, nobody in the chain of command above or below Diaz has raised issue of Diaz's outside work as a counselor.