

MEMO

To: File
FROM: Victoria Frigo
DATE: Mar. 17, 2011
RE: INQ 11-47 Michelle Sifontes (SWM)

County employees cannot be required to file financial disclosure forms by their supervisors if the employees' titles, duties, or functions are not listed in Sec. 2-11.1 (i)(1)(c)(2) of the County Code or they are not required to file under State law. Unresolved questions should be brought to the Ethics Commission.

Michelle Sifontes, Chief of Human Resources for Solid Waste Management, stated that some SWM employees had been required to file in the past, in spite of lacking the title or duties associated with filing. In particular she mentioned full-time employees who worked on special projects but had no purchasing authority whatsoever and environmental engineers who produced reports, but again had no purchasing authority. Additionally, an employee who in the past had served as an interim assistant department head but currently did not serve in that capacity was still being required to file.

I concluded that these individuals did not need to file as County employees because they exercised no purchasing authority or other decision-making responsibilities, such as quasi-judicial or land use determinations, or they no longer held director or assistant director positions.

I advised Ms. Sifontes that County employees who serve in some other capacity in the County may be required to file financial disclosure—for example, as advisory board members. I further advised Ms. Sifontes that as Chief of HR, she may not know about an employee's board service, but the board secretaries would provide that information to the board members.