

Frigo, Victoria (COE)

From: Frigo, Victoria (COE)
Sent: Monday, February 14, 2011 3:56 PM
To: Murphy, Felicia (PWD)
Subject: INQ 11-23 (Two-year Rule)

Hello Felicia,

You asked today if a recently retired Public Works employee may apply for a job with the Public Works Department within two years of his departure from County employment. The answer is that he may apply for an advertised job, but he may not lobby the PWD to create a job.

The facts as I understand them are that a recently retired PWD pilot has inquired about creating a position as a flight training consultant with the PWD. A position for a flight training consultant has not been created or advertised.

The Ethics Code at Sec. 2-11.1 (q) prevents *former* employees from *lobbying* the County for two years following their departure from County employment. Lobbying is defined very broadly to mean *any activity intended to influence* an elected official or government employee to take an official action.

Additionally, the Ethics Code at Sec. 2-11.1 (g) prevents *current* County employees from securing *special privileges* for themselves or *others* by virtue of their County position.

Until a position is advertised and a competitive hiring process is established, I recommend that PWD employees not meet with the former employee. This restriction will prevent PWD employees from being unlawfully lobbied by a former employee. Additionally, it will alleviate the appearance that PWD employees are granting a special privilege to a former employee that is not available to the public generally.

In contrast, a former PWD employee may apply for a position that has been advertised because the former employee would be appearing in his individual capacity for the purpose of self-representation. This is not considered lobbying and, therefore, does not violate the County Ethics Code.

As we discussed, the purpose of these rules is to level the playing field in which government functions. Especially when issuing County contracts, individuals who have "inside connections" should not benefit to the detriment of others who do not have associations with County officials or employees.

If you have additional questions, please feel free to contact me.

Sincerely,

Victoria Frigo, Staff Attorney
Miami-Dade County Commission on Ethics
Direct Phone: 305 350-0601
Fax: 305 579-0273



19 West Flagler St., Suite 820
Miami, FL 33130

Miami-Dade County is a public entity subject to Chapter 119 of the Florida Statutes concerning public records. E-mail messages are covered under such laws and thus subject to disclosure.