

Frigo, Victoria (COE)

From: Frigo, Victoria (COE)
Sent: Friday, August 03, 2012 2:57 PM
To: 'Giallorenzo, Frank'
Cc: Centorino, Joseph (COE)
Subject: Outside employment and compensation (INQ 12-131)

Hello Frank,

A working definition of outside employment that we use is “any non-city employment or business relationship in which the city employee provides a personal service to the non-city employer that is compensated or *customarily eligible to be compensated.*”

Therefore, the question is not whether the employee is receiving or not receiving income, but whether the employee is *providing a personal service.*

Typical outside employment activities that we’ve opined on include, but are not limited to, the following:

- providing personal service to one’s own business, regardless of whether the business is officially incorporated, or if incorporated, regardless of the jurisdiction in which it is incorporated, or regardless of whether the business is currently generating income;
- providing personal service to a business owned by an immediate family member (*e.g.*, secretarial, bookkeeping, sales, or consulting services), regardless of whether one is compensated;
- serving as a *compensated* officer or director of any *for-profit* corporation, regardless of the jurisdiction in which the entity is incorporated and regardless of whether one performs any duties for the board;
- managing three or more single-family rental units;
- serving as an off-duty police officer, regardless of whether the off-duty service is coordinated by one’s local government entity.

If you want to discuss a particular fact pattern, please feel free to contact our office.

Sincerely,

VICTORIA FRIGO, STAFF ATTORNEY

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From: Giallorenzo, Frank [<mailto:fgiallorenzo@coralgables.com>]
Sent: Thursday, August 02, 2012 10:24 AM
To: Frigo, Victoria (COE)
Subject: Clarification requested regarding outside employment and compensation

Good morning Victoria:

It has been a while since we last spoke. I left the City of Miami and am now the Assistant Human Resources Director for the City of Coral Gables. I am requesting some guidance regarding what constitutes outside employment.

There are several employees who, according to Sunbiz.org, are listed as officers or directors of active corporations. A frequent question I get from the employees is if they are required to fill out an outside employment form when they are not doing any work for the active company and not receiving any income?

Any guidance or Ethics Commission opinions you can refer me to would be greatly appreciated.

Thank you.

Frank



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