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PROGRAM ADMINISTRATOR

Angie Froelich
afroelich@flabar.org

June 19, 2014

Dear Executive Council Members and Committee Chairs,

The next Labor & Employment Law Section executive council meeting will take place on Thursday, June 26 at **5:00 p.m.** at the Gaylord Palms Resort and Convention Center, 6000 W. Osceola Parkway, Kissimmee, FL 34746, (407) 586-0000..

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

SCHEDULE - THURSDAY, JUNE 26, 2014

5:00 p.m. – 6:00 p.m.	Executive Council Meeting • <i>Sun Ballroom 6</i>
6:00 p.m. – 6:30 p.m.	Hall of Fame and Scholarship Awards • <i>Sanibel 1-3</i>
6:30 p.m. – 8:30 p.m.	Reception • <i>Sanibel 1-3</i>

I look forward to seeing you in Orlando.

Angie



AGENDA

*Labor and Employment Law Section Executive Council Meeting
Gaylord Palms Resort and Convention Center, 6000 W. Osceola Parkway, Kissimmee, FL 34746
Thursday, June 26, 2014 • 5:00 p.m. e.s.t. - 6:00 p.m. e.s.t. • Sun Ballroom 6*

- I. Call To Order** – Robert S. Turk, Chair
- II. Secretary/Treasurer Report** – Frank E. Brown
 - a. Consideration of Minutes – May 16, 2014 (**Attachment A**)
 - b. Financial Statement – May, 2014 (**Attachment B**)
- III. Committee and Subcommittee Reports (Attachment C)**
 - a. Outreach Committee –
ABA Liaison Subcommittee – Jennifer T. Williams
Law School Liaison Subcommittee – Jonathan Oliff / Debbie Brown
Judicial Outreach Subcommittee – Zascha Blanco Abbott / John D. Hoffman
Local/Voluntary Bar Association Liaison Subcommittee –
EEOC and FEPA Liaison Subcommittee – Marquis Heilig / Kristen Foslid
NLRB and PERC Liaison Subcommittee – Nick Karatinos / Stephen A. Meck
Wage and Hour Administration Liaison Subcommittee – Joseph G. Santoro
Membership Outreach Subcommittee – Leslie Reicin Stein
Social Media / Advertising Subcommittee – Cathleen Scott / Brian L. Lerner (**attachment**)
 - b. Long Range Planning Committee – Robert L. Kilbride (**attachment**)
 - c. Communications Committee – Cathleen Scott / Hon. Stephanie W. Ray
Publications Subcommittee – Jay Lechner / Zascha Blanco Abbott / Rob Eschenfelder (**attachment**)
Website Subcommittee – Hon. Stephanie W. Ray / Brian L. Lerner (**attachment**)
 - d. Special Projects Committee – Robert S. Turk
Certification Standards Review Subcommittee – Sherril Colombo
- IV. New Business**
- V. Chair's Report**
 - a. Chair's Special Appreciation
 - b. 2014-2015 Proposed Executive Council (**Attachment D**)
 - c. Report of Nominating Committee & Vote for Officers and EC Members
- VI. Informational**
6:00 p.m. – 6:30 p.m. Hall of Fame and Scholarship Awards • *Sanibel 1-3*
6:30 p.m. – 8:30 p.m. Reception • *Sanibel 1-3*
- VII. Next Executive Council Meeting**
 - a. Thursday, October 23, 2014 – 40th PELRF, Hyatt Regency Orlando International Airport
- VIII. Adjournment**



MINUTES

*Labor and Employment Law Section Executive Council Meeting
JW Marriott Hotel, New Orleans • Friday, May 16, 2014
5:00 p.m. - 6:00 p.m CST • St. Jerome Room*

I. Call To Order – Robert S. Turk, Chair

Chair Bob Turk called the meeting to order. A quorum of the Executive Council was present either in person or by telephone.

II. Secretary/Treasurer Report – Frank E. Brown

a. Consideration of Minutes – March 13, 2014

There being no questions or additions or corrections to the minutes, Rick Johnson moved approval of the minutes for the March 13, 2014 Executive Council meeting. The motion was seconded by Sherril Colombo. The minutes were approved unanimously by voice vote.

b. Financial Statement – April 2014

Frank Brown reported that the Section financial statement as of the end of April 2014 showed a current fund balance of \$256,211, a drop of only \$12,000 since February 2014 despite significant additional expenditures. Current Section membership is 2,080, an addition of 12 members since last meeting.

II. Committee and Subcommittee Reports

a. Outreach Committee –

ABA Liaison Subcommittee – Jennifer T. Williams

No report

Law School Liaison Subcommittee – Jonathan Oliff/Debbie Brown

The Subcommittee provided written materials identifying the scholarship recipients for the current bar year. The Subcommittee also provided a set of proposed suggestions to law schools on processes for identify candidates in awarding scholarships. Debbie Brown reported briefly on these materials. Frank Brown asked whether the any of the law schools awarded the scholarships as a “book award” for students who had achieved the highest grade in labor and employment-related classes. Debbie Brown responded that that she was not aware of any of the schools using the scholarships as a “book award,” which term is usually associated with the Matthew Bender awards. However, she stated that some of the schools do award the scholarships to students who have received the highest grade in a relevant class, without any formal connection between the class grade and the scholarship.

Judicial Outreach Subcommittee – Zascha Blanco Abbott/John D. Hoffman

Zascha Abbott reported that the Subcommittee is conducting Judicial programs in Miami on May 20 and in Hillsborough County in conjunction with the HCBA on June 20.

EEOC and FEPA Liaison Subcommittee – Marquis Heilig / Kristen Foslid

Following up on a discussion from the March Executive Council meeting about further involvement with EEOC, Bob Turk discussed a conversation he had with Malcolm Medley, EEOC District Director. Director Medley inquired about the possibility of the Section financially supporting a community outreach event in Miami on July 2, 2014, celebrating the Fiftieth Anniversary of the passage of the Civil Rights Act, and asked if the Section could provide \$7500 in support. Bob stated that while he felt \$7500 was more than the Section should spend, he could recommend \$2500 as potential contribution of behalf of the Section. Scott Atwell moved to authorize a contribution of \$2500 from the Section to support the program, and Rick Johnson seconded. There was extensive discussion about the nature of the event, including questions as to who would be participating, whether the event would be broad-based in appeal and neutral in tone. There was concern that, based on the description of the event, it might be limited in appeal to civil rights advocacy groups, and that supporting such a program might be seen as partisanship on behalf of the Section. There was also some concern as to whether the Section would receive appropriate recognition and whether Section members would be allowed to attend. Based on these concerns, Frank Brown proposed a friendly amendment to Scott Atwell’s motion that, instead of authorizing the Section to pay \$2500, the Section authorize Bob Turk to commit the Section to \$2500 in support if, after further discussion with Malcolm Medley, Bob was satisfied that the Executive Council’s various concerns had been resolved. The friendly amendment was accepted by Scott Atwell and Rick Johnson, and the amended motion passed by voice vote unanimously.

NLRB and PERC Liaison Subcommittee – Nick Karatinos / Stephen A. Meck

Bob Turk reported on the Section event hosted by his firm on April 9, 2014 with NLRB Regional Director Margaret Diaz and Miami Resident Officer Pam Scott. The event drew between 55 and 60 attendees, with a cost to the Section of about \$450. Due to the success of the meeting, Nick Karatinos reported that the Subcommittee will work on a similar meeting for Tampa in the fall.

Steve Meck provided a written report for the agenda. He noted that the Commission is moving next month and their new address will be Suite 300, 4708 Capital Circle NW, Tallahassee, FL 32303.

Wage and Hour Administration Liaison Subcommittee – Joseph G. Santoro

No report

Membership Outreach Subcommittee – Leslie Reicin Stein/Robyn Rosignuolo

The Subcommittee remains interested in new toolkits being prepared, especially for mediating labor cases, arbitrating labor cases, and collective bargaining. Anyone interested should contact Leslie Stein or Robyn Rosignuolo.

Social Media / Advertising Subcommittee – Cathleen Scott / Brian L. Lerner

The Subcommittee provided a written report for the agenda.

b. Long Range Planning Committee – Robert L. Kilbride

No report

c. Communications Committee – Cathleen Scott / Hon. Stephanie W. Ray

Publications Subcommittee – Jay Lechner / Zascha Blanco Abbott / Rob Eschenfelder

Zascha Abbott reported that the Checkoff had recently been published. That the Section has released an *e-alert* every month this year. The next Checkoff is expected for publication in June.

Website Subcommittee – Hon. Stephanie W. Ray / Brian L. Lerner

The website Subcommittee provided a written report for the agenda.

d. Special Projects Committee – Robert S. Turk

Bob Turk's report on the April 9, 2014 event with the NLRB is contained under the NLRB and PERC Liaison Subcommittee report above.

e. Certification Standards Review Subcommittee – Sherril Colombo

Sherril Colombo reported that the results of the certification survey were attached to the agenda. She noted there seem to be a fairly strong consensus among the respondents for some change to the standards. The results will be provided to the LEL Certification Committee. Bob Turk proposed a possible joint meeting between the Certification Committee and the Long Range Planning Committee to review the results and discuss potential changes.

III. New Business

a. Labor Section Hall of Fame – Judge Richard Harlan Frank

The nomination and biographical materials for Hall of Fame candidate Judge Richard Harlan Frank were included in the agenda. Debbie Brown introduced Ron Meyer of Meyer, Brooks, Demma and Blohm, P.A., the nominating attorney, to provide some additional information regarding Judge Frank. Ron Meyer summarized Judge Frank's career as a labor lawyer, including his working for the NLRB in appellate litigation, until he moved to Florida 1962. For 23 years he practiced employee and union side labor law in an era when traditional labor practitioners were fairly rare in Florida. Judge Frank was appointed to the Second DCA 1985, where he served until his retirement in 1999. Mr. Meyer also discussed the public reprimand Judge Frank received at the end of his career from the Florida Supreme Court for his actions surrounding a high-profile divorce case involving his daughter, a copy of which was provided as part of the nomination materials.

The Executive Council discussed the nomination at some length. Steve Meck commented about Judge Frank's military service, including his participating in the Normandy landings and liberation of the Dachau concentration camp in Germany. Frank Brown commented that while Judge Frank was nominated primarily for his career as a practicing labor lawyer, Judge Frank also contributed as a jurist to the development of employment law in Florida, including covenants not to compete.

Shane Munoz commented that while Judge Frank's service as a lawyer was more than sufficient to qualify him for the Hall of Fame, he could not personally support the nomination because of the incident that resulted in the public reprimand. He noted that in his opinion Hall of Fame membership should be limited to those who have consistently demonstrated the highest ethical and professional standards of behavior. As result, Shane express his intention to abstain from voting.

In response to Shane Munoz's comments, Frank Brown remarked that since Hall of Fame members have a short biography placed on the website, a passing mention of the reprimand might be appropriate so that it was clear that the Executive Council was aware of the incident, but felt that Judge Frank merited induction nonetheless.

Leslie Stein move the induction of Judge Frank into the Labor And Employment Law Section Hall of Fame. Steve Meck seconded the motion. The motion passed by voice vote with no votes against and two abstentions. There was discussion about advising Judge Frank's family of his induction so that someone could attend the June meeting where this year's inductees would be honored. Debbie Brown mentioned that her firm represented the Hillsborough Clerk's office, and that she would contact Pat Frank, Judge Frank's widow, to notify and invite her to the June meeting.

b. Scholarship Recipients

Debbie Brown discussed the law school scholarships for the current bar year. As noted in the listing provided in the agenda, eleven students have been awarded Section scholarships. Debbie explained that the scholarship recipients have been invited to attend the annual meeting in June and she moved to have the Executive Council approve reimbursements for any of them who wish to attend on the same basis as Executive Council members. Steve Meck seconded the motion.

Leslie Langbein expressed concern about the potential cost to the Section of a full \$350 reimbursement per attendee, and suggested possibly approving a lower amount. Judge Alan Forst also agreed that the cost might be significant, that the Section should be careful in its commitments despite its current fund balance in consideration of more limited resources in years past, and suggested instead offering a scholarship to a Section CLE which might be more useful for students. There was extensive discussion about the pros and cons of the motion, including potential cost, whether it was feasible for law students who may not yet be employed to travel to the annual meeting without reimbursements, whether a Section CLE scholarship would be useful to students who have Basic Skills CLE requirements to meet, and the significance of the cost in lieu of the Section's current balance. Finally, Steve Meck commented that while the reimbursements might result in a few thousand dollars in expenses, the scholarship award recipients are individuals who show promise in the practice of labor and employment law, might become the Section's leadership in future years.

Bob Turk called the question on the motion which passed by voice vote, with two votes against.

- c. *Advanced Labor Topics 2014 (1693R), May, 2014, New Orleans, LA – Leslie Langbein*

Rick Johnson reported on the Advanced Labor Topics Seminar. There were 22 paid registrations as of the date of the seminar. Speakers were excellent.

IV. Chair's Report And Miscellaneous

Scott Atwell reported that the Section's board liaison Grier Wells lost his reelection campaign for The Florida Bar Board Of Governors and suggested that we present an award to Grier recognizing his many years of service to the Section. Bob Turk approved the idea and there was discussion about ensuring that Grier was present at the annual meeting so that he might be recognized.

There being no additional business, the meeting was adjourned.

V. Attendance:

Officers/Executive Council/Committee Chairs

In person:

Robert Turk
Shane Munoz
Hon. Frank Brown
Sherril Colombo
Zascha Abbott
Scott Atwood
Eric Holshouser
Rick Johnson
Steve Meck
Hon. Stephanie Ray
Angie Froelich

Phone:

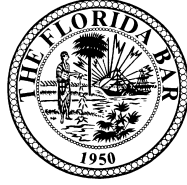
Leslie Langbein
Debbie Brown
Hon. Alan Forst
Kristen Foslin
Robert Kilbride
Nick Karatinos
Brian Lerner
David Spalter
Leslie Stein
David Block

Section Members/Guests

Present:

Excused:

Grier Wells
David Adams
Robert Eschenfelder
Robyn Hankins
Patrick Martin
Marlene Quintana
Cathleen Scott



Labor & Employment Law Section

2013 – 2014

MAY

Section – Financial Statement

Beginning Fiscal Year Fund Balance	\$216,265
Total Revenue	\$ 78,930
Total Expenses	\$ 62,665
Ending Fiscal Year Fund Balance	\$232,530*

**see attached statement of operations*

Current Membership

Current Membership	2,162
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	May 2014 Actuals	YTD 13-14 Actuals	Budget	Percent Budget
Total Labor & Employment Law =====				
31431 Sect Dues	0	77,120	75,800	101.74
31432 Affil Dues	0	680	700	97.14
31433 Admin Fee to TFB	0	-34,062	-33,703	101.07

Total Dues Income-Net	0	43,738	42,797	102.20

32191 CLE Courses	-2,109	11,908	15,000	79.39
32205 Compact Disc	1,077	1,077	0	*
32293 Sect Differential	40	3,240	7,200	45.00
35201 Sponsorships	0	0	3,500	0.00
37991 Advertising Revenue	0	0	3,000	0.00
38499 Investment Alloc	2,807	18,967	6,122	309.82

Other Income	1,815	35,192	34,822	101.06

Total Revenues	1,815	78,930	77,619	101.69

36998 Credit Card Fees	0	105	15	700.00
51101 Employee Travel	1,533	3,362	5,336	63.01
71001 Phone/Direct	75	786	1,000	78.60
71005 Internet Charges	0	0	500	0.00
75102 1st Class & Misc Mai	6	6	0	*
81412 Promo Mailing	0	802	0	*
84001 Postage	10	225	1,500	15.00
84002 Printing	0	415	1,200	34.58
84006 Newsletter	810	3,419	5,500	62.16
84007 Membership	0	0	500	0.00
84009 Supplies	13	122	250	48.80
84010 Photocopying	71	197	400	49.25
84051 Officers Travel Exp	0	250	500	50.00
84052 Mtg Travel Exp	1,859	9,128	22,500	40.57
84053 Out Of State Travel	0	0	1,000	0.00
84054 CLE Speaker Exp	0	0	10,000	0.00
84061 Reception	2,750	5,000	5,000	100.00
84069 Dinners	2,800	5,930	5,000	118.60
84101 Committee Exp	0	0	750	0.00
84103 Cert Committee Exp	0	1,858	2,000	92.90
84201 Board Or Council Mtg	669	3,369	5,500	61.25
84202 Annual Mtg	0	0	10,000	0.00
84205 Section Service Prog	1,545	2,747	4,000	68.68
84209 Retreat	0	0	11,000	0.00
84214 Long Range Planning	0	0	4,000	0.00
84256 Audio Taping/Tech	4,050	4,050	0	*
84301 Awards	73	535	7,000	7.64
84302 Scholarships	2,000	2,000	11,000	18.18
84422 Website	24	2,875	5,800	49.57
84535 Chairs Conv	0	0	400	0.00
84701 Council Of Sections	0	300	300	100.00

	May 2014 Actuals	YTD 13-14 Actuals	Budget	Percent Budget
Total Labor & Employment Law =====				
84998 Operating Reserve	0	0	12,681	0.00
84999 Miscellaneous	0	0	500	0.00
86432 Time Taping Editing	1,926	1,926	0	*
88231 Spkrs Travel	371	371	0	*
88232 Spkrs Meals	130	130	0	*
88233 Spkrs Hotel	820	820	0	*
88239 Spkrs Oth Exp	222	222	0	*
88241 Outline Prt-Inhouse	273	610	0	*
88252 Course Credit Fee	0	0	150	0.00
88281 A/V Ctr Dup/Prod	140	140	0	*

Total Operating Expenses	22,170	51,700	135,282	38.22

86431 Mtgs Admin	0	3,730	0	*
86532 Advertising News	824	2,471	0	*
86543 Graphics & Art	734	4,423	4,209	105.08
86623 Registrars	121	341	0	*

Total TFB Support Services	1,679	10,965	4,209	260.51

Total Expenses	23,849	62,665	139,491	44.92

Net Operations	-22,034	16,265	-61,872	-26.29

21001 Fund Balance	0	216,265	204,073	105.97

Total Current Fund Balance	-22,034	232,530	142,201	163.52

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

**Labor and Employment Law Section
Social Media/Advertising Subcommittee Report
June 4, 2014
Submitted by Co-Chairs: Cathleen Scott and Brian Lerner**

Outstanding Issues/Projects:

- Facebook Page
 - 55 likes (up 2 since last report on 5/13/14)
 - Page continues to be updated with CLEs, meetings, and other news and notes (2 items added since last report on 5/13/14)
- LinkedIn Page
 - 433 members (added 4 members since last report on 5/13/14)
 - Page continues to be updated with CLEs, meetings, and other news and notes (1 item added since last report on 5/13/14)

Reminder to Executive Council: [Join the Facebook and Linked In Pages](#)

Be sure to join and let others know about liking the Facebook page and joining the Linked In page.

MEMORANDUM

TO: Executive Council members, Labor and Employment Section

FROM: Robert L. Kilbride, Long Range Planning Committee Chair

DATE: June 11, 2014

RE: Report for June 2014 Meeting

After speaking with Robert Turk, several of the Action Items listed in my previous report dated January 30, 2014 require no further action.

However, the following are “open items” that require discussion and potential action by the Executive Council:

a. **Executive Council retreat**

It has been several years since the Executive Council has had a retreat and the Long Range Planning Committee recommends that we consider having one soon. There may be new items, programs or concepts that require a more comprehensive discussion, including Board Certification.

b. **Technology Coordinator**

The consensus of the LRPC and the Executive Council at the last meeting was that the appointment of an individual to oversee and coordinate technology and other programs would be useful. The individual appointed would act to coordinate all technology aspects of the L and E Section related to CLEs (i.e. Webcasts, CLE and LinkedIn). The Coordinator would help to insure that all CLE technology endeavors or programs of the Section are coordinated, are in sync with other programs and are not duplicative or redundant. The Coordinator would also help to insure coordination between the Florida Bar and County Bars (i.e. avoid duplication of seminars).

c. **New member orientation**

The consensus at the LRPC and the Executive Council is that this would be a good idea. This can be accomplished with either the assignment of a mentor to each new member or an orientation class that could be conducted just before the June meeting each year. This is still an open item.

Nothing further to report.

FLORIDA BAR JOURNAL REPORT

Chairman Turk,

In advance of the upcoming June 26th Executive Council meeting, please accept this as my committee report for the Bar Journal committee:

- * The first Section Journal articles for 2014 were a two-part article on enforcement of arbitration clauses by author Donald Spero. They appeared in the January and February and March issues.
- * In the May Journal, we published an article from authors Jennifer Fowler-Hermes and Luisette Gierbolini on Religious Accommodations.
- * An article by author Kenneth Starr focused on the collection of attorney fees in arbitration cases and discussing what impact the revised Florida Arbitration Code has on that topic was published in the June Journal.
- * Author Deborah Brown will soon submit for editing an article on FLSA compliance with a focus on interns. She has requested an extension from her original May submission deadline and expects to deliver her draft for editing in June. Assuming major editing is not required, this article may be published in August/September.
- * Authors Damon Kitchen and John Dickinson are drafting an article on the recent NLRB decision concerning unionization of college football players. Depending on submission for editing, I would expect September/October publication.
- * Author Sacha Dyson has committed to drafting an article on judicial estoppel in the employment law setting, targeted for publication in November/December publication depending on when article is submitted for editing.
- * It is exciting that with current author commitments, our Section will publish at the very least 7 articles in 2014, and I am grateful for the participation of so many quality authors! As always, I am happy to receive references for authors to work on articles for winter 14/spring 15, and I appreciate the author references from several of my fellow EC members!

This concludes my report to you and the Executive Committee. 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
June 2014**

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

New Developments on Website:

- Publications page and Blog updated with June Bar Journal article
- Chair's Message Updated
- E-Blasts regularly issued
- Upcoming Events updated based on information received to date
- New Section members added to online directory
- Website Data (since the last report on 5/13/14):
 - 245 people visited.
 - Most popular age range: 25-34 (33.5%); 18-24 (27.5%); 35-44 (15.5)
 - Males visit more than females (over 54%).
 - The average person views the site for 2 minutes, 5 seconds (up 32 seconds from last report)
 - The most popular pages viewed are publications and CLE/Section events.
 - 95% of visits come from computers (whether Windows or Mac).

*Events/CLE page and Publications page are most visited pages on website

Reminder to Executive Council: [Personalize Your Profile in Online Membership Directory](#)

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.

2014 - 2015 PROPOSED SLATE LABOR AND EMPLOYMENT LAW SECTION

OFFICERS

Chair	Shane T. Muñoz
Chair-Elect	Frank E. Brown
Secretary/Treasurer	Leslie W. Langbein
Legal Education Director	Zascha Blanco Abbott (PROPOSED)
Immediate Past Chair	Robert S. Turk
Board Liaison	Adam Glenn Rabinowitz

2016 (PROPOSED) EXECUTIVE COUNCIL

David W. Adams
Scott E. Atwood
Thomas A. Delegal, III
Robert M. Eschenfelder
Karen Evans
Kristen Foslid (NEW)
Robyn Hankins
Robert L. Kilbride
J. Ray Poole, Jr.
Marlene Quintana
David H. Spalter

2015 EXECUTIVE COUNCIL

David E. Block
Sacha Dyson (**PROPOSED**)
(Replaces Zascha Blanco Abbott)
Richard E. Johnson
Jay P. Lechner
Brian L. Lerner
Patrick Martin
Jonathan W. Oliff
Hon. Stephanie Williams Ray
Erika Deutsch Rotbart
Cathleen Scott
Leslie Reicin Stein

PAST CHAIRS

Deborah C. Brown
Sherril M. Colombo
Hon. Alan O. Forst
Gregory A. Hearing
Eric J. Holshouser
F. Damon Kitchen
Stephen A. Meck
Cynthia N. Sass
Jill S. Schwartz