



2015
Annual
Florida Bar
Convention

BOCA RATON
RESORT & CLUB

501 EAST CAMINO REAL
BOCA RATON, FL 33432
(561) 447-3000



The Florida Bar Continuing Legal Education Committee and the
Labor and Employment Law Section present

Don't Crash on the Information Highway: What Every Law Firm Needs to Know about the Impact of Technology on Employment Law Issues

COURSE CLASSIFICATION: INTERMEDIATE

Thursday, June 25, 2015, 1:40 p.m.- 5:00 p.m.

Course 1960R Staff Contact: Angie Froelich (afroelich@flabar.org)

Moderators:

*Judge Alan Forst of the Fourth District Court of Appeal, former Chair of the Labor and
Employment Law Section*

*Sacha Dyson, Esq., of Thompson, Sizemore, Gonzalez, & Hearing, P.A., member of the
Executive Council of the Labor and Employment Law Section*

Schedule:

1:40 p.m.-2:30 p.m.

Don't Stall Out: Ethical and Professional Issues in Electronic Communications

Attendees will learn about the recent Florida Bar Ethics Opinion concluding it is not unethical to advise clients to clean up their social media posts in advance of litigation, and whether that Opinion creates tension with spoliation issues as well as ESI issues. The presenter will also address the ethical issues involved in an attorney purposely spoofing on social media and/or hiding the true identity of the attorney to communicate with litigants and/or jurors during litigation/trials. Additionally, the discussion will include advertising legal services on social media and/or touting results on professional social media sites such as LinkedIn.

Robyn S. Hankins, Esq., Law Offices of Robyn S. Hankins, P.A., member of the Executive Council of the Labor and Employment Law Section.

2:30 p.m. - 3:00 p.m.

Texting While Driving: The FLSA and the Electronic Age

Attendees will learn about the impact of technology on wage and hour off-the-clock issues. There will be thorough discussions of compensable time issues, including remote work performed on smart phones and other personal devices, and defenses to such claims, including examination of which employees are exempt from wage and hour laws.

Shane Munoz, Esq., Chair of the Labor and Employment Law Section.



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3:00 p.m.-3:40 p.m.

Speed Bump Ahead: The NLRA and Electronic Communications

Attendees will learn about the applicability of the National Labor Relations Act to both union and non-union workplaces, including recent developments before the National Labor Relations Board regarding non-disparagement, non-harassment, employee duty of loyalty and other employee handbook policies.

Gregory A. Hearing, Esq., Thompson, Sizemore, Gonzalez & Hearing, P.A., former Chair of the Labor and Employment Law Section.

3:40 p.m.-3:50 p.m.

Break

3:50 p.m.-4:20 p.m.

Merge with Caution: Using Social Media in Workplace Investigations

Attendees will learn whether Facebook and other social media postings by employees can be used during workplace investigations into allegations of employee misconduct. This session will discuss balancing an employee's expectation of privacy in social media postings with an employer's right to discipline its employees, including an emphasis on whether off-duty conduct posted on social media can be the basis for disciplinary action.

Cathleen Scott, Esq., The Law Office of Cathleen Scott & Associates, P.A., member of the Executive Council of the Labor and Employment Law Section.

4:20 p.m.-4:50 p.m.

Maintain the Right of Way: Safeguarding Electronic Information in the Workplace

Attendees will learn the significance of safeguarding employee information under common law and statutory/regulatory privacy requirements; the importance of maintaining electronic security in the ongoing protection of confidential, proprietary and trade secrets information; the implications of a data breach; and practical steps to take to safeguard such information.

Frank Brown, Esq., Chairman of the Reemployment Assistance Appeals Commission and Chair-Elect of the Labor and Employment Law Section.

4:50 p.m.-5:00 p.m.

Questions