



## MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

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### MEMORANDUM

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**TO:** Angela Walker, Pre-Trial Services Officer 1  
Miami-Dade Corrections and Rehabilitation Department

**FROM:** Nardia Haye, Staff Attorney  
Miami-Dade County Commission on Ethics and Public Trust

**SUBJECT:** INQ 2025-37 - Section 2-11.1 (j) Conflicting Employment Prohibited, Section 2-11.1 (k) Prohibition on Outside Employment

**DATE:** April 21, 2025

**CC:** All COE Legal Staff

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Thank you for contacting the Miami-Dade County Commission on Ethics and Public Trust and requesting our guidance regarding possible conflicts of interest that may occur as a result of your outside employment as a substitute teacher for Kelly Services.

Facts:

You, Angela Walker, are employed by the Miami-Dade Corrections and Rehabilitation Department (“MDCR”) as a Pre-Trial Services Officer 1. Your primary responsibilities include contacting references, processing, and releasing individuals who were granted pre-trial services and/or house arrest by a judge.

You are seeking to engage in outside employment as a substitute teacher for Kelly Services. Kelly Services helps companies recruit and manage skilled workers and helps job seekers find work in industries such as accounting and finance, education, engineering, government, manufacturing and production, technology, and more.<sup>1</sup> Additionally, Kelly Education, a subsidiary of Kelly Services (collectively, “Kelly”), fills vacancies for substitute teachers, builds a qualified special

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<sup>1</sup> Information about Kelly Services was taken from its website: <https://www.kellyservices.com/about-kelly/> and <https://www.kellyeducation.com/about> (last visited on April 21, 2025).

education team, extends the classroom through tutors, and supports an institution's transition to remote work. As a substitute teacher for Kelly, you would supervise classrooms in Miami-Dade or Broward County in the absence of the teacher and give instructional assignments.

You indicated that your working hours for Kelly would not occur during your assigned hours at MDCR.<sup>2</sup> Additionally, your work for Kelly would not require contact with the same or similar people as your MDCR position requires, and would not require contact with County employees, departments, or County boards, even for routine matters.

Further, you would not use the same resources as a substitute teacher for Kelly as you do at MDCR; you do not have access to non-public information through your County position that is or could be relevant to your role as a substitute teacher; and your work for MDCR does not include recruiting vendors, contractors, bidders, or members of the public who could use your outside employment services. Moreover, you do not have any involvement, authority, or oversight over Kelly, its staff, and/or any contracts or agreements it may have with the County.

Issue:

Whether any prohibited conflict of interest may exist, pursuant to the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance (“County Ethics Code”), between your County employment with MDCR and your proposed outside employment for Kelly.

Analysis and Discussion:

Outside employment is considered “any non-County employment or business relationship in which the County employee provides a personal service to the non-County employer that is compensated or customarily compensated.” RQO 17-03. The County Ethics Code prohibits County employees from accepting outside employment, “which would impair his or her independence of judgment in the performance of his or her public duties” or is likely to create conflicts of interest between the employee’s County responsibilities and their outside job duties. Section 2-11.1(j); *see also* Section 2-11.1(k). Additionally, Miami-Dade County Administrative Order 7-1 provides that, “[u]nder no circumstances shall a County employee accept outside employment . . . where a real or apparent conflict of interest with one’s official or public duties is possible.”<sup>3</sup>

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<sup>2</sup> INFORMS reflects that your hours at MDCR are from 8 pm to 4 am. Further, INFORMS delineates that your hours as a substitute teacher would be from 7:05 am to 2:35 pm as well as 8:20 am to 3:20 pm, and Kelly will release you if MDCR needs your services.

<sup>3</sup> Additionally, State law prohibits an employee of an agency from having or holding any employment or contractual relationship that will create continuing or frequently recurring conflicts between his private interests and the performance of his public duties. §112.313(7)(a), Fla. Stat. (2021).

Conflicting employment can occur when outside employment is closely related to the employee's public duties and/or where the County employee deals with the same people or entities in both his or her outside employment and in his or her public position, e.g., similar clients, suppliers, or subcontractors. *See* RQO 15-03. Several factors are considered to determine whether a potential conflict of interest exists between an individual's County position and his or her outside employment, including: the nexus between the public duties and the outside employment; whether the employee has decision-making authority over the same subject matter that the outside employment concerns; whether the employee solicits business or customers in the same area over which he or she has jurisdiction; whether the employee will come into contact with the same or similar people or entities in both his or her public position and outside employment; and whether the employee's public entity funds or has a contract with his or her outside employer. *See* RQO 17-01; INQ 21-66.

In practice, a Contract Certification Specialist 1 for the Miami-Dade Internal Services Department ("ISD") who processed certification applications for small businesses did not have a conflict of interest as a substitute teacher for Kelly because her responsibilities for Kelly did not overlap with her responsibilities for ISD, her outside employment would be performed outside her County hours, and her County work did not involve any transactions with Kelly or Miami-Dade County Public Schools ("M-DCPS"). *See* INQ 24-91. In another instance, there was no conflict of interest for a Pollution Control Inspector for the Miami-Dade Department of Regulatory and Economic Resources ("RER") to engage in outside employment as a substitute teacher for M-DCPS because it is unlikely that this type of work would impair his independence of judgment in the performance of his duties for RER. *See* INQ 14-103.

Finally, County employees are required to obtain approval from their department director prior to engaging in outside employment. *See* AO 7-1. Department directors and their subordinate supervisors may request an opinion from the Miami-Dade County Commission on Ethics and Public Trust regarding any potential conflict of interest concerning the proposed outside employment. *See* INQ 19-101; INQ 21-111. Department directors and their subordinate supervisors have the discretion to deny a request for outside employment if they determine that, at any time, the proposed outside employment would be contrary, detrimental, or adverse to the interests of the County or the employee's department. *See* RQO 00-10; RQO 16-02; INQ 13-28. Additionally, the County Ethics Code provides that, "[a]ll full-time County and municipal employees engaged in any outside employment . . . shall file, under oath, an annual report indicating the source of the outside employment ..." County Ethics Code § 2-11.1(k)(2).

In this case, your direct supervisor, Monica Campbell, expressed that she has no concern regarding your outside employment request. Indeed, your responsibilities as a Pre-Trial Services Officer 1 for MDCR, which include contacting references, processing, and releasing individuals who were granted pre-trial services and/or house arrest, do not overlap with your responsibilities as a substitute teacher for Kelly supervising classrooms and giving instructional assignments. Additionally, your work for Kelly will be performed outside of your MDCR hours, and Kelly will release you if MDCR needs your services. Moreover, you do not have any involvement, authority, or oversight over Kelly, its staff, and/or any contracts or agreements it may have with the County. Lastly, your outside employment would not require you to use the same resources as a substitute teacher that you use at MDCR; your outside employment would not require contact with County

employees, departments, or County boards, even for routine matters; and you would not have access to non-public information through MDCR that is or could be relevant to your role as a substitute teacher.

Therefore, based on the information provided to us at this time, **it appears to be unlikely that the type of outside employment you are seeking to engage in would impair your independence of judgment as a Pre-Trial Services Officer 1 at MDCR.**

Opinion:

Based on the facts presented here and discussed above, you would not have a conflict of interest in your outside employment as a substitute teacher for Kelly. However, you must adhere to the following sections of the County Ethics Code to avoid any future conflicts of interest:

- You may not engage in activities that relate in any way to your outside employment during regular business hours, including phone calls, or any other communication and/or use of County resources (including but not limited to phones, copiers, computers, fax machines, or County vehicles, in connection with your outside employment, even after work). *See* County Ethics Code §§ 2-11.1(g) and (j); AO 5-5; AO 7-1; INQ 05-29; INQ 15-240; INQ 19-123; INQ 20-43.
- You may not appear before any County board or agency to make a presentation on behalf of or seek any benefit for Kelly. *See* County Ethics Code § 2-11.1(m)(1).
- You may not exploit your County position to secure special privileges or exemptions for yourself, Kelly, and/or any of its parent or subsidiary organizations. *See* County Ethics Code § 2-11.1(g).
- You may not disclose and/or use any confidential and/or proprietary information acquired because of your County employment and/or position to derive a personal benefit, or for the benefit of Kelly and/or any of its parent or subsidiary organizations. *See* County Ethics Code § 2-11.1(h).
- You must obtain permission to engage in outside employment on an annual basis by filing a Request for Outside Employment with your department director. *See* AO 7-1. Additionally, **you must file an Outside Employment Statement<sup>4</sup> with the County Ethics Commission by noon on July 1st of each year for the prior year's outside employment** regardless of whether you made a profit or not in your outside employment. *See* County Ethics Code § 2-11.1(k)(2).

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<sup>4</sup> You can find the required form online at: <https://documents.miamidade.gov/ethics/outside-employment/outside-employment-statement.pdf>.

This opinion is limited to the facts as you presented them to the Miami-Dade County Commission on Ethics and Public Trust and is limited to an interpretation of the County Ethics Code only and is not intended to interpret state laws. Questions regarding state ethics laws should be addressed to the Florida Commission on Ethics, P.O. Drawer 15709, Tallahassee, FL 32317, phone number (850) 488-7864, <http://www.ethics.state.fl.us/>.

We appreciate your consulting with the Commission in order to avoid possible prohibited conflicts of interest. If the facts associated with your inquiry change, please contact us for additional guidance.

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*INQs are informal opinions provided by the legal staff after review and approval by the Executive Director and/or General Counsel. INQs deal with opinions previously addressed in public session by the Miami-Dade Commission on Ethics and Public Trust or within the plain meaning of the County Ethics Code. RQOs are opinions provided by the Ethics Commission when the subject matter is of great public importance or where there is insufficient precedent. While this is an informal opinion, covered parties that act contrary to this opinion may be subject to investigation and a formal Complaint filed with the Ethics Commission.*