

Sanchez, Rodzandra (COE)

From: Turay, Radia (COE)
Sent: Thursday, August 23, 2018 2:01 PM
To: Sanchez, Rodzandra (COE)
Cc: Perez, Martha D. (COE); Diaz-Greco, Gilma M. (COE)
Subject: FW: INQ 18-209, Michael Ruiz, Assistant Director, Administration, Miami-Dade Department of Solid Waste Management

From: Turay, Radia (COE)
Sent: Thursday, August 23, 2018 1:59 PM
To: Ruiz, Michael W. (DSWM) <Michael.Ruiz@miamidade.gov>
Cc: Centorino, Joseph (COE) <Joseph.Centorino@miamidade.gov>
Subject: INQ 18-209, Michael Ruiz, Assistant Director, Administration, Miami-Dade Department of Solid Waste Management

Dear Mr. Ruiz,

You have inquired whether your participation as an unpaid regent for the Revenue Development and Management School is considered outside employment.

Background

- You are currently the Assistant Director of Administration for the Department of Solid Waste Management. Your portfolio includes oversight and responsibility for Budget, Accounting/Finance, Human Resources, Information Technology, Procurement, Audit, and Fleet. You oversee roughly 100 employees with nine direct reports.
- You previously worked for the County Parks, Recreation, and Open Spaces Department (PROS).
- While you were in the PROS, you were encouraged by your Director to become a Regent for the Revenue Development and Management School (RDMS).
- RDMS is a comprehensive and unique professional development program focusing on proven revenue management and development techniques. It's targeted towards agencies that rely wholly or in part on generating revenues, such as organizations associated with state or local parks, recreation, leisure services, military recreation and other non-profits.
- It is a joint venture of North Carolina State University (NCSU), National Recreation and Park Association (NRPA), and Oglebay's National Training Center. The County is a member of NRPA. Your travel and participation in RDMS is related to the County's NRPA membership.
- The program/school occurs in March every year, for four days. Classes are taught by the members of the Board of Regents, who serve up to two three-year terms, for a total of six years. Regents develop and teach the curriculum at RDMS. You began your tenure as a Regent in 2016.
- You stated that whenever you participate in the school as a Regent you submit Travel Request forms to your Director for permission to participate, request leave time, and document your participation. Upon return, you then submit final Travel Reimbursement forms showing zero (\$0) cost to the County. You followed this process at PROS and now, at DSWM.
- While Regents receive no salary or payment for their time, all expenses related to air travel, ground transportation, lodging, meals, and incidentals are paid for or reimbursed by the RDMS.

Analysis

In INQ 09-92, the COE stated that a County employee who engages in an unpaid, purely volunteer position, and is merely reimbursed for travel expenses incurred, is not engaged in outside employment and would not have to file the County's outside employment paperwork.

Based on the information that you have provided, it does not appear that you are engaged in outside employment because your participation as a Regent for RDMS appears to be a purely volunteer position; it is unpaid; and you are merely reimbursed for your travel expenses incurred, so you would not have to file the outside employment request form. See INQ 09-92.

Additionally, your receipt of reimbursement for travel expenses from RDMS does not violate the prohibition in Section 2-11 (w) of our Code- *Prohibition on accepting travel expenses from County vendors*- because RDMS is not a County contractor, vendor, service provider, bidder or proposer.

This opinion is based on the facts presented. If these facts change or if you have any further questions, please contact us.

Sincerely,

RADIA TURAY

Staff Attorney
Miami-Dade Commission on Ethics and Public Trust
19 W. Flagler Street, Suite 820
Miami, FL 33130
Tel: (305) 350-0601
Fax: (305) 579-0273
Ethics.miamidade.gov

From: Ruiz, Michael W. (DSWM)
Sent: Monday, August 20, 2018 12:15 PM
To: Turay, Radia (COE) <Radia.Turay@miamidade.gov>
Subject: RE: Request for Advisory Opinion: Outside Employment

Good morning, Radia.

1. Informal Opinion: Interesting attachment. Ms. Reyes, who requested the opinion, and I have worked on a number of special projects here at the County. I am in good company, I should think.
2. Responses: Please see my responses below, in RED. Thank you.

Regards,

Michael W. Ruiz
DSWM

From: Turay, Radia (COE)
Sent: Monday, August 20, 2018 10:28 AM
To: Ruiz, Michael W. (DSWM) <Michael.Ruiz@miamidade.gov>
Subject: RE: Request for Advisory Opinion: Outside Employment

Hello Mr. Ruiz,

This is Radia Turay, the staff attorney at the COE that was assigned to assist you with your request. I have done some research and I found an informal opinion from our agency that states that volunteer positions, for which you are merely reimbursed for travel expenses are not considered outside employment, *See attached*, INQ 09-92.

I am going to prepare an informal opinion regarding this. Please provide answers to the questions below so as to assist me with preparing same:

- 1) Is RDMS a county vendor, contractor, or service provider? [MWR: No. However, it is possible for the Parks, Recreation and Open Spaces Department (PROS) to send employees to RDMS for training, in the future.]
- 2) In the event that it is, do you have any involvement in the administration, oversight, enforcement, of their contract with the County? [MWR: N/A.]
- 3) Or, is RDMS simply an organization of which the County is a member, and your travel is related to that membership? [MWR: The County is not a member of RDMS, but the County has membership with NRPA, one of the three partners that run RDMS. My travel and participation is related to the NRPA membership.]
- 4) During our conversation, you mentioned something about filling out County travel expense forms for your work with RDMS? Please explain this again? [MWR: Whenever I participate in either the school week in March or the Mid-Year meeting in July, I submit Travel Request forms to my Director for permission to participate, request leave time, and document my participation. Upon return, I then submit final Travel Reimbursement forms showing zero (\$0) cost to the County. I followed this process PROS and now at Solid Waste Management (DSWM).]
- 5) Who reimburses you, RDMS or the County? [MWR: RDMS reimburses me. The County bears no cost (\$0).]
- 6) What is your position with the county? What are your current duties and responsibilities in your County position? [MWR: I am currently Assistant Director of Administration for the Department of Solid Waste Management. My portfolio includes oversight and responsibility for Budget, Accounting/Finance, Human Resources, Information Technology, Procurement, Audit, and Fleet. I oversee roughly 100 employees with nine direct reports.]
- 7) In the event that you supervise County employees, are they required to take the classes that you teach at RDMS? [MWR: No. In fact, I am unaware of any County employees, even at PROS, that have attended during my tenure.]
- 8) In your County employment, are you in a position that you can recommend to your department that County employees take the classes that you teach? [MWR: No. RDMS is a Park and Recreation focused school, so the curriculum is irrelevant to DSWM employees.]
- 9) As you now work for DSWM, do you have any say in the promotion/advancement of the County employees that take your classes at RDMS? [MWR: No. As mentioned above, since RDMS is a Park and Recreation focused school, there is no overlap between its curriculum and DSWM duties. Furthermore, I am not aware of any County employees attending RDMS, even from PROS, during my tenure.]

Thanks,
Radia.

From: Ethics (COE)
Sent: Friday, August 10, 2018 10:18 AM
To: Turay, Radia (COE) <Radia.Turay@miamidade.gov>
Subject: FW: Request for Advisory Opinion: Outside Employment

Please handle.

From: Ruiz, Michael W. (DSWM)
Sent: Friday, August 10, 2018 10:08 AM
To: Ethics (COE) <ethics@miamidade.gov>
Subject: Request for Advisory Opinion: Outside Employment

To the COE:

I would like to request an advisory opinion from the COE regarding the need to submit a Request for Outside Employment, based on my participation as an unpaid Regent for the Revenue Development and Management School (RDMS).

<https://www.nrpa.org/careers-education/education/revenue-development-and-management-school/>

The RDMS is a joint venture of North Carolina State University (NCSU), National Recreation and Park Association (NRPA), and Oglebay's National Training Center. The school occurs in March every year, for four days, and instructs park and recreation professionals on a wide array of financial and budgetary topics. Classes are taught by the members of the Board of Regents, who serve up to two three-year terms, for a total of six years. Over that time, Regents develop and teach the curriculum. While Regents receive no salary or payment for their time, all expenses related to air travel, ground transportation, lodging, meals, and incidentals are paid for or reimbursed by the RDMS.

With the encouragement of my Director at the time, I began my tenure as a Regent in 2016. Since then, all successive Directors have approved my participation and travel, using County Travel Request forms. However, in an abundance of caution, I would like to know if I should, in addition, file the Request for Outside Employment. Please feel free to contact me at the numbers below, should you need any additional information. Thank you in advance for your consideration.

Regards,

Michael W. Ruiz
Assistant Director, Administration
Department of Solid Waste Management

Miami-Dade County
111 NW 1st Street, 16th Floor
Miami, Florida 33128
T: 1-305-375-3548
M: 1-305-798-1517