
From: Diaz-Greco, Gilma M. (COE)
Sent: Thursday, July 31, 2014 10:54 AM
To: Sanchez, Rodzandra (COE)
Subject: FW: Alex Munoz, Director ASD(Outside Employment) INQ 14-185

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From: Diaz-Greco, Gilma M. (COE)
Sent: Thursday, July 31, 2014 10:54 AM
To: Muñoz, Alex (ASD)
Cc: Centorino, Joseph (COE)
Subject: Alex Munoz, Director ASD(Outside Employment) INQ 14-185

Dear Mr. Munoz,

You inquired about possible conflicting employment for Animal Services Department (Animal Services) veterinarians and clinic staff. As background, we understand that Animal Services employs veterinarians as County employees, but also contracts with private veterinary practices as County vendors. Below you will find guidance on the possible conflict of interest issues under the County Ethics Code.

County Employees

In general, the County Ethics Code at Sec. 2-11.1 (c)(2) does not prohibit a County employee, through his or her privately owned business, from entering into a contract with Miami-Dade County as long as the contract does not interfere with the full and faithful discharge of the employee's duties to the County. This includes the condition that the employee not participate in determining the contract requirements or in awarding the contract. Additionally, none of the employee's job responsibilities and job descriptions may require him or her to be involved in the contract in any way including, but not limited to, its enforcement, oversight, administration, amendment, extension, termination or forbearance. **Finally the employee may not work, in any County department that will enforce, oversee or administer your contract.** This provision may only be waived by a two-thirds vote of the Board of County Commissioners (BCC). See Section 2-11.1 (c)(6) (waiver may be affected if the services involved in the transaction are unique).

In this instance it would mean that the County Ethics Code would prohibit an Animal Services employee who has a private veterinary practice outside of their County employment, from contracting with the Animal Services Department unless a waiver is granted by a majority vote of the BCC.

Please note that employees who contract with the County are engaged in outside employment and must complete the request to engage in outside employment form and the financial disclosure form on a yearly basis. See 2-11 and 2-11.1(k). These forms can be found at:

<http://www.miamidade.gov/elections/financial-disclosures.asp>

Further, the County Ethics Code at Section 2-11.1(p) would prohibit Animal Services employees from making referrals to private veterinary practices which provide veterinary services not performed by Animal Services. In general, Section 2-11.1(p) prohibits County employees from recommending services to assist in any transaction involving their respective department unless the recommendation is made when required to be made by the duties of office and in advance at a public meeting attended by other officials, officers, or employees.

Additionally, Animal Services employees who make referrals to their own private practices or to private veterinary practices which employ them may be in violation of Section 2-11.1(g) of the County Ethics Code which prohibits

employees from using their official position to secure special privileges or exemptions for themselves or others, and Section 2-11.1(n) which prohibits employees from taking any action which would affect the employee's financial interest. This type of referral may also violate Section 2-11.1(j)(prohibition against conflicting employment) given that referral to a private practice that hires an Animal Services employee in their outside employment would likely impair that employees' independence of judgment in the performance of his or her public duties.

County Vendors

Veterinarians employed in private practice who are County vendors, may provide veterinarian services to Animal Services assuming that all procurement processes have been properly followed. However, as explained above, they would be prohibited from serving both as a County vendor for Animal Services and as a County employee in (full or part time) in that same department.

Please contact us if we may be of further assistance.

Best regards,

Gilma (Mimi) Diaz-Greco
Staff Attorney



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From: Centorino, Joseph (COE)
Sent: Monday, July 21, 2014 1:21 PM
To: Muñoz, Alex (ASD)
Cc: Diaz-Greco, Gilma M. (COE)
Subject: RE: Guidance re: Outside Employment Guidelines for County Employees

Thanks,Alex. I am assigning this inquiry to our staff attorney, Gilma-Diaz-Greco, who will likely be in touch with you shortly to get some more information, so that we can provide you with some reasonable guideline..
Joe

From: Muñoz, Alex (ASD)
Sent: Friday, July 18, 2014 9:49 AM
To: Centorino, Joseph (COE)
Subject: Guidance re: Outside Employment Guidelines for County Employees

I am following up on our brief discussion regarding outside employment of County Veterinarians. In response to the memorandum on outside employment guidelines, guidance is requested as it relates to Animal Services veterinarians and clinic staff.

Staff and per diem veterinarians provide multiple services, the majority of which take place with no public interaction. An example of this would be administering emergency care to injured animals upon impoundment and throughout the stray holding period, performing sterilization surgery on dogs and cats and conducting health screenings for shelter animals. The veterinarians also rotate through the Department's public clinic where direct interaction with the public occurs daily. The services offered through the public clinic are strictly limited to vaccination and microchipping; treatments for any other condition or services such as nail trimming, or ear cleaning are not offered by the Department.

As noted, there could be some confusion and after reviewing this we are not clear and are seeking your assistance. Does it present a conflict of interest for Animal Services veterinarians, staff, per diem veterinarians to have outside employment as a veterinarian in a private practice? We would welcome discussing this further as the service of the clinic staff is critical for the success of the shelter.

Thank you for your assistance,

Alex Muñoz, Director
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From: Centorino, Joseph (COE)
Sent: Wednesday, June 11, 2014 5:59 PM
To: (MetroNet) All Users
Subject: Outside Employment Guidelines for County Employees

The issue of what is permissible outside employment for county employees under the County Ethics Code has been the subject of numerous requests for opinions and guidance received by the staff at the Commission on Ethics. There are a number of different rules and policies involved that can easily lead to confusion. In general, it is best to seek guidance from a supervisor or from the Commission on Ethics when contemplating any type of employment outside the county government. The attached memorandum, prepared by our Deputy General Counsel, is a good summary of the general guidelines and many of the past opinions we have provided. It should be kept and reviewed by any county employee

who is contemplating outside employment. Our staff is always ready to answer any specific question that any employee may have on this subject.

Joseph M. Centorino

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