



The Florida Bar

651 East Jefferson Street
Tallahassee, FL 32399-2300

John F. Harkness, Jr.
Executive Director

850/561-5600
www.FLORIDABAR.org

MEMORANDUM

To: Labor and Employment Law Section Executive Council Members
From: Angie Froelich, Section Administrator
Date: May 4, 2016
Re: Agenda for Executive Council Meeting on May 6, 2016

The Labor & Employment Law Section executive council meeting will take place on Friday, May 6, 2016, at **5:30 p.m.** at the Ritz Carlton Amelia Island, 4750 Amelia Island Parkway, Amelia Island, FL 32034, (904) 277-1100, www.ritzcarlton.com.

The agenda and supporting documents for this meeting are enclosed.

The conference call information is:

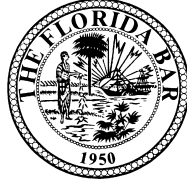
Toll-free number: 888-376-5050
Conference Code: 1563821345 and #
Customer Service: 866-640-5038

Hotel Room Assignments

ALT Seminar: Plaza Ballroom
Labor EC Meeting: Santa Maria
Reception/Dinner: Oceanfront Lawn

I look forward to seeing you on Friday.

Angie



AGENDA

*Labor and Employment Law Section Executive Council Meeting
Friday, May 6, 2016 • 5:30 p.m. e.s.t. • Santa Maria*

- I. Call To Order** – Hon. Frank E. Brown, Chair
- II. Secretary/Treasurer Report** – Zascha Blanco Abbott
 - A. Financial Statement – March, 2015 (**Attachment A**)
- III. Committee and Subcommittee Reports (Attachment B)**
 - A. Outreach Committee – Leslie Langbein
 - a. ABA Liaison Subcommittee – Cynthia Sass/Robert Turk
 - b. Law School Liaison Subcommittee – Freddy Perera/Cristina Velez (**attachment**)
 - c. Judicial Outreach Subcommittee – Zascha Blanco Abbott/John D. Hoffman
 - d. Local/Voluntary Bar Association Liaison Subcommittee – Scott Atwood/Sacha Dyson
 - e. EEOC and FEPA Liaison Subcommittee – Kristen Foslid/Marquis Heilig/Cheyenne Costilla
 - f. NLRB and PERC Liaison Subcommittee – Nick Karatinos/Stephen A. Meck/Gregg Morton (**attachment**)
 - g. Wage and Hour Administration Liaison Subcommittee Committee – Joseph G. Santoro/David Spalter
 - h. Membership Outreach Subcommittee – Leslie Reicin Stein/Lindsay Wagner
 - i. The Florida Bar Outreach Subcommittee – Sherril Colombo/Marlene Quintana
 - B. Long Range Planning Committee – Hon. Robert Kilbride
 - C. Communications Committee – Hon. Stephanie W. Ray
 - a. Publications Subcommittee – Jay Lechner/Rob Eschenfelder (**attachment**)
 - b. Website Subcommittee – Hon. Stephanie W. Ray/Brian L. Lerner (**attachment**)
 - c. Social Media / Advertising Subcommittee – Cathleen Scott/Brian L. Lerner (**attachment**)

IV. Continuing Legal Education – Cathleen Scott

- A. Advanced Labor Topics – Amelia Island Ritz Carlton – May 6-7, 2016

V. New Business

- A. Long Range Planning Retreat, Orlando Ritz-Carlton Grande Lakes, May 13-15, 2016 – Hon. Robert Kilbride/Frank Brown
- B. Proposed FCRA Jury Instructions – Frank Brown (**Attachment C**)

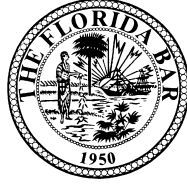
VI. Chair’s Report

- A. Proposed Amendment to Aviation Law Certification Standards – Hon. Frank Brown (**Attachment D**)

VII. Informational

- A. 6:00 p.m. – 11:00 p.m. Reception / Dinner / Firepit Dessert Reception (Oceanfront Lawn)

VIII. Adjournment



Labor & Employment Law Section

2015 – 2016 MARCH 2016 Section – Financial Statement

Beginning Fiscal Year Fund Balance	\$197,956
Total Revenue	\$123,488
Total Expenses	(\$70,487)
Net Operations	\$53,001
Ending Fiscal Year Fund Balance	\$250,957*

**see attached statement of operations*

Current Membership

Current Membership	2,150
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	March 2016 Actuals	YTD 15-16 Actuals	Budget	Percent Budget
Total Labor & Employment Law				
=====				
31431 Sect Dues	80	79,560	77,600	102.53
31432 Affil Dues	80	1,060	820	129.27

Total Dues Income Net	160	80,620	78,420	102.81

32010 Legal Span On-line	0	878	1,800	48.78
32191 CLE Committee Course	299	44,999	30,000	150.00
32205 Compact Disc	0	0	1,000	0.00
32293 NonSect Mem Cost Dif	180	3,780	7,000	54.00
35201 Sponsorships	0	0	2,500	0.00
37991 Advertising Revenue	1,400	1,750	3,000	58.33
38499 Investment Alloc	7,335	-8,539	5,367	-159.10

Other Income	9,214	42,868	50,667	84.61

Total Revenues	9,374	123,488	129,087	95.66

36998 Credit Card Fees	3	17	40	42.50
51101 Employee Travel	0	1,026	3,854	26.62
71001 Phone/Direct	68	446	1,100	40.55
71005 Internet Charges	42	420	550	76.36
75401 Express Mail	0	0	11	0.00
84001 Postage	0	1,385	600	230.83
84002 Printing	105	1,058	500	211.60
84006 Newsletter	247	2,317	4,000	57.93
84007 Membership	0	0	100	0.00
84009 Supplies	13	121	300	40.33
84010 Photocopying	0	110	275	40.00
84051 Officers Travel Exp	0	0	250	0.00
84052 Mtg Travel Exp	1,890	9,475	22,500	42.11
84053 Out Of State Travel	0	0	1,000	0.00
84054 CLE Speaker Exp	0	0	10,000	0.00
84061 Reception	3,003	6,094	10,500	58.04
84069 Dinners	0	0	5,000	0.00
84101 Committee Exp	0	0	150	0.00
84103 Cert Committee Exp	0	134	1,850	7.24
84201 Board Or Council Mtg	1,154	3,710	5,600	66.25
84202 Annual Mtg	0	0	10,000	0.00
84205 Section Service Prog	83	338	5,500	6.15
84214 Long Range Planning	4,000	4,000	4,000	100.00
84301 Awards	0	0	7,000	0.00
84302 Scholarships	0	0	11,000	0.00
84422 Website	565	3,990	3,200	124.69
84535 Chairs Conv	0	0	400	0.00
84701 Council Of Sections	0	300	300	100.00
84998 Operating Reserve	0	0	11,582	0.00
84999 Miscellaneous	0	263	500	52.60
88252 Course Credit Fee	0	0	150	0.00

	March 2016 Actuals	YTD 15-16 Actuals	Budget	Percent Budget
Total Labor & Employment Law =====				
Total Operating Expenses	11,173	35,204	121,812	28.90
31433 Section Mgmt Fee	70	35,283	34,650	101.83
Total TFB Support Services	70	35,283	34,650	101.83
Total Expenses	11,243	70,487	156,462	45.05
Net Operations	-1,869	53,001	-27,375	-193.61
21001 Fund Balance	0	197,956	178,905	110.65
Total Current Fund Balance	-1,869	250,957	151,530	165.62

* * * * * End of listing * * * * *

	March 2016 Actuals	YTD 15-16 Actuals	Budget	Percent Budget
Total Labor & Employment CLE				
31436 Course Sect Diff	-160	-3,160	0	*
32001 Registrations	0	65,840	0	*
32010 Legal Span On-line	8,391	30,725	0	*
32205 Compact Disc	3,485	48,927	0	*
32301 Course Materials	240	1,500	0	*
Total Revenues	11,956	143,832	0	*
51101 Employee Travel	0	1,100	0	*
83431 Time CLE Courses	0	0	0	*
Total The Florida Bar Staff Exp	0	1,100	0	*
84256 Audio Taping/Tech	0	6,522	0	*
86432 Time Taping Editing	0	5,948	0	*
88281 A/V Ctr Dup/Prod	35	840	0	*
Total Cost of AV Media	35	13,310	0	*
86001 Admin Exp	350	37,700	0	*
Total General and Administrative	350	37,700	0	*
81411 Promo Printing	339	5,260	0	*
81412 Promo Mailing	819	2,207	0	*
86532 Advertising News	2,471	4,943	0	*
Total Promotion	3,629	12,410	0	*
88241 Outline Prt-Inhouse	570	1,120	0	*
Total Printed Course Material	570	1,120	0	*
88231 Spkrs Travel	322	3,200	0	*
88232 Spkrs Meals	94	472	0	*
88233 Spkrs Hotel	218	1,822	0	*
88239 Spkrs Oth Exp	29	490	0	*
Total Speaker Expense	663	5,984	0	*
61201 Equip Rental	667	1,740	0	*
88262 Mtg Meals	9,382	12,336	0	*
88263 Mtg Hospitality	3,003	3,003	0	*
88265 Refreshment Breaks	4,389	7,293	0	*
Total Presentation Expense	17,441	24,372	0	*
36998 Credit Card Fees	313	2,082	0	*
75102 1st Class & Misc Mai	5	51	0	*

	March 2016 Actuals	YTD 15-16 Actuals	Budget	Percent Budget
Total Labor & Employment CLE -----				
75401 Express Mail	81	400	0	*
Other Expense	399	2,533	0	*
Total Expenses	23,087	98,529	0	*
Total Net General Ledger	-11,131	45,303	0	*
32291 Sect/YLD Fee	195	-40,408	0	*
Net Operations	-10,936	4,895	0	*

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	March 2016 Actuals	YTD 15-16 Actuals	Budget	Percent Budget
C1619 LE ADR Seminar ~~~~~				
32205 Compact Disc	0	740	0	*
Total Revenues	0	740	0	*
36998 Credit Card Fees	0	15	0	*
75401 Express Mail	0	4	0	*
Other Expense	0	19	0	*
Total Expenses	0	19	0	*
Total Net General Ledger	0	721	0	*
32291 Sect/YLD Fee	0	-577	0	*
Net Operations	0	144	0	*

	March 2016 Actuals	YTD 15-16 Actuals	Budget	Percent Budget
C1765 LE A Webcast Series				
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31436 Course Sect Diff	0	-40	0	*
32205 Compact Disc	0	160	0	*
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Total Revenues	0	120	0	*
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36998 Credit Card Fees	0	1	0	*
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Other Expense	0	1	0	*
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Total Expenses	0	1	0	*
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Total Net General Ledger	0	119	0	*
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32291 Sect/YLD Fee	0	-95	0	*
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Net Operations	0	24	0	*
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	March 2016 Actuals	YTD 15-16 Actuals	Budget	Percent Budget
C1783 Litigating Employmen				
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31436 Course Sect Diff	0	-80	0	*
32010 Legal Span On-line	0	658	0	*
32205 Compact Disc	0	2,075	0	*
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Total Revenues	0	2,653	0	*
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88281 A/V Ctr Dup/Prod	0	70	0	*
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Total Cost of AV Media	0	70	0	*
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36998 Credit Card Fees	0	30	0	*
75102 1st Class & Misc Mai	0	4	0	*
75401 Express Mail	0	11	0	*
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Other Expense	0	45	0	*
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Total Expenses	0	115	0	*
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Total Net General Ledger	0	2,538	0	*
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32291 Sect/YLD Fee	0	-2,030	0	*
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Net Operations	0	508	0	*
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	March 2016 Actuals	YTD 15-16 Actuals	Budget	Percent Budget
C1804 LE Audio Webcasts				
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31436 Course Sect Diff	0	-40	0	*
32010 Legal Span On-line	644	2,652	0	*
32205 Compact Disc	0	637	0	*
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Total Revenues	644	3,249	0	*
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36998 Credit Card Fees	0	13	0	*
75401 Express Mail	0	6	0	*
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Other Expense	0	19	0	*
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Total Expenses	0	19	0	*
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Total Net General Ledger	644	3,230	0	*
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32291 Sect/YLD Fee	-515	-2,584	0	*
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Net Operations	129	646	0	*
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	March 2016 Actuals	YTD 15-16 Actuals	Budget	Percent Budget
C1805 Eff & Eth Use of Soc ~~~~~				
32010 Legal Span On-line	228	1,770	0	*
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Total Revenues	228	1,770	0	*
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Total Net General Ledger	228	1,770	0	*
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32291 Sect/YLD Fee	-182	-1,416	0	*
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Net Operations	46	354	0	*
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	March 2016 Actuals	YTD 15-16 Actuals	Budget	Percent Budget
C1806 Ins & Outs of Emp ~~~~~				
32010 Legal Span On-line	270	887	0	*
Total Revenues	270	887	0	*
Total Net General Ledger	270	887	0	*
32291 Sect/YLD Fee	-216	-710	0	*
Net Operations	54	177	0	*

	March 2016 Actuals	YTD 15-16 Actuals	Budget	Percent Budget
C1807 What Every Employmen ~~~~~				
32010 Legal Span On-line	39	271	0	*
Total Revenues	39	271	0	*
Total Net General Ledger	39	271	0	*
32291 Sect/YLD Fee	-31	-217	0	*
Net Operations	8	54	0	*

	March 2016 Actuals	YTD 15-16 Actuals	Budget	Percent Budget
C1808 Working with Expert ~~~~~				
32010 Legal Span On-line	0	155	0	*
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Total Revenues	0	155	0	*
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Total Net General Ledger	0	155	0	*
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32291 Sect/YLD Fee	0	-124	0	*
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Net Operations	0	31	0	*
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	March 2016 Actuals	YTD 15-16 Actuals	Budget	Percent Budget
C1809 Statistical Evidence ~~~~~				
32010 Legal Span On-line	0	194	0	*
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Total Revenues	0	194	0	*
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Total Net General Ledger	0	194	0	*
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32291 Sect/YLD Fee	0	-155	0	*
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Net Operations	0	39	0	*
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	March 2016 Actuals	YTD 15-16 Actuals	Budget	Percent Budget
C1832 15th Labor Cert Rvw ~~~~~				
31436 Course Sect Diff	-80	-440	0	*
32010 Legal Span On-line	1,602	8,824	0	*
32205 Compact Disc	1,080	10,440	0	*
32301 Course Materials	0	60	0	*
Total Revenues	2,602	18,884	0	*
88281 A/V Ctr Dup/Prod	0	105	0	*
Total Cost of AV Media	0	105	0	*
36998 Credit Card Fees	21	169	0	*
75102 1st Class & Misc Mai	0	6	0	*
75401 Express Mail	5	45	0	*
Other Expense	26	220	0	*
Total Expenses	26	325	0	*
Total Net General Ledger	2,576	18,559	0	*
32291 Sect/YLD Fee	-2,061	-14,847	0	*
Net Operations	515	3,712	0	*

	March 2016 Actuals	YTD 15-16 Actuals	Budget	Percent Budget
C1859 2015 Adv Labor Topcs ~~~~~				
31436 Course Sect Diff	0	-320	0	*
32010 Legal Span On-line	915	7,898	0	*
32205 Compact Disc	0	8,220	0	*
32301 Course Materials	0	360	0	*
Total Revenues	915	16,158	0	*
83431 Time CLE Courses	0	0	0	*
Total The Florida Bar Staff Exp	0	0	0	*
88281 A/V Ctr Dup/Prod	0	70	0	*
Total Cost of AV Media	0	70	0	*
36998 Credit Card Fees	0	125	0	*
75102 1st Class & Misc Mai	0	5	0	*
75401 Express Mail	0	63	0	*
Other Expense	0	193	0	*
Total Expenses	0	263	0	*
Total Net General Ledger	915	15,895	0	*
32291 Sect/YLD Fee	-732	-12,716	0	*
Net Operations	183	3,179	0	*

	March 2016 Actuals	YTD 15-16 Actuals	Budget	Percent Budget
C1916 Litigating Benefits ~~~~~				
32010 Legal Span On-line	0	116	0	*
Total Revenues	0	116	0	*
Total Net General Ledger	0	116	0	*
32291 Sect/YLD Fee	0	-93	0	*
Net Operations	0	23	0	*

	March 2016 Actuals	YTD 15-16 Actuals	Budget	Percent Budget
C1960 Dont Crash/Info Hwy ~~~~~				
31436 Course Sect Diff	0	-120	0	*
32010 Legal Span On-line	218	922	0	*
32205 Compact Disc	0	870	0	*
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Total Revenues	218	1,672	0	*
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83431 Time CLE Courses	0	0	0	*
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Total The Florida Bar Staff Exp	0	0	0	*
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84256 Audio Taping/Tech	0	1,472	0	*
86432 Time Taping Editing	0	780	0	*
88281 A/V Ctr Dup/Prod	0	70	0	*
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Total Cost of AV Media	0	2,322	0	*
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88231 Spkrs Travel	0	38	0	*
88232 Spkrs Meals	0	44	0	*
88233 Spkrs Hotel	0	231	0	*
88239 Spkrs Oth Exp	0	16	0	*
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Total Speaker Expense	0	329	0	*
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36998 Credit Card Fees	0	14	0	*
75401 Express Mail	0	10	0	*
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Other Expense	0	24	0	*
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Total Expenses	0	2,675	0	*
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Total Net General Ledger	218	-1,003	0	*
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32291 Sect/YLD Fee	-175	802	0	*
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Net Operations	43	-201	0	*
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	March 2016 Actuals	YTD 15-16 Actuals	Budget	Percent Budget
C1987 Effectively Litgatng ~~~~~				
31436 Course Sect Diff	-40	-1,240	0	*
32001 Registrations	0	27,366	0	*
32205 Compact Disc	385	12,675	0	*
32301 Course Materials	0	360	0	*
Total Revenues	345	39,161	0	*
51101 Employee Travel	0	474	0	*
Total The Florida Bar Staff Exp	0	474	0	*
84256 Audio Taping/Tech	0	1,793	0	*
86432 Time Taping Editing	0	1,755	0	*
88281 A/V Ctr Dup/Prod	35	315	0	*
Total Cost of AV Media	35	3,863	0	*
86001 Admin Exp	0	11,000	0	*
Total General and Administrative	0	11,000	0	*
86532 Advertising News	0	1,648	0	*
Total Promotion	0	1,648	0	*
88241 Outline Prt-Inhouse	0	536	0	*
Total Printed Course Material	0	536	0	*
88231 Spkrs Travel	0	619	0	*
88232 Spkrs Meals	0	80	0	*
88233 Spkrs Hotel	0	398	0	*
88239 Spkrs Oth Exp	0	115	0	*
Total Speaker Expense	0	1,212	0	*
61201 Equip Rental	0	1,073	0	*
88262 Mtg Meals	0	2,954	0	*
88265 Refreshment Breaks	0	2,904	0	*
Total Presentation Expense	0	6,931	0	*
36998 Credit Card Fees	8	610	0	*
75102 1st Class & Misc Mai	0	16	0	*
75401 Express Mail	3	119	0	*
Other Expense	11	745	0	*

	March 2016 Actuals	YTD 15-16 Actuals	Budget	Percent Budget
C1987 Effectively Litgatng ~~~~~				
Total Expenses	46	26,409	0	*
Total Net General Ledger	299	12,752	0	*
32291 Sect/YLD Fee	-240	-10,202	0	*
Net Operations	59	2,550	0	*

	March 2016 Actuals	YTD 15-16 Actuals	Budget	Percent Budget
C2005 LE Audio Webcasts ~~~~~				
86001 Admin Exp	0	350	0	*
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Total General and Administrative	0	350	0	*
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88241 Outline Prt-Inhouse	0	9	0	*
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Total Printed Course Material	0	9	0	*
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Total Expenses	0	359	0	*
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Total Net General Ledger	0	-359	0	*
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32291 Sect/YLD Fee	0	287	0	*
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Net Operations	0	-72	0	*
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	March 2016 Actuals	YTD 15-16 Actuals	Budget	Percent Budget
C2007 Dec 8 Audio Webcast ~~~~~				
32010 Legal Span On-line	39	487	0	*
Total Revenues	39	487	0	*
86001 Admin Exp	0	350	0	*
Total General and Administrative	0	350	0	*
Total Expenses	0	350	0	*
Total Net General Ledger	39	137	0	*
32291 Sect/YLD Fee	-32	-110	0	*
Net Operations	7	27	0	*

	March 2016 Actuals	YTD 15-16 Actuals	Budget	Percent Budget
C2008 Jan 12 Audio Webcast ~~~~~				
32010 Legal Span On-line	0	0	0	*
Total Revenues	0	0	0	*
86001 Admin Exp	0	350	0	*
Total General and Administrative	0	350	0	*
Total Expenses	0	350	0	*
Total Net General Ledger	0	-350	0	*
32291 Sect/YLD Fee	280	280	0	*
Net Operations	280	-70	0	*

	March 2016 Actuals	YTD 15-16 Actuals	Budget	Percent Budget
C2009 Feb 9 Audio Webcast ~~~~~				
32010 Legal Span On-line	39	832	0	*
Total Revenues	39	832	0	*
Total Net General Ledger	39	832	0	*
32291 Sect/YLD Fee	-666	-666	0	*
Net Operations	-627	166	0	*

	March 2016 Actuals	YTD 15-16 Actuals	Budget	Percent Budget
C2010 Apr 5 Audio Webcast ~~~~~				
32010 Legal Span On-line	0	216	0	*
Total Revenues	0	216	0	*
Total Net General Ledger	0	216	0	*
Net Operations	0	216	0	*

	March 2016 Actuals	YTD 15-16 Actuals	Budget	Percent Budget
C2024 16th Labor Cert Rvw ~~~~~				
31436 Course Sect Diff	-40	-880	0	*
32001 Registrations	0	38,474	0	*
32010 Legal Span On-line	3,935	3,935	0	*
32205 Compact Disc	2,020	13,110	0	*
32301 Course Materials	240	720	0	*
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Total Revenues	6,155	55,359	0	*
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51101 Employee Travel	0	626	0	*
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Total The Florida Bar Staff Exp	0	626	0	*
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84256 Audio Taping/Tech	0	3,257	0	*
86432 Time Taping Editing	0	3,413	0	*
88281 A/V Ctr Dup/Prod	0	210	0	*
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Total Cost of AV Media	0	6,880	0	*
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86001 Admin Exp	0	25,300	0	*
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Total General and Administrative	0	25,300	0	*
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81411 Promo Printing	0	4,569	0	*
81412 Promo Mailing	0	253	0	*
86532 Advertising News	0	824	0	*
<hr/>	<hr/>	<hr/>	<hr/>	<hr/>
Total Promotion	0	5,646	0	*
<hr/>	<hr/>	<hr/>	<hr/>	<hr/>
88241 Outline Prt-Inhouse	2	7	0	*
<hr/>	<hr/>	<hr/>	<hr/>	<hr/>
Total Printed Course Material	2	7	0	*
<hr/>	<hr/>	<hr/>	<hr/>	<hr/>
88231 Spkrs Travel	322	2,543	0	*
88232 Spkrs Meals	94	348	0	*
88233 Spkrs Hotel	218	1,193	0	*
88239 Spkrs Oth Exp	29	359	0	*
<hr/>	<hr/>	<hr/>	<hr/>	<hr/>
Total Speaker Expense	663	4,443	0	*
<hr/>	<hr/>	<hr/>	<hr/>	<hr/>
61201 Equip Rental	667	667	0	*
88262 Mtg Meals	9,382	9,382	0	*
88263 Mtg Hospitality	3,003	3,003	0	*
88265 Refreshment Breaks	4,389	4,389	0	*
<hr/>	<hr/>	<hr/>	<hr/>	<hr/>
Total Presentation Expense	17,441	17,441	0	*
<hr/>	<hr/>	<hr/>	<hr/>	<hr/>
36998 Credit Card Fees	35	810	0	*
75102 1st Class & Misc Mai	5	20	0	*
75401 Express Mail	73	142	0	*

	March 2016 Actuals	YTD 15-16 Actuals	Budget	Percent Budget
C2024 16th Labor Cert Rvw ~~~~~				
Other Expense	113	972	0	*
Total Expenses	18,219	61,315	0	*
Total Net General Ledger	-12,064	-5,956	0	*
32291 Sect/YLD Fee	4,765	4,765	0	*
Net Operations	-7,299	-1,191	0	*

	March 2016 Actuals	YTD 15-16 Actuals	Budget	Percent Budget
C2042 Tallahassee Labr Sem ~~~~~				
81411 Promo Printing	0	352	0	*
81412 Promo Mailing	0	1,135	0	*
86532 Advertising News	1,647	1,647	0	*
Total Promotion	1,647	3,134	0	*
88241 Outline Prt-Inhouse	568	568	0	*
Total Printed Course Material	568	568	0	*
36998 Credit Card Fees	192	238	0	*
Other Expense	192	238	0	*
Total Expenses	2,407	3,940	0	*
Total Net General Ledger	-2,407	-3,940	0	*
Net Operations	-2,407	-3,940	0	*

	March 2016 Actuals	YTD 15-16 Actuals	Budget	Percent Budget
C2047 2016 Adv Labor Topcs ~~~~~				
81411 Promo Printing	339	339	0	*
81412 Promo Mailing	819	819	0	*
86532 Advertising News	824	824	0	*
	-----	-----	-----	-----
Total Promotion	1,982	1,982	0	*
	-----	-----	-----	-----
36998 Credit Card Fees	57	57	0	*
	-----	-----	-----	-----
Other Expense	57	57	0	*
	-----	-----	-----	-----
	-----	-----	-----	-----
Total Expenses	2,039	2,039	0	*
	-----	-----	-----	-----
	-----	-----	-----	-----
Total Net General Ledger	-2,039	-2,039	0	*
	-----	-----	-----	-----
	-----	-----	-----	-----
Net Operations	-2,039	-2,039	0	*
	-----	-----	-----	-----



	March 2016 Actuals	YTD 15-16 Actuals	Budget	Percent Budget
C2060 Mar 8 Audio Webcast ~~~~~				
32010 Legal Span On-line	462	908	0	*
Total Revenues	462	908	0	*
86001 Admin Exp	350	350	0	*
Total General and Administrative	350	350	0	*
Total Expenses	350	350	0	*
Total Net General Ledger	112	558	0	*
Net Operations	112	558	0	*

## **LAW SCHOOL LIAISON SUBCOMMITTEE**

The Law School Liaison subcommittee has scholarships for virtually every school with the exception of UM. We should have UM soon.

Freddy Perera  
Co-chair of Law School Liaison Subcommittee

## **NLRB REPORT**

I spoke to NLRB Region 12, Tampa, Regional Director re outreach opportunities. She in turn advised that NLRB Chair Mark Pearce invites an invitation from the Labor Section to speak at a labor section sponsored conference or at any other suitable venue.

I will raise this matter with the committee at the forthcoming section meeting.

Nicholas E. Karatinos - NLRB Liaison

## BAR JOURNAL REPORT

In advance of the upcoming May 6th 2016 Executive Council meeting, please accept this as my report of the Bar Journal Articles committee to the Executive Council:

- Author Lindsay Dunn's article concerning the Florida Public Whistleblower Act and recent related cases interpreting the First Amendment's coverage of "whistleblowing" type acts in the public employment workplace was published in the **December** 2015 Journal.
- The article by authors Greg Hearing and Jeff Patenaude addressing technology's impact on the practice of labor & employment law was published in the Bar's **January** 2016 special "technology issue".
- The article by Emilia A. Quesada entitled "Discovery in ERISA Cases? How Florida Federal Courts Are Changing the ERISA Landscape One Case at a Time" was published the **February** 2016 issue of the Journal.
- The article by authors David Kalteux and Shane Munoz, entitled "LGBT, the EEOC and the Meaning of "Sex"" discussing the EEOC's recent interpretation concerning discrimination based on LGBT status as constituting gender discrimination under Title VII was published in the **March** 2016 Journal issue.
- The article by authors Lowell Walters and Dennis J. Szafran entitled "Gating" Through Wellness Programs Under Proposed EEOC Regulation", addressing the new EEOC regulation prohibiting employer health plans from adopting tiers based on health outcomes as they would be "discriminatory" against disabled persons under Title I of the ADA, has been edited and submitted to the Journal. This article appeared in the Journal's "special health and wellness" issue, published in **April** 2016.
- Author Sharon Wey's article, entitled "Healthcare and Social Service Settings in OSHA's Crosshairs", addressing the recent initiative by OSHA to expand its enforcement activities and focus on workplace violence and other safety and health risks in the healthcare industry has been submitted to the Journal and is scheduled to be published in the **May** 2016 Journal issue.
- Authors Anne Chapman and Mike Magidson continue their work on an interesting article addressing the current state of non-compete law as it relates to referral relationships and whether referral relationships can constitute a legitimate business interest for purposes of non-compete protection. This article is scheduled to be submitted to me for editing by the end of this month and is targeted for **June** 2016 Journal issue.

- Author J. Evan Gibbs has begun work on an article of practical use for many practitioners concerning deposition objections (with suitable but not exclusive focus on employment cases) and how the law has evolved since the Journal last treated the subject in 2001. Mr. Gibbs will be targeting submission of his article to me by early May so as to allow for publication in the **July/August** Journal issue.

While we have articles set to run us through mid-year, it is not too early to have new authors accepting topics for the **September/October** and **November** issues, so if anyone has proposals or author referrals, please pass them along. As the Council knows, I always like to have authors working on articles for the future, so please continue to refer authors with quality topics to me. I remain very grateful to our authors for their hard work and to the firms supporting their efforts to cause our Section to be active on the scholarly publication front.

This concludes my report to you and the Executive Council. Please let me know if you have any questions prior to the meeting.

Respectfully submitted,  
Robert Eschenfelder  
Section Journal Articles Editor

**Labor and Employment Law Section  
Website Subcommittee Report  
May 2, 2016**

**Submitted by Co-Chairs: Brian Lerner and Judge Stephanie Ray**

**New Developments on Website:**

- LEst Serv (L&E List Serv)
  - Lest Serv is active and continues to run smoothly. Resource is publicized on the website and promoted through EBlasts and Social Media.
  - Currently, there are 160 members signed up (15 have joined since the last report on 1/21/16). Most have chosen to receive any posts as they occur, as compared to receiving posts in a one-time e-mail digest format (100 v. 60).
  - There have been only 3 items posted since the last report on 1/21/16 (with that post receiving responses).
  - All members are encouraged to join.
  
- Website updates
  - Section Events, EC Meeting Materials, CLEs, and Publications regularly updated.
  - Membership Directory updated.
  - Hall of Fame page updated.
  
- E-Blasts regularly issued
  
- Website Data (from last report dated since the last report on 1/21/16):
  - 2,523 sessions with 1,616 being new visitors and 907 being return visitors.
  - The average person views the site for 1 minute, 22 seconds (down 6 seconds from last report on 1/21/16)
  - Most popular age range: 25-34 (33.5%); 18-24 (27.5%); 35-44 (15.5%) (same from last report)
  - Males visit more than females (over 54%) (same from last report)
  - The most popular pages viewed are CLE/Section events and then publications (same from last report)
  - 83.08% come from desktop computers (whether Windows or Mac), 16.84% come from mobile devices (iOS/Android) (mobile/tablet use decreased slightly in comparison to the last report on 1/21/16)

**Reminder to Executive Council:** As a benefit to Section members, the website features a searchable member directory which allows users to search for members by name, county, area of practice, law school or board certification. Members are encouraged to update and personalize their member page by adding a photo, practice area, law school, board certification, and links to publications. To log in for the first time to update your profile, click Member Login at the top right corner of the home page. Click the link that reads “Forgot your password? First time logging in? Click this link.” That link will provide instructions on how to obtain your password so that you can log in to the website and update your profile.

**Labor and Employment Law Section  
Social Media/Advertising Subcommittee Report  
May 2, 2016**

**Submitted by Co-Chairs: Cathleen Scott and Brian Lerner**

- Facebook Page
  - 131 likes (up 18 since last report on 1/21/16)
  - Page continues to be updated with CLEs, meetings, and other news and notes (12 items added since last report on 1/21/16)
- LinkedIn Page
  - 514 members (added 12 members since last report on 1/21/16)
  - Page continues to be updated with CLEs, meetings, and other news and notes (12 items added since last report on 1/21/16)

**Reminder to Executive Council:** Be sure to join the Facebook and LinkedIn pages, and let others know about liking the Facebook page and joining the LinkedIn page.

# Supreme Court of Florida

TUESDAY, MAY 3, 2016

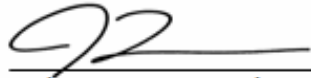
CASE NO.: SC16-323

IN RE: STANDARD JURY INSTRUCTIONS IN CIVIL CASES –  
REPORT NO. 16-01

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The Consented Motion of the Executive Council of The Florida Bar Labor and Employment Law Section for Extension of Time to File Comments is granted and any interested parties are allowed to and including June 1, 2016, in which to file comments. Accordingly, the Committee on Standard Jury Instructions in Civil Cases is allowed to and including June 22, 2016, in which to file one response to all comments.

A True Copy  
Test:



John A. Tomasino  
Clerk, Supreme Court



sh  
Served:

REBECCA MERCIER VARGAS  
FRANK EDWARD BROWN  
JENNIFER E. DALEY  
LAURA KATHLEEN WHITMORE  
HEATHER SAVAGE TELFER  
GERRY B ROSE  
CATHLEEN BELL BREMMER



May 4, 2016

Mr. Frank E. Brown, Chair  
The Florida Bar – Labor and Employment Law Section  
Florida Reemployment Assistance Appeals Commission  
2740 Centerview Drive, Suite 101  
Tallahassee, FL 32399-4150

Re: Proposed Amendments to Rule 6-19  
Rules Regulating the Florida Bar  
Aviation Law Certification Standards

Dear Mr. Brown,

The Aviation Law Certification Committee proposes to amend Aviation Law certification standards under Rule 6-19, Rules Regulating The Florida Bar and invites comment from the Labor and Employment Law Section. A copy of the standards with the amendments in legislative format is enclosed for your reference.

Board of Legal Specialization (BLSE) Policy 2.02(c) governs this process; a copy is enclosed. Section review and input is required before the BLSE and the Board of Governors' Program Evaluation Committee (PEC) will consider any amendments to certification standards. Should your section wish to make any comments or suggestions, please provide same to Ms. Carol Vaught, Aviation Law Certification Committee Liaison, within 45 days' receipt of this letter. If your section has no comments on the proposed amendments, please send written notification to Ms. Vaught at your earliest convenience.

The Aviation Law Certification Committee is committed to continual review and improvement of our standards to ensure they represent the level of knowledge, skills and proficiency, as well as the character, ethics and professionalism, expected of a Board Certified Aviation law practitioner. The Section's input is invaluable as we strive to further enhance Aviation Law Board Certification for the benefit of The Bar and the public. On behalf of the Aviation Law Certification Committee and the BLSE, thank you for your review. Should you have any questions or concerns, please do not hesitate to contact me at 305/670-1222 or by email at [stuartgoldsteinpa@att.net](mailto:stuartgoldsteinpa@att.net) or Ms. Carol Vaught at 850/561-5738 or by email at [cvaught@floridabar.org](mailto:cvaught@floridabar.org)

We look forward to hearing from you.

Sincerely,



Stuart A. Goldstein, Chair  
Certification Committee

SAG/cv  
Enclosures

cc: Cynthia Johnson-Stacks, Chair, BLSE  
Diana Kellogg, Director, LSE  
Angela Froelich, Program Administrator  
Carol Vaught, Certification Specialist

### **BLSE Policy 2.02(c)**

**(c) Amendments to Area Standards.** Each certification committee, in accordance with the Rules Regulating The Florida Bar, has the responsibility to recommend to the BLSE criteria for certification including, but not limited to, amendments to area standards. Prior to referral to the BLSE, any amendment to area standards will first be provided to the relevant bar section(s), division(s), and substantive law committee(s) of The Florida Bar with an invitation to comment. A 45-day response time will be suggested; however, reasonable accommodations to extend such period will be permitted to ensure a substantive review. Input received from section(s), division(s), and substantive law committee(s) of The Florida Bar will not be construed as a means to veto proposed changes, but merely to allow all those who have knowledge in a given field to offer substantive comment to ensure the continued maintenance of reasonable and uniform standards concerning education, experience, proficiency, and professionalism.

1 RULE 6-19.1 GENERALLY

2

3 A lawyer who is a member in good standing of The Florida Bar and meets the standards  
4 prescribed below may be issued an appropriate certificate identifying the lawyer as  
5 "Board Certified in Aviation Law." The purpose of the standards is to identify those  
6 lawyers who practice aviation law and have the special knowledge, skills, and  
7 proficiency, as well as the character, ethics, and reputation for professionalism, to be  
8 properly identified to the public as board certified in aviation law.

9

10 RULE 6-19.2 DEFINITIONS

11

12 (a) Aviation Law. "Aviation law" includes all facets of the law dealing with the ownership,  
13 operation, maintenance, and use of aircraft, airports and airspace. It also involves  
14 licensing and aeromedical issues encompassed by the Federal Aviation Act and the  
15 associated federal aviation regulations promulgated thereunder. It also includes all  
16 facets of encompasses the laws dealing with ~~that have been developed to regulate the~~  
17 ~~use of outer~~ space travel and the use of outer space, and all facets of the law dealing  
18 with aviation/airline employment.

19

20 (b) Practice of Law. The "practice of law" for this area is defined as set out in rule 6-  
21 3.5(c)(1).

22

23 RULE 6-19.3 MINIMUM STANDARDS

24

25 (a) Minimum Period of Practice. The applicant shall have been engaged in the practice  
26 of law in the United States, or engaged in the practice of United States law while in a  
27 foreign country, and shall have been a member in good standing of the bar of any state  
28 of the United States or the District of Columbia for a period of 5 years as of the date of  
29 filing an application. The years of law practice need not be consecutive.

30

31 (b) Substantial Involvement. The applicant must demonstrate substantial involvement  
32 sufficient to show special knowledge, skills, and proficiency in the practice of aviation  
33 law during the 3 years immediately preceding the date of application. Substantial  
34 involvement is defined as including devoting at least 30 percent of one's practice to  
35 matters in which issues of aviation law are significant factors and in which the applicant  
36 had substantial and direct participation in those aviation issues. Upon the applicant's  
37 request and the recommendation of the aviation law certification committee, the board  
38 of legal specialization and education may waive the requirement that the 3 years be  
39 "immediately preceding" the date of application if the board of legal specialization and  
40 education determines the waiver is warranted by special and compelling circumstances.

41

42 The applicant must furnish information concerning the frequency of the applicant's work  
43 and the nature of the issues involved. For the purposes of this subdivision, the "practice  
44 of law" shall be as defined in rule 6-3.5(c)(1), except that it shall also include time  
45 devoted to lecturing and/or authoring books or articles on fields of aviation law if the

46 applicant was engaged in the practice of law during such period.

47

48 Demonstration of compliance with this requirement shall be made initially in the form of  
49 a questionnaire approved by the aviation law certification committee, but written or oral  
50 supplementation may be required.

51

52 (c) Peer Review. The applicant shall submit the names and addresses of 5 attorneys or  
53 judges, who are neither relatives nor current associates or partners, who are familiar  
54 with the applicant's practice and who can attest to the applicant's special competence  
55 and substantial involvement in the field of aviation law, as well as the applicant's  
56 character, ethics, and reputation for professionalism. The board of legal specialization  
57 and education and the aviation law certification committee may authorize references  
58 from persons other than attorneys in such cases as deemed appropriate. The board of  
59 legal specialization and education and the aviation law certification committee may also  
60 make such additional inquiries as deemed appropriate.

61

62 (d) Education. The applicant must demonstrate that during the 3-year period  
63 immediately preceding the date of filing an application, the applicant has met  
64 the continuing legal education requirements necessary for aviation law. The required  
65 number of hours must be established by the board of legal specialization and education  
66 and must in no event be less than 60 hours. Accreditation of educational hours is  
67 subject to policies established by the aviation law certification committee or the board of  
68 legal specialization and education.

69

70 (e) Examination. The applicant must pass a written examination that is practical,  
71 objective, and designed to demonstrate special knowledge, skills, and proficiency in  
72 aviation law to justify the representation of special competence to the legal profession  
73 and the public.

74

75 **RULE 6-19.4 RECERTIFICATION**

76

77 During the 5-year period immediately preceding application, an applicant must satisfy  
78 the following requirements for recertification:

79

80 (a) Substantial Involvement. The applicant must make a satisfactory showing, as  
81 determined by the board of legal specialization and education and the aviation law  
82 committee, of continuous and substantial involvement in aviation law throughout the  
83 period since the last date of certification. The demonstration of substantial involvement  
84 of at least 30 percent during the 5 years prior to recertification shall be made in  
85 accordance with the standards set forth in rule 6-19.3(b).

86

87 (b) Education. The applicant must show completion of at least 60 hours of accredited  
88 continuing legal education in aviation law since the filing of the last application for  
89 certification.

90

91 (c) Peer Review. The applicant shall submit the names and addresses of 3 attorneys or

92 judges, who are neither relatives nor current associates or partners, who are familiar  
93 with the applicant's practice and who can attest to the applicant's special competence  
94 and substantial involvement in the field of aviation law, as well as the applicant's  
95 character, ethics, and reputation for professionalism. The board of legal specialization  
96 and education and the aviation law certification committee may also make such  
97 additional inquiries as deemed appropriate.





**Legal Specialization and Education  
Certification Standards Amendments Information Sheet**

Note: Pursuant to BLSE Policy 2.02(c), Sections, Divisions and Substantive Law Committees shall be provided proposed amendments for consideration. Responses are requested within 45 days of review.

(Continued) – Page Two

**Rule(s):** 6-19.2 **Subsection and Title:** (a) – Definitions - Aviation Law

**Section/Committee/Division Comments:**

**Certification Committee Action:** _____ **Vote Count:** _____



**Date for BLSE Review:** _____ **Date Submitted to LSE Director:** _____