

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Monday, January 29, 2018 11:02 AM
To: Sanchez, Rodzandra (COE)
Subject: Mario Morlote, Chief, Intergovernmental and External Affairs, Department of Regulatory and Economic Resources (Outside Employment) INQ 18-24
Attachments: USOGE _ Outside Employment Limitations.pdf

[INQ 18-24 Morlote](#)

From: Diaz-Greco, Gilma M. (COE)
Sent: Monday, January 29, 2018 11:01 AM
To: Morlote, Mario F. (RER) <Mario.Morlote@miamidade.gov>
Cc: Centorino, Joseph (COE) <Joseph.Centorino@miamidade.gov>; Murawski, Michael P. (COE) <Michael.Murawski@miamidade.gov>; Perez, Martha D. (COE) <Martha.Perez2@miamidade.gov>; Turay, Radia (COE) <Radia.Turay@miamidade.gov>
Subject: Mario Morlote, Chief, Intergovernmental and External Affairs, Department of Regulatory and Economic Resources (Outside Employment) INQ 18-24

Dear Mr. Morlote:

It was a pleasure to speak with you over the phone regarding outside employment. This email will serve to memorialize our conversation.

As background, The Miami-Dade Code at Section 2-11 (a separate ordinance from the County Ethics Code) requires County employees to request permission to engage in outside employment on a yearly basis. The County Ethics Code at Sections 2-11.1 (j) and (k) prohibit County employees from engaging in other employment which would impair employees' independence of judgment in the performance of their public duties. The County Ethics Commission has prepared guidelines as summaries of opinions to provide guidance on conflicting outside employment. ([COE Website Outside Employment Tab](#)).

The Ethics Commission has previously clarified that the final decision regarding whether to grant an employee permission to engage in outside employment rests with the department director based on staffing and operational needs of the department; personnel administration and performance issues; as well as considerations of whether the outside employment creates a prohibited conflict of interest under the County Ethics Code. See RQO 00-10, RQO 12-07, INQ 12-49 and INQ 13-28. Thus, permission for outside employment may be denied for reasons other than prohibited conflicts of interest. If any department is unclear as to whether an employee's proposed outside employment would create a prohibited conflict under the County Ethics Code, the department should request an ethics opinion. Although guidelines presented by the Ethics Commission staff may serve as an aid, final determination as to whether a County employee should engage in outside employment is at the discretion of his/her supervisor.

You advise that the Miami-Dade County Department of Regulatory and Economic Resources (RER) is making revisions to its Outside Employment Policy and to the Outside Employment Request form used by RER employees. You inquire whether these proposed changes comply with the County Ethics Code. In essence, the RER revised form includes the same information as the generic form available online. However, the revised RER form also asks employees to: 1) identify if they are full-time, part-time, or a contract employee, 2) identify the division and section of RER that employs the requester as well as that person's position or title; and 3) requests supervisors to sign the form (printed signature) to indicate whether they approve or disapprove the employee's outside employment.

After reviewing the proposed revisions we find that they generally meet the requirements of the County Ethics Code. However, we suggest the following changes for purposes of clarity with respect to current County outside employment policies as well as compliance with the County Ethics Code:

1-The description at the top of the RER Outside Employment Request form should include County Procedure 403 which clarifies that both full-time and part-time County employees file a request for outside employment on a yearly basis. The text from the current general Outside Employment Request form, that RER is modifying, includes this information and is cited below. Please note that relevant County policies and ordinances are hyperlinked.

“Sections 2-11.10) and (k) of the Miami-Dade County Code provide that County employees may accept incidental or occasional outside employment as long as the employment is not contrary, detrimental or adverse to the interests of the County and as long as **no County time, equipment, or other resources are used**. Miami-Dade County [Administrative Order 7-1](#) and [Procedure 403](#) require that any County employee intending to engage in outside employment must first obtain approval from his/her Department Director using this **Request for Outside Employment** form. These approvals must be renewed on an annual basis. Copies of all outside employment approvals shall be maintained in the centralized personnel files of the Human Resources Department. Each County department shall also maintain appropriate records regarding outside employment requests. Full-time County employees engaging in outside employment must also file an [Outside Employment Statement](#) form with the Elections Department by July 1st of each year, in accordance with §2-11.1(k)(2) of the Miami-Dade County Code. More detailed information on outside employment is available on the [Miami-Dade Commission on Ethics website](#).

2-A factor that may be indicative of potential conflicts between an employee’s duties to the public and duties to his/her outside employer is that the outside employment is with a governmental vendor that currently transacts business with the employee’s department. Therefore, we recommend that the RER OE Request form include the following language regarding outside employment with a County vendor:

“Company or organization that is a County vendor. (An Ethics Opinion should be requested to ensure that no conflict of interest exists, and the County employee is required to file a sworn [affidavit](#) disclosing such employment with the County Clerk of the Board.)”

It is also advisable to ask the HR department and the CAO to review the proposed revisions to RER’s outside employment policy to ensure that it meets with employment law requirements.

For informational purposes, I am also attaching a United States Office of Government Ethics Outside Employment Limitations document.

Please do not hesitate to contact me if I may be of further assistance.

Best regards,

Gilma (Mimi) Diaz-Greco
Staff Attorney



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From: Morlote, Mario F. (RER)
Sent: Friday, January 26, 2018 1:23 PM
To: Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov>
Cc: Fernandez, Jose M. (RER) <Jose.Fernandez6@miamidade.gov>; Wheeler, Cyran (RER) <Cyran.Wheeler@miamidade.gov>
Subject: RE: RER Outside Employment Form Template and Standard Conditions

Best bet is my County mobile, which is 786-251-0123.

Mario F. Morlote
Chief, Intergovernmental and External Affairs
Department of Regulatory and Economic Resources
Miami-Dade County
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From: Diaz-Greco, Gilma M. (COE)
Sent: Friday, January 26, 2018 1:22 PM
To: Morlote, Mario F. (RER) <Mario.Morlote@miamidade.gov>
Subject: Re: RER Outside Employment Form Template and Standard Conditions

I'll call you . What is the best number to reach you ?

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From: Morlote, Mario F. (RER)
Sent: Friday, January 26, 2018 1:20:45 PM
To: Diaz-Greco, Gilma M. (COE)
Cc: Fernandez, Jose M. (RER); Wheeler, Cyran (RER)
Subject: RE: RER Outside Employment Form Template and Standard Conditions

Yes, I am available at 2pm. What number should I call?

Mario F. Morlote
Chief, Intergovernmental and External Affairs
Department of Regulatory and Economic Resources
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From: Diaz-Greco, Gilma M. (COE)
Sent: Friday, January 26, 2018 12:04 PM
To: Morlote, Mario F. (RER) <Mario.Morlote@miamidade.gov>
Cc: Fernandez, Jose M. (RER) <Jose.Fernandez6@miamidade.gov>
Subject: Re: RER Outside Employment Form Template and Standard Conditions

Mr. Morlote :

I am completing my review . I have some questions -would you be available to speak over the phone at 2pm ?

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From: Morlote, Mario F. (RER)
Sent: Friday, January 26, 2018 11:59:02 AM
To: Diaz-Greco, Gilma M. (COE)
Cc: Fernandez, Jose M. (RER)
Subject: FW: RER Outside Employment Form Template and Standard Conditions

Ms. Diaz-Greco:

Just following up to see if you had been able to review the draft forms.

Any feedback you provide is greatly appreciated.

Mario F. Morlote
Chief, Intergovernmental and External Affairs
Department of Regulatory and Economic Resources
Miami-Dade County
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From: Morlote, Mario F. (RER)
Sent: Tuesday, January 09, 2018 2:05 PM
To: Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov>
Cc: Fernandez, Jose M. (RER) <Jose.Fernandez6@miamidade.gov>
Subject: RER Outside Employment Form Template and Standard Conditions

Ms. Diaz-Greco:

Thank you for calling us back today. As discussed over the phone, attached is the outside employment form that we revised slightly for use by Department of Regulatory and Economic Resources (RER). Note, RER employees will be given this form to complete at the beginning of each calendar year, and can only use this or the generic form on the Ethics page for approval.

In essence, it captures the same information in the generic form available online; however, it also asks the employee to: 1) identify if they are full-time, part-time, or a contract employee, 2) identify the division and section of RER as that information, in addition to the position title, would help in determining appropriateness, and 3) requests supervisors to print their name. Also, because RER is not affiliated with the PHT, the portion requiring the employee to mark if they are a County or PHT employee is not included.

As stated earlier, we will accept the generic outside employment form on the Ethics page if any employee were to complete it, but we send reminders every year to all employees and thought the revised version (attached to that reminder) would be helpful.

In addition, we made slight revisions to the standard conditions in an effort to tighten each respective point.

Please let us know if your office has any concerns with the use of the attached outside employment form and the standard conditions for all outside employment approvals. We welcome your feedback.

Mario F. Morlote
Chief, Intergovernmental and External Affairs
Department of Regulatory and Economic Resources
Miami-Dade County
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