

Memo

To: Michael Anderson
Assistant Director
Team Metro

From: Ardyth Walker
Staff General Counsel

Date: 7/19/2007

Re: INQUIRY 07-119

I received your request for an advisory opinion regarding your outside employment and I am providing you with this staff opinion based on the facts contained in your request. The Ethics Commission has not considered this matter. Please contact me if you want this matter placed on the next Ethics Commission agenda.

In your request, you advised me that you have been offered teaching opportunities by Barry University. Specifically, Barry University has requested your services as a Lecturer to conduct a Global Professional Human Resources Certification course for a fee of fifteen hundred dollars. The course will be taught this fall in their facilities.

Barry University has also asked you to teach a Professional Human Resources certification course at the Stephen P. Clark Center this fall. The sessions will be held between 5:30 and 8:30 p.m. and the students will include county employees.

In your position as Assistant Director for Team Metro, you are responsible for personnel issues, budget and finance, procurement, management information systems and the lien and collection section.

The Conflict of Interest and Code of Ethics ordinance permits you to serve as a lecturer and instructor for Barry University in their Human Resources courses. Section 2-11.1(k) only prohibits employees from accepting outside employment that will impair their independence of judgment in their official capacity. The Ethics Commission has frequently opined that county employees may teach courses that

include county employees as students. Further, although the prohibition against use of county time, resources and materials in your outside employment still applies, it does not extend to Barry University's lease of county space to conduct courses. The Conflict of Interest ordinance permits you to teach courses at SPCC since you are not leasing the space for the courses. Accordingly, you may teach the courses for Barry University.

If you have any questions regarding this opinion, please contact me at awalker@miamidade.gov or at (305) 350-0616.

Walker, Ardyth (COE)

From: Anderson, Michael (Team Metro)
Sent: Friday, July 06, 2007 5:47 AM
To: Walker, Ardyth (COE)
Cc: Walthour, Sammie L. (Team Metro)
Subject: Request for Legal Opinion on Outside Employment
Importance: High

Good Morning Ardythe,

As a precaution, I am requesting your legal opinion on the following items:

1. I have been offered the position of Lecturer by Barry University to conduct a Global Professional Human Resources (GPHR) Certification course for a fee of \$1,500 minus deductions. The sessions will be offered at their facilities in Miami-Dade and Broward County and will occur on five Saturdays this fall. I have already submitted an outside employment request form, reflecting approval of my employment with Barry University by my Director, to the Miami-Dade Elections Department.
2. Representatives from Barry University have also asked me to conduct a Professional Human Resources (PHR) certification course this fall. The fee would be \$1,650 less deductions, for eleven sessions. The sessions would be held after work between 5:30 PM and 8:30 PM in the SPCC building and would most likely include County employees.

On December 12, 2001, I received an opinion from your office that permitted me to conduct consulting and training activities, as long as I do not utilize county resources, I conduct these activities on my personal time, and I do not use my official position to solicit business or solicit business from employees within my department. In my current position as Team Metro Assistant Director, I am responsible for the oversight of Human Resources, Budget Finance & Procurement, Management Information Systems, and the Lien and Collection Section. I have not, and do not intend to violate any of the provisions mentioned above. However, in order to be absolutely certain that my outside employment activities are not in violation of the Miami-Dade Conflict of Interest and Code of Ethics Ordinance, I am requesting your legal opinion on the items listed above.

Thanks,

Michael Anderson, MSM, SPHR, GPHR
Assistant Director, Team Metro
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