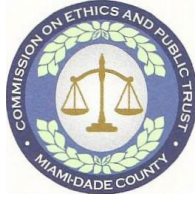


MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST



Outside Employment FAQs

I am a County or Municipal employee. May I engage in outside employment in addition to my County/Municipal job?

It depends. Some County or Municipal departments have a blanket policy to deny outside employment. In departments that allow outside employment in certain circumstances, the employee must still request permission prior to engaging in outside employment.

Pursuant to the Miami-Dade Code at Section 2-11, [Administrative Order 7-1](#), and [Procedure 403](#), all full-time and part-time **Miami-Dade County** employees who engage in any outside employment must request permission from their department before engaging in outside employment. Permission for outside employment must be requested and granted on an annual basis, even in cases where the type of outside employment has not changed. **Municipal employees** should follow Municipal ordinances and procedures regarding permission to engage in outside employment.

What activities are strictly forbidden when engaged in outside employment?

Employees engaged in outside employment cannot work for their outside employer during County or Municipal time, cannot use County or Municipal equipment or materials in the performance of outside employment, cannot lobby County personnel on behalf their outside employer and cannot be engaged in outside employment that is contrary, detrimental, or adverse to the interest of the County or Municipality.

I am a full-time or part-time County employee engaged in outside employment. I obtained permission from my department director last year. Do I have to request permission and file the permission form again this year?

Yes, the permission form must be completed every year.

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I was denied permission to engage in outside employment. May I still work occasionally for that company or entity?

No, if the department director denies approval for outside employment, the employee cannot engage in outside employment, either incidental, occasional, or otherwise.

I am a part-time County employee. Do I have to obtain permission from my department director for outside employment?

Yes, Procedure 403 (effective 2/2016) requires all County employees to obtain permission to engage in outside employment on a yearly basis. (**Municipal employees** follow the procedures and ordinances of their respective Municipalities.)

Which Code of Ethics sections, County Code Sections and County Administrative orders address the issue of outside employment?

- County Ethics Code Sections 2-11.1 (j) and (k)
 - Section (j) prohibits conflicting outside employment that would impair and employee's independence and judgment in the performance of that employee's public duties.
 - Section (k) addresses the general prohibition on outside employment except as permitted in Section 2.11 of the County Code and describes the disclosure requirements and deadlines.
- Section 2-11 County Code
 - Strictly prohibits full-time and part-time employees from accepting outside employment, where County time, equipment, or materials are to be used or where outside employment is performed on County time.
 - Outside employment cannot be contrary, detrimental, or adverse to the interest of the County.
 - Any outside employment must first be approved in writing by employee's department director.
 - Department director is required to maintain record of such employment.
- Administrative Order 7-1
 - Defines County policy on outside employment.
- Procedure 403
 - Specifies that all full-time and part-time Miami-Dade County employees who engage in any outside employment must request permission from their department before engaging in outside employment.

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What are the disclosure requirements and deadlines for outside employment?

Request for Outside Employment

- Miami-Dade County employees must submit a Request for Outside Employment (through INFORMs) to the employee's Department Director for his/her approval **before accepting** outside employment. Approval must be obtained every year thereafter while engaged in outside employment. Department Directors may request an opinion from the County Commission on Ethics regarding conflicts of interest in outside employment.
- Even if the Ethics Commission has determined the proposed outside employment is not a prohibited conflict of interest, the Department Director has the discretion to deny an employee permission to engage in outside employment if he or she determines it is contrary or adverse to the County's interest.
- If approval is granted by the County Department Director, the employee may engage in outside employment.
- Copies of all outside employment approvals shall be maintained in the centralized personnel files of the County Human Resources Department or electronically through INFORMs. Each department shall also maintain appropriate records regarding outside employment requests.
- If the Department Director denies approval for the requested outside employment, the employee cannot engage in that outside employment.
- Municipal employees should follow Municipal ordinances and procedures regarding permission to engage in outside employment.

Outside Employment Statement

- Once permission is obtained in accordance with County and Municipal ordinances and procedures, **full time** Miami-Dade County and Municipal employees with outside employment must **also** file an Outside Employment Statement for (Miami-Dade Code at Section 2-11.1(k)(2)). Employees are required to disclose the source of outside employment, the nature of the work, and the compensation received from such activity. The Outside Employment Statement is due by **12:00 noon, July 1st of each year**. Part-time County and Municipal employees are not required to file this Statement.
- The form for the Outside Employment statement is posted on the website of the [Miami-Dade Elections Department](#).
- **Full-time County employees** file the Outside Employment Statement with the County Supervisor of Elections at:

Miami-Dade County Elections Department
2700 NW 87th Ave.
Miami, FL 33172

Or email to: financial.disclosure@miamidade.gov

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- **Full-time Municipal employees** file the Outside Employment Statement annually with their respective **Municipal Clerks**.
- Failure to disclose the precise amount of income earned from one's outside employment is a violation of the County Ethics Code.

What are some examples of outside employment that may present a conflict of interest with my County or Municipal job?

- The outside employment is with a governmental vendor that currently transacts business with the employee's department, either as a vendor or grant recipient.
- The outside employment is with the employee's privately owned entity and that entity is seeking to transact business with the governmental entity that employs him or her.
- The outside employment is related to the employee's County or Municipal position.
- The County or Municipal employee will come in contact with the same or similar people or entities in both his/her outside employment and in his/her County or Municipal job, e.g., similar clients, suppliers, or subcontractors.
- The County or Municipal employee uses the same or similar resources in his/her outside employment as he/she uses in his County or Municipal work, e.g., similar tools, similar materials, or similar databases.
- All or some of the outside employment can only be accomplished during the same business hours in which the employee is required to work for the County or Municipality.
- The County or Municipal employee works in a public position in which he/she has the opportunity to refer County or Municipal vendors, contractors, bidders, or the public to a private sector entity with which his/her outside employer does business.
- The County or Municipal employee works in a public position in which he/she has the opportunity to recruit County or Municipal vendors, contractors, bidders, or the public to use his/her outside employment products or services.
- The outside employment requires that the County or Municipal employee interact with County or Municipal employees or County or Municipal boards, even for routine matters.
- The County or Municipal employee has access to County or Municipal information that is not available to the public and that is relevant to his/her outside employment.
- The outside employment is likely to place the County or Municipal employee in situations in which private economic considerations may override the faithful discharge of his/her public responsibilities.

I am a County or Municipal employee and I own and manage three or more rental properties. Is this considered outside employment?

Yes, ownership of three or more rental properties is considered outside employment.

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What if the rental properties are managed by a real estate management company?

Where the employee is not involved in the day-to-day management of the rental properties, drawing income from such an activity would not create outside employment unless the employee plays an active role in the management company. However, employees that file a [Source of Income Statement](#) or a [State Form 1](#) will be required to report this business in their financial disclosure forms.

What are some other types of outside employment?

The list below addresses activities that may be considered outside employment, followed by opinions issued by the Ethics Commission addressing many scenarios specifically..

Paid Employment

- Compensated employment with any person, firm, corporation or entity (including a non-profit entity) is considered outside employment. (RQO 08-36, RQO 07-24, RQO 98-17 and INQ 12-131, INQ 11-161)
- Serving as an off-duty police officer (whether or not coordinated by the local government entity) is considered outside employment if the officer is paid directly by the third party. (INQ 03-25). If the officer is paid through the police department, it is not considered outside employment. (INQ 03-16)

Business Activity

- Any consulting firm or business owned by the employee regardless of whether the firm/business is officially incorporated or whether the firm/business is generating income for the employee is considered outside employment. (INQ 13-34, 12-131)
- Providing either paid or unpaid services to any firm/business including, but not limited to, those owned by an immediate family member is considered outside employment.
 - Examples of “providing services” include, but are not limited to: bookkeeping, legal services, marketing services, servicing clients, among others.
 - Section 2-11.1(b)(9) of the County Ethics Code defines “Immediate family” as, “spouse, domestic partner, parents, stepparents, children and stepchildren...”
- Running a web-based business is considered outside employment regardless of whether the employee generates any income.

Business ownership

- Being listed as an officer in a spouse’s corporation where the employee performs no services for that corporation and receives no income from it is **not** considered outside employment. (INQ 05-37)
- Passive investment in a corporation is not considered outside employment. (RQO 08-36)

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- Setting up an S-Corporation to protect personal assets is **not** considered outside employment. (INQ 06-136)

Internet Sales

- Running a web-based business is considered outside employment regardless of whether the employee generates any income.
- Occasionally selling items on eBay (or other internet sales sites) is **not** considered outside employment. (INQ 05-19)

Board Membership (For-Profit Corporations)

- Compensated board membership on a for-profit board is considered outside employment.
- Uncompensated board membership on a for-profit board if the employee is actively involved in the management of the for-profit entity is considered outside employment.
- Membership on an inactive board does **not** require disclosure if the corporation has been inactive for a period of two (2) years and the corporation is listed as inactive in the State's records.

Non-Profit Corporations

- Uncompensated service on a traditional non-profit entity's board is **not** considered outside employment.
- Unpaid volunteer work for a traditional non-profit corporation (for example, the United Way, American Cancer Association, etc.), is **not** considered outside employment. (INQ 09-184)
- Paid volunteer work: serving as a volunteer Associate Pastor at a church, which occasionally collects "love offerings" on his/her behalf is considered outside employment. (INQ 05-30)
- Research for a nonprofit organization compensated through a grant is outside employment. (RQO 17-01)
- Nonprofit entity **established by employee**: employees who establish a nonprofit and serve as the Executive, Director, President or Manager of that nonprofit on a compensated or uncompensated basis and are actively involved in the administration of that entity, are engaged in outside employment. (RQO 17-03)

Military Service

- Active or reserve military service is not considered outside employment. (RQO 14-03).

Outside Employment FAQs

Have more questions?

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