



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
Date: June 14, 2016
Re: Agenda for Labor and Employment Law Executive Council Meeting on June 16, 2016

The Labor & Employment Law Section executive council meeting will take place on Thursday, June 16, 2016 at the Hilton Bonnet Creek, 14100 Bonnet Creek Resort Lane, Orlando, FL 32821, (407) 597-3600.

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

<i>Labor Executive Council Meeting</i>	<i>5:00 p.m. – 6:00 p.m.</i>	<i>Union</i>
<i>Private Reception for Scholarships</i>	<i>6:00 p.m. – 6:30 p.m.</i>	<i>Floridian Ballroom D/E</i>
<i>Reception Honoring Chief Justice</i>	<i>6:30 p.m. – 8:30 p.m.</i>	<i>Floridian Ballroom D/E</i>

I look forward to seeing you in Orlando.

Angie



AGENDA

*Labor and Employment Law Section Executive Council Meeting
The Florida Bar Annual Convention, Orlando, Florida
Hilton Orlando Bonnet Creek and Waldorf Astoria Orlando
Thursday, June 16, 2016 • 5:00 p.m. e.s.t. • Union*

- I. Call To Order** – Hon. Frank E. Brown, Chair

- II. Secretary/Treasurer Report** – Zascha Blanco Abbott
 - A. Approval of Minutes – May 14, 2016 (**Attachment A**)
 - B. Financial Statement – May, 2016 (**Attachment B**)

- III. Committee and Subcommittee Reports (Attachment C)**
 - A. Outreach Committee – Leslie Langbein
 - a. ABA Liaison Subcommittee – Cynthia Sass/Robert Turk
 - b. Law School Liaison Subcommittee – Freddy Perera/Cristina Velez
 - c. Judicial Outreach Subcommittee – Zascha Blanco Abbott/John D. Hoffman (**attachment**)
 - d. Local/Voluntary Bar Association Liaison Subcommittee – Scott Atwood/Sacha Dyson (**attachment**)
 - 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 (**attachment**)
 - i. The Florida Bar Outreach Subcommittee – Sherril Colombo/Marlene Quintana
 - B. Long Range Planning Committee – Hon. Robert Kilbride (**attachment**)
 - C. Communications Committee – Hon. Stephanie W. Ray
 - a. Publications Subcommittee – Jay Lechner/Rob Eschenfelder (**attachments**)
 - b. Website Subcommittee – Hon. Stephanie W. Ray/Brian L. Lerner (**attachment**)

- c. Social Media / Advertising Subcommittee – Cathleen Scott/Brian L. Lerner
(**attachment**)
- D. Special Projects Committee – Marlene Quintana
 - a. Certification Standards Review Subcommittee – Sherril M. Colombo/Frank Brown
 - b. FLSA Procedures Subcommittee – Shane Munoz
 - c. PRI Support – Sacha Dyson
 - d. Section Listing/Promotion Policy for Third Party Events – Brian Lerner, Rob Eschenfelder

IV. Continuing Legal Education – Cathleen Scott (Attachment D)

- A. [Ethical and Professional Practice Before the Bench: The Judges Speak \(2365C\)](#) – OnDemand Seminar – 2.5 Ethics credits
- B. [White Collar Exemptions Update \(2008\)](#) Audio Webcast by David Spalter – July 12, 2016
- C. Discrimination Seminar – South Florida – September 23, 2016
- D. 2016-2017 Audio Webcast Series – October 2016 – April 2017
- E. 42nd Public Employment Labor Relations Forum, Rosen Shingle Creek, Orlando – October 20-21, 2016

V. New Business

- A. Final Approval of Certification Committee Recommendations (**Attachment E**)
- B. Introductions of Candidates for President Elect of The Florida Bar

VI. Chair’s Report

- A. Chair’s Appearances during 2015-16
 - a. Council of Sections, Orlando, January 23, 2016
 - b. Highlands County Bar Association, Sebring, February 17, 2016
 - c. The Florida Bar Leadership Academy, Ft. Lauderdale, March 18, 2016
 - d. Escambia-Santa Rosa County Bar Association, Pensacola, April 8, 2016
- B. Chair’s Special Appreciation
- C. 2016 – 2017 Proposed Executive Council (**Attachment F**)
- D. Report of Nominating Committee & Vote for Officers and Executive Council Members

VII. Informational

- A. 6:00 p.m. – 6:30 p.m. Scholarship Awards (*Floridian Ballroom D/E*)
- B. 6:30 p.m. –8:30 p.m. Reception (*Floridian Ballroom D/E*)
- C. Council of Sections – Saturday June 18, 2016 (*Waldorf Grand Ballroom I*)
- D. The Florida Bar Section Leadership Conference, Tallahassee – July 21-22, 2016
(**Attachment G**)

VIII. Adjournment

Labor and Employment Law Section Executive Council Meeting Minutes

Saturday, May 14, 2016 3:00 P.M. EST

I. Call To Order – Hon. Frank E. Brown, Chair

Chair Frank Brown called the meeting to order. A quorum of the Executive Council was present either in person or by phone.

II. Secretary/Treasurer Report - Zascha Blanco Abbott

Section's Final Financial Statement through April 2016 was presented. The minutes were presented for the January 28, 2016 meeting and the May 6, 2016 meeting. The minutes were approved without amendment.

III.

A. Certification Standards Subcommittee – Consideration of Recommendation of the Certifications Standards Review Subcommittee

Sherril Colombo presented the standards proposed by the Labor and Employment Law Certification Committee. Chair Brown summarized the discussions over the year with the Certification Committee. The Committee reviewed the Section's survey and considered our subcommittee's proposal's. Nick Karatinos commented on the absence of specific reference to the NLRB in the list of administrative agency activities. The Executive Council approved the Certification Committee's proposals in principle, subject to addition or clarification regarding the issue of Board work.

B. Consideration of Retreat Proposals:

Action items from the long range planning retreat were reviewed and the following motions were voted on and passed:

1. Members only website: As an alternative to a members only website, e-mail blasts could contain certain "hidden" links accessible only via email that will provide additional resources to members of the section.
2. E-mails: The Executive Council supports "Ecase summaries" and supports retaining a dedicated and experienced attorney to handle it, so long as the cost is reasonable and does not exceed \$10,000 per year.

3. LEstserv: The recommendation from Brian Lerner was to continue working with the LEsterv. It seems to be working rather well. He recommended that we add an anonymous route. A motion to continue the LEsterv and develop an "anonymous" route for it, was approved.
4. CLE: It was proposed that we repackage CLE for ethics or substantive credits by taking excerpts from seminars that we have had in the past. This would be reviewed by Chair and Legal Education Director prior to repackaging. This motion passed.
5. The incoming chair will consider the following issues that were discussed at the long range planning meeting and determine what to promote during her term:
 - All council be involved for a certain number of hours to advance the purpose of the section
 - Discounting membership for firms with more attorneys in the section
 - Diversity and mentoring diversity groups
 - Starting labor and employment section at law schools
 - Longer time at meetings to discuss some issues
6. Judge Ray recommended that she would like to get a proposal from Elyk regarding the costs involved to make the website more mobile friendly as well as confirm that the website complies with accessibility requirements.

C. Consideration of Retreat Proposals: FCRA Jury Instructions

The EC discussed whether it should take a position on the FCRA jury instructions as Chair Frank Brown had requested an extension to allow the Section to comment on the jury instructions.

After two different motions failed to pass, the Council passed a motion that the EC not take a position on the proposed FCRA jury instructions because of the diversity of opinions within the EC, and therefore, the Chair would (1) file a notice with the Supreme Court on behalf of the Executive Council indicating its position, and (2) the Chair would prepare an e-mail notice for the Section members advising of the extended deadline to June 2nd for individual comments on the proposed jury instructions.

Cynthia Sass, Judge Ray, Judge Forst, Gregg Morton, and Judge Kilbride abstained.

Attendance

In Person

Hon. Frank E. Brown
Leslie W. Langbein
Zascha Blanco Abbott
Cathleen Scott
David W. Adams
Scott E. Atwood
David E. Block
Sherril M. Colombo
Sacha Dyson
Robert M. Eschenfelder
Kristen Foslid
Hon. Alan O. Forst
Jennifer Fowler-Hermes
Hon. Robert L. Kilbride
Jay Lechner
Brian L. Lerner
Gregg R. Morton
Hon. Stephanie W. Ray
Erika Deutsch Rotbart
Cynthia N. Sass
Leslie K. Reicin Stein
Nick Karatinos
Lindsey Wagner

Members / Guests

Angie Froelich

Telephone Conference

Robyn Hankins



Labor & Employment Law Section 2015 – 2016

MAY 2016 Section – Financial Statement

Beginning Fiscal Year Fund Balance	\$197,956
Total Revenue	\$135,964
Total Expenses	(\$84,180)
Net Operations	\$51,784
Ending Fiscal Year Fund Balance	\$249,740*

**see attached statement of operations*

Current Membership

Current Membership	2,203
--------------------	-------

	May 2016 Actuals	YTD 15-16 Actuals	Budget	Percent Budget
Total Labor & Employment Law				
=====				
31431 Sect Dues	120	79,760	77,600	102.78
31432 Affil Dues	80	1,140	820	139.02

Total Dues Income Net	200	80,900	78,420	103.16

32010 Legal Span On-line	0	878	1,800	48.78
32191 CLE Committee Course	1,855	55,033	30,000	183.44
32205 Compact Disc	0	0	1,000	0.00
32293 NonSect Mem Cost Dif	657	4,937	7,000	70.53
35201 Sponsorships	0	0	2,500	0.00
37991 Advertising Revenue	0	1,750	3,000	58.33
38499 Investment Alloc	-89	-7,534	5,367	-140.38

Other Income	2,423	55,064	50,667	108.68

Total Revenues	2,623	135,964	129,087	105.33

36998 Credit Card Fees	3	48	40	120.00
51101 Employee Travel	1,448	2,474	3,854	64.19
71001 Phone/Direct	0	446	1,100	40.55
71005 Internet Charges	0	420	550	76.36
75401 Express Mail	0	0	11	0.00
84001 Postage	4	1,404	600	234.00
84002 Printing	149	1,209	500	241.80
84006 Newsletter	135	2,542	4,000	63.55
84007 Membership	0	0	100	0.00
84009 Supplies	0	127	300	42.33
84010 Photocopying	50	163	275	59.27
84051 Officers Travel Exp	0	0	250	0.00
84052 Mtg Travel Exp	5,413	14,888	22,500	66.17
84053 Out Of State Travel	0	0	1,000	0.00
84054 CLE Speaker Exp	0	0	10,000	0.00
84061 Reception	0	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	218	352	1,850	19.03
84201 Board Or Council Mtg	0	3,756	5,600	67.07
84202 Annual Mtg	0	0	10,000	0.00
84205 Section Service Prog	33	371	5,500	6.75
84214 Long Range Planning	0	4,000	4,000	100.00
84301 Awards	189	189	7,000	2.70
84302 Scholarships	4,000	5,000	11,000	45.45
84422 Website	418	4,713	3,200	147.28
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	15	278	500	55.60
88252 Course Credit Fee	0	0	150	0.00

	May 2016 Actuals	YTD 15-16 Actuals	Budget	Percent Budget
Total Labor & Employment Law =====				
Total Operating Expenses	12,075	48,774	121,812	40.04
31433 Section Mgmt Fee	70	35,406	34,650	102.18
Total TFB Support Services	70	35,406	34,650	102.18
Total Expenses	12,145	84,180	156,462	53.80
Net Operations	-9,522	51,784	-27,375	-189.17
21001 Fund Balance	0	197,956	178,905	110.65
Total Current Fund Balance	-9,522	249,740	151,530	164.81

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

	May 2016 Actuals	YTD 15-16 Actuals	Budget	Percent Budget
Total Labor/Emp Out of State =====				
Total Dues Income Net	0	0	0	*
32010 Legal Span On-line	0	878	900	97.56
32205 Compact Disc	0	0	1,000	0.00
Other Income	0	878	1,900	46.21
Total Revenues	0	878	1,900	46.21
36998 Credit Card Fees	0	-7	25	-28.00
75401 Express Mail	0	0	11	0.00
Total Operating Expenses	0	-7	36	-19.44
Total TFB Support Services	0	0	0	*
Total Expenses	0	-7	36	-19.44
Net Operations	0	885	1,864	47.48
Total Current Fund Balance	0	885	1,864	47.48

	May 2016 Actuals	YTD 15-16 Actuals	Budget	Percent Budget
C1693 2014 Adv Labor Topcs ~~~~~				
Total Dues Income Net	0	0	0	*
32010 Legal Span On-line	0	878	0	*
Other Income	0	878	0	*
Total Revenues	0	878	0	*
36998 Credit Card Fees	0	-7	0	*
Total Operating Expenses	0	-7	0	*
Total TFB Support Services	0	0	0	*
Total Expenses	0	-7	0	*
Net Operations	0	885	0	*
Total Current Fund Balance	0	885	0	*

	May 2016 Actuals	YTD 15-16 Actuals	Budget	Percent Budget
Total Labor & Employment CLE				
31436 Course Sect Diff	-1,170	-4,770	0	*
32001 Registrations	31,680	97,520	0	*
32010 Legal Span On-line	7,067	43,278	0	*
32205 Compact Disc	5,939	62,666	0	*
32301 Course Materials	240	1,920	0	*
Total Revenues	43,756	200,614	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	3,568	11,845	0	*
86432 Time Taping Editing	4,095	13,163	0	*
88281 A/V Ctr Dup/Prod	406	1,526	0	*
Total Cost of AV Media	8,069	26,534	0	*
86001 Admin Exp	9,075	55,025	0	*
Total General and Administrative	9,075	55,025	0	*
81411 Promo Printing	0	5,260	0	*
81412 Promo Mailing	0	2,207	0	*
86532 Advertising News	0	6,590	0	*
Total Promotion	0	14,057	0	*
88241 Outline Prt-Inhouse	166	1,821	0	*
Total Printed Course Material	166	1,821	0	*
88231 Spkrs Travel	937	4,137	0	*
88232 Spkrs Meals	0	472	0	*
88233 Spkrs Hotel	1,090	2,912	0	*
88239 Spkrs Oth Exp	108	598	0	*
Total Speaker Expense	2,135	8,119	0	*
61201 Equip Rental	35	1,775	0	*
88261 Mtg Room Rent	1,400	1,400	0	*
88262 Mtg Meals	2,288	14,624	0	*
88263 Mtg Hospitality	1,352	4,355	0	*
88265 Refreshment Breaks	2,149	9,442	0	*
Total Presentation Expense	7,224	31,596	0	*
36998 Credit Card Fees	137	2,539	0	*

	May 2016 Actuals	YTD 15-16 Actuals	Budget	Percent Budget
Total Labor & Employment CLE				

72201 Print Distribution	0	113	0	*
75102 1st Class & Misc Mai	12	63	0	*
75401 Express Mail	72	555	0	*
89999 Other Operating Exp	1,196	1,196	0	*

Other Expense	1,417	4,466	0	*

Total Expenses	28,086	142,718	0	*

Total Net General Ledger	15,670	57,896	0	*

32291 Sect/YLD Fee	-1,855	-49,802	0	*

Net Operations	13,815	8,094	0	*

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

	May 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	*

	May 2016 Actuals	YTD 15-16 Actuals	Budget	Percent Budget
C1765 LE A Webcast Series ~~~~~				
31436 Course Sect Diff	0	-40	0	*
32205 Compact Disc	0	160	0	*
Total Revenues	0	120	0	*
36998 Credit Card Fees	0	1	0	*
Other Expense	0	1	0	*
Total Expenses	0	1	0	*
Total Net General Ledger	0	119	0	*
32291 Sect/YLD Fee	0	-95	0	*
Net Operations	0	24	0	*

	May 2016 Actuals	YTD 15-16 Actuals	Budget	Percent Budget
C1783 Litigating Employmen ~~~~~				
31436 Course Sect Diff	0	-80	0	*
32010 Legal Span On-line	0	658	0	*
32205 Compact Disc	0	2,075	0	*
Total Revenues	0	2,653	0	*
88281 A/V Ctr Dup/Prod	0	70	0	*
Total Cost of AV Media	0	70	0	*
36998 Credit Card Fees	0	30	0	*
75102 1st Class & Misc Mai	0	4	0	*
75401 Express Mail	0	11	0	*
Other Expense	0	45	0	*
Total Expenses	0	115	0	*
Total Net General Ledger	0	2,538	0	*
32291 Sect/YLD Fee	0	-2,030	0	*
Net Operations	0	508	0	*

	May 2016 Actuals	YTD 15-16 Actuals	Budget	Percent Budget
C1804 LE Audio Webcasts				
~~~~~				
31436 Course Sect Diff	0	-40	0	*
32010 Legal Span On-line	306	3,448	0	*
32205 Compact Disc	0	637	0	*
-----	-----	-----	-----	-----
Total Revenues	306	4,045	0	*
-----	-----	-----	-----	-----
36998 Credit Card Fees	0	13	0	*
75401 Express Mail	0	6	0	*
-----	-----	-----	-----	-----
Other Expense	0	19	0	*
-----	-----	-----	-----	-----
Total Expenses	0	19	0	*
-----	-----	-----	-----	-----
Total Net General Ledger	306	4,026	0	*
-----	-----	-----	-----	-----
32291 Sect/YLD Fee	-245	-3,221	0	*
-----	-----	-----	-----	-----
Net Operations	61	805	0	*
-----	-----	-----	-----	-----

	May 2016 Actuals	YTD 15-16 Actuals	Budget	Percent Budget
C1805 Eff & Eth Use of Soc ~~~~~				
32010 Legal Span On-line	270	2,236	0	*
Total Revenues	270	2,236	0	*
Total Net General Ledger	270	2,236	0	*
32291 Sect/YLD Fee	-216	-1,789	0	*
Net Operations	54	447	0	*

	May 2016 Actuals	YTD 15-16 Actuals	Budget	Percent Budget
C1806 Ins & Outs of Emp ~~~~~				
32010 Legal Span On-line	0	899	0	*
Total Revenues	0	899	0	*
Total Net General Ledger	0	899	0	*
32291 Sect/YLD Fee	0	-719	0	*
Net Operations	0	180	0	*

	May 2016 Actuals	YTD 15-16 Actuals	Budget	Percent Budget
C1807 What Every Employmen ~~~~~				
32010 Legal Span On-line	39	310	0	*
Total Revenues	39	310	0	*
Total Net General Ledger	39	310	0	*
32291 Sect/YLD Fee	-31	-248	0	*
Net Operations	8	62	0	*

	May 2016 Actuals	YTD 15-16 Actuals	Budget	Percent Budget
C1808 Working with Expert ~~~~~				
32010 Legal Span On-line	39	194	0	*
Total Revenues	39	194	0	*
Total Net General Ledger	39	194	0	*
32291 Sect/YLD Fee	-31	-155	0	*
Net Operations	8	39	0	*

	May 2016 Actuals	YTD 15-16 Actuals	Budget	Percent Budget
C1809 Statistical Evidence ~~~~~				
32010 Legal Span On-line	39	272	0	*
Total Revenues	39	272	0	*
Total Net General Ledger	39	272	0	*
32291 Sect/YLD Fee	-32	-218	0	*
Net Operations	7	54	0	*

	May 2016 Actuals	YTD 15-16 Actuals	Budget	Percent Budget
C1832 15th Labor Cert Rvw ~~~~~				
31436 Course Sect Diff	0	-440	0	*
32010 Legal Span On-line	0	9,209	0	*
32205 Compact Disc	0	10,440	0	*
32301 Course Materials	0	60	0	*
Total Revenues	0	19,269	0	*
88281 A/V Ctr Dup/Prod	0	105	0	*
Total Cost of AV Media	0	105	0	*
36998 Credit Card Fees	0	169	0	*
75102 1st Class & Misc Mai	0	6	0	*
75401 Express Mail	0	45	0	*
Other Expense	0	220	0	*
Total Expenses	0	325	0	*
Total Net General Ledger	0	18,944	0	*
32291 Sect/YLD Fee	0	-15,155	0	*
Net Operations	0	3,789	0	*

	May 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	1,217	9,115	0	*
32205 Compact Disc	0	9,010	0	*
32301 Course Materials	0	360	0	*
Total Revenues	1,217	18,165	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	141	0	*
75102 1st Class & Misc Mai	0	5	0	*
75401 Express Mail	4	70	0	*
Other Expense	4	216	0	*
Total Expenses	4	286	0	*
Total Net General Ledger	1,213	17,879	0	*
32291 Sect/YLD Fee	-970	-14,303	0	*
Net Operations	243	3,576	0	*



	May 2016 Actuals	YTD 15-16 Actuals	Budget	Percent Budget
C1916 Litigating Benefits ~~~~~				
32010 Legal Span On-line	39	194	0	*
Total Revenues	39	194	0	*
Total Net General Ledger	39	194	0	*
32291 Sect/YLD Fee	-31	-155	0	*
Net Operations	8	39	0	*

	May 2016 Actuals	YTD 15-16 Actuals	Budget	Percent Budget
C1960 Dont Crash/Info Hwy ~~~~~				
31436 Course Sect Diff	-120	-240	0	*
32010 Legal Span On-line	96	1,211	0	*
32205 Compact Disc	495	1,365	0	*
-----	-----	-----	-----	-----
Total Revenues	471	2,336	0	*
-----	-----	-----	-----	-----
83431 Time CLE Courses	0	0	0	*
-----	-----	-----	-----	-----
Total The Florida Bar Staff Exp	0	0	0	*
-----	-----	-----	-----	-----
84256 Audio Taping/Tech	0	1,472	0	*
86432 Time Taping Editing	0	780	0	*
88281 A/V Ctr Dup/Prod	35	105	0	*
-----	-----	-----	-----	-----
Total Cost of AV Media	35	2,357	0	*
-----	-----	-----	-----	-----
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	*
-----	-----	-----	-----	-----
Total Speaker Expense	0	329	0	*
-----	-----	-----	-----	-----
36998 Credit Card Fees	10	24	0	*
75401 Express Mail	5	15	0	*
-----	-----	-----	-----	-----
Other Expense	15	39	0	*
-----	-----	-----	-----	-----
Total Expenses	50	2,725	0	*
-----	-----	-----	-----	-----
Total Net General Ledger	421	-389	0	*
-----	-----	-----	-----	-----
32291 Sect/YLD Fee	-337	311	0	*
-----	-----	-----	-----	-----
Net Operations	84	-78	0	*
-----	-----	-----	-----	-----

	May 2016 Actuals	YTD 15-16 Actuals	Budget	Percent Budget
C1987 Effectively Litgatng ~~~~~				
31436 Course Sect Diff	0	-1,400	0	*
32001 Registrations	0	27,366	0	*
32010 Legal Span On-line	1,063	1,860	0	*
32205 Compact Disc	345	14,560	0	*
32301 Course Materials	0	420	0	*
-----	-----	-----	-----	-----
Total Revenues	1,408	42,806	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	350	0	*
-----	-----	-----	-----	-----
Total Cost of AV Media	35	3,898	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	7	640	0	*
75102 1st Class & Misc Mai	0	16	0	*
75401 Express Mail	4	127	0	*
-----	-----	-----	-----	-----
Other Expense	11	783	0	*
-----	-----	-----	-----	-----

	May 2016 Actuals	YTD 15-16 Actuals	Budget	Percent Budget
C1987 Effectively Litgatng ~~~~~				
Total Expenses	46	26,482	0	*
Total Net General Ledger	1,362	16,324	0	*
32291 Sect/YLD Fee	-1,089	-13,059	0	*
Net Operations	273	3,265	0	*

	May 2016 Actuals	YTD 15-16 Actuals	Budget	Percent Budget
C2005 LE Audio Webcasts ~~~~~				
31436 Course Sect Diff	-40	-40	0	*
32205 Compact Disc	239	239	0	*
Total Revenues	199	199	0	*
86432 Time Taping Editing	780	780	0	*
88281 A/V Ctr Dup/Prod	91	91	0	*
Total Cost of AV Media	871	871	0	*
86001 Admin Exp	0	350	0	*
Total General and Administrative	0	350	0	*
88241 Outline Prt-Inhouse	0	9	0	*
Total Printed Course Material	0	9	0	*
36998 Credit Card Fees	0	5	0	*
72201 Print Distribution	0	113	0	*
75401 Express Mail	6	6	0	*
Other Expense	6	124	0	*
Total Expenses	877	1,354	0	*
Total Net General Ledger	-678	-1,155	0	*
32291 Sect/YLD Fee	542	924	0	*
Net Operations	-136	-231	0	*

	May 2016 Actuals	YTD 15-16 Actuals	Budget	Percent Budget
C2007 Dec 8 Audio Webcast ~~~~~				
32010 Legal Span On-line	193	719	0	*
Total Revenues	193	719	0	*
86001 Admin Exp	0	350	0	*
Total General and Administrative	0	350	0	*
Total Expenses	0	350	0	*
Total Net General Ledger	193	369	0	*
32291 Sect/YLD Fee	-154	-295	0	*
Net Operations	39	74	0	*

	May 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	0	280	0	*
Net Operations	0	-70	0	*

	May 2016 Actuals	YTD 15-16 Actuals	Budget	Percent Budget
C2009 Feb 9 Audio Webcast ~~~~~				
32010 Legal Span On-line	39	948	0	*
Total Revenues	39	948	0	*
Total Net General Ledger	39	948	0	*
32291 Sect/YLD Fee	-31	-758	0	*
Net Operations	8	190	0	*



	May 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	*

	May 2016 Actuals	YTD 15-16 Actuals	Budget	Percent Budget
C2024 16th Labor Cert Rvw				
~~~~~				
31436 Course Sect Diff	-120	-1,080	0	*
32001 Registrations	0	38,474	0	*
32010 Legal Span On-line	3,492	10,569	0	*
32205 Compact Disc	3,585	18,755	0	*
32301 Course Materials	120	960	0	*
-----	-----	-----	-----	-----
Total Revenues	7,077	67,678	0	*
-----	-----	-----	-----	-----
51101 Employee Travel	0	626	0	*
-----	-----	-----	-----	-----
Total The Florida Bar Staff Exp	0	626	0	*
-----	-----	-----	-----	-----
84256 Audio Taping/Tech	0	3,257	0	*
86432 Time Taping Editing	0	3,413	0	*
88281 A/V Ctr Dup/Prod	70	350	0	*
-----	-----	-----	-----	-----
Total Cost of AV Media	70	7,020	0	*
-----	-----	-----	-----	-----
86001 Admin Exp	0	25,300	0	*
-----	-----	-----	-----	-----
Total General and Administrative	0	25,300	0	*
-----	-----	-----	-----	-----
81411 Promo Printing	0	4,569	0	*
81412 Promo Mailing	0	253	0	*
86532 Advertising News	0	824	0	*
-----	-----	-----	-----	-----
Total Promotion	0	5,646	0	*
-----	-----	-----	-----	-----
88241 Outline Prt-Inhouse	0	7	0	*
-----	-----	-----	-----	-----
Total Printed Course Material	0	7	0	*
-----	-----	-----	-----	-----
88231 Spkrs Travel	0	2,543	0	*
88232 Spkrs Meals	0	348	0	*
88233 Spkrs Hotel	0	1,193	0	*
88239 Spkrs Oth Exp	0	359	0	*
-----	-----	-----	-----	-----
Total Speaker Expense	0	4,443	0	*
-----	-----	-----	-----	-----
61201 Equip Rental	0	667	0	*
88262 Mtg Meals	0	9,382	0	*
88263 Mtg Hospitality	0	3,003	0	*
88265 Refreshment Breaks	0	4,389	0	*
-----	-----	-----	-----	-----
Total Presentation Expense	0	17,441	0	*
-----	-----	-----	-----	-----
36998 Credit Card Fees	62	916	0	*
75102 1st Class & Misc Mai	0	20	0	*
75401 Express Mail	29	205	0	*

	May 2016 Actuals	YTD 15-16 Actuals	Budget	Percent Budget
C2024 16th Labor Cert Rvw ~~~~~				
Other Expense	91	1,141	0	*
Total Expenses	161	61,624	0	*
Total Net General Ledger	6,916	6,054	0	*
32291 Sect/YLD Fee	-5,533	-4,843	0	*
Net Operations	1,383	1,211	0	*

	May 2016 Actuals	YTD 15-16 Actuals	Budget	Percent Budget
C2042 Tallahassee Labr Sem ~~~~~				
31436 Course Sect Diff	-770	-970	0	*
32001 Registrations	13,845	13,845	0	*
32010 Legal Span On-line	196	196	0	*
32205 Compact Disc	905	4,315	0	*
32301 Course Materials	60	60	0	*
	-----	-----	-----	-----
Total Revenues	14,236	17,446	0	*
	-----	-----	-----	-----
84256 Audio Taping/Tech	0	1,755	0	*
86432 Time Taping Editing	0	3,120	0	*
88281 A/V Ctr Dup/Prod	0	210	0	*
	-----	-----	-----	-----
Total Cost of AV Media	0	5,085	0	*
	-----	-----	-----	-----
86001 Admin Exp	0	8,250	0	*
	-----	-----	-----	-----
Total General and Administrative	0	8,250	0	*
	-----	-----	-----	-----
81411 Promo Printing	0	352	0	*
81412 Promo Mailing	0	1,135	0	*
86532 Advertising News	0	1,647	0	*
	-----	-----	-----	-----
Total Promotion	0	3,134	0	*
	-----	-----	-----	-----
88241 Outline Prt-Inhouse	166	734	0	*
	-----	-----	-----	-----
Total Printed Course Material	166	734	0	*
	-----	-----	-----	-----
61201 Equip Rental	35	35	0	*
88261 Mtg Room Rent	1,400	1,400	0	*
88262 Mtg Meals	2,288	2,288	0	*
88263 Mtg Hospitality	1,352	1,352	0	*
88265 Refreshment Breaks	2,149	2,149	0	*
	-----	-----	-----	-----
Total Presentation Expense	7,224	7,224	0	*
	-----	-----	-----	-----
36998 Credit Card Fees	24	312	0	*
75102 1st Class & Misc Mai	6	6	0	*
75401 Express Mail	15	57	0	*
89999 Other Operating Exp	1,196	1,196	0	*
	-----	-----	-----	-----
Other Expense	1,241	1,571	0	*
	-----	-----	-----	-----
Total Expenses	8,631	25,998	0	*
	-----	-----	-----	-----
Total Net General Ledger	5,605	-8,552	0	*
	-----	-----	-----	-----

	May 2016 Actuals	YTD 15-16 Actuals	Budget	Percent Budget
C2042 Tallahassee Labr Sem ~~~~~				
32291 Sect/YLD Fee	6,842	6,842	0	*
	-----	-----	-----	-----
Net Operations	12,447	-1,710	0	*
	-----	-----	-----	-----

	May 2016 Actuals	YTD 15-16 Actuals	Budget	Percent Budget
C2047 2016 Adv Labor Topcs ~~~~~				
31436 Course Sect Diff	-120	-120	0	*
32001 Registrations	17,835	17,835	0	*
32205 Compact Disc	370	370	0	*
32301 Course Materials	60	60	0	*
Total Revenues	18,145	18,145	0	*
84256 Audio Taping/Tech	3,568	3,568	0	*
86432 Time Taping Editing	3,315	3,315	0	*
88281 A/V Ctr Dup/Prod	175	175	0	*
Total Cost of AV Media	7,058	7,058	0	*
86001 Admin Exp	9,075	9,075	0	*
Total General and Administrative	9,075	9,075	0	*
81411 Promo Printing	0	339	0	*
81412 Promo Mailing	0	819	0	*
86532 Advertising News	0	2,471	0	*
Total Promotion	0	3,629	0	*
88241 Outline Prt-Inhouse	0	535	0	*
Total Printed Course Material	0	535	0	*
88231 Spkrs Travel	937	937	0	*
88233 Spkrs Hotel	1,090	1,090	0	*
88239 Spkrs Oth Exp	108	108	0	*
Total Speaker Expense	2,135	2,135	0	*
36998 Credit Card Fees	34	273	0	*
75102 1st Class & Misc Mai	6	6	0	*
75401 Express Mail	9	9	0	*
Other Expense	49	288	0	*
Total Expenses	18,317	22,720	0	*
Total Net General Ledger	-172	-4,575	0	*
Net Operations	-172	-4,575	0	*

	May 2016 Actuals	YTD 15-16 Actuals	Budget	Percent Budget
C2060 Mar 8 Audio Webcast ~~~~~				
32010 Legal Span On-line	39	1,024	0	*
Total Revenues	39	1,024	0	*
86001 Admin Exp	0	350	0	*
Total General and Administrative	0	350	0	*
Total Expenses	0	350	0	*
Total Net General Ledger	39	674	0	*
32291 Sect/YLD Fee	-539	-539	0	*
Net Operations	-500	135	0	*

	May 2016 Actuals	YTD 15-16 Actuals	Budget	Percent Budget
C1772 40th Pub Emp Lbr Rel ~~~~~				
31436 Course Sect Diff	0	-80	0	*
32010 Legal Span On-line	0	970	0	*
32205 Compact Disc	0	2,600	0	*
32301 Course Materials	0	60	0	*
Total Revenues	0	3,550	0	*
88281 A/V Ctr Dup/Prod	0	21	0	*
Total Cost of AV Media	0	21	0	*
36998 Credit Card Fees	0	44	0	*
75401 Express Mail	0	9	0	*
Other Expense	0	53	0	*
Total Expenses	0	74	0	*
Total Net General Ledger	0	3,476	0	*
32291 Sect/YLD Fee	0	-2,781	0	*
Net Operations	0	695	0	*

	May 2016 Actuals	YTD 15-16 Actuals	Budget	Percent Budget
C1995 41st Pub Emp Lbr Rel ~~~~~				
31436 Course Sect Diff	0	-1,280	0	*
32001 Registrations	0	36,495	0	*
32205 Compact Disc	0	12,490	0	*
32301 Course Materials	0	240	0	*
-----	-----	-----	-----	-----
Total Revenues	0	47,945	0	*
-----	-----	-----	-----	-----
51101 Employee Travel	0	357	0	*
-----	-----	-----	-----	-----
Total The Florida Bar Staff Exp	0	357	0	*
-----	-----	-----	-----	-----
84256 Audio Taping/Tech	0	3,621	0	*
86432 Time Taping Editing	0	4,095	0	*
88281 A/V Ctr Dup/Prod	0	287	0	*
-----	-----	-----	-----	-----
Total Cost of AV Media	0	8,003	0	*
-----	-----	-----	-----	-----
86001 Admin Exp	0	13,750	0	*
-----	-----	-----	-----	-----
Total General and Administrative	0	13,750	0	*
-----	-----	-----	-----	-----
81411 Promo Printing	0	557	0	*
81412 Promo Mailing	0	2,041	0	*
86532 Advertising News	0	2,896	0	*
-----	-----	-----	-----	-----
Total Promotion	0	5,494	0	*
-----	-----	-----	-----	-----
88241 Outline Prt-Inhouse	0	322	0	*
-----	-----	-----	-----	-----
Total Printed Course Material	0	322	0	*
-----	-----	-----	-----	-----
88231 Spkrs Travel	0	136	0	*
88232 Spkrs Meals	0	196	0	*
88233 Spkrs Hotel	0	99	0	*
88239 Spkrs Oth Exp	0	70	0	*
-----	-----	-----	-----	-----
Total Speaker Expense	0	501	0	*
-----	-----	-----	-----	-----
61201 Equip Rental	0	730	0	*
88262 Mtg Meals	0	3,832	0	*
88263 Mtg Hospitality	0	1,598	0	*
88265 Refreshment Breaks	0	2,895	0	*
-----	-----	-----	-----	-----
Total Presentation Expense	0	9,055	0	*
-----	-----	-----	-----	-----
36998 Credit Card Fees	0	754	0	*
75102 1st Class & Misc Mai	0	7	0	*
75401 Express Mail	0	105	0	*

	May 2016 Actuals	YTD 15-16 Actuals	Budget	Percent Budget
C1995 41st Pub Emp Lbr Rel ~~~~~				
Other Expense	0	866	0	*
Total Expenses	0	38,348	0	*
Total Net General Ledger	0	9,597	0	*
32291 Sect/YLD Fee	0	-7,678	0	*
Net Operations	0	1,919	0	*

JUDICIAL OUTREACH COMMITTEE REPORT

The Judicial Outreach Committee will have a program on June 23, 2016 at the Broward County Courthouse for Judges on recent developments in employment law.

Zascha Blanco Abbott

LOCAL/VOLUNTARY BAR ASSOCIATION LIAISON COMMITTEE

This year, we created a survey to communicate with the Local/Voluntary Bar associations to gather information to strengthen the Section's partnership with the voluntary bar associations. In the survey, we asked the bar leaders to confirm their contact information, for information about their association and their planned labor and employment activities, whether they have partnered with the section in the past, and whether they are interested in doing so in the future. We also maintained a spreadsheet of contact information for the leaders of these various organizations to ensure that we can continue to reach out to them in the future. To date, we have only received 8 responses to our survey, but the feedback has been very positive and those local bar leaders that responded seem to be interested in finding opportunities to work together in the future. We are still encouraging bar leaders to respond to the survey and want to provide some more time to get additional feedback. Once we have exhausted our attempts, we intend to put together a summary of the responses as well as a proposal with ideas on how we can encourage more collaboration with the voluntary bar organizations next year.

Sacha Dyson

**Labor Employment Law Section
PERC Liaison Committee Report
June 9, 2016
Submitted by Co-Chairs: Gregg Morton and Steve Meck**

1. Significant Case

In *Allen v. Miami-Dade College Board of Trustees & United Faculty of Miami-Dade College, FEA, AFL-CIO, AFT, Local 4523*, Order No. 16U-144 (PERC 2016) (final order available at [this link](#)) the Commission considered an unfair labor practice charge filed by a former college professor alleging that her college had illegally given financial assistance to the union representing her faculty bargaining unit. The Commission revisited the prior declaratory statement on union release time issued in *In re City of Jacksonville*, 13 FPER ¶ 18250 (1987), emphasizing that while union release time was a legitimate subject of bargaining, not all union activity is “official union business” that may be included in a collective bargaining contract for purposes of employer paid release time.

Based on the hearing officer’s factual findings, the Commission concluded that many of the Union president’s activities did not fall within the ambit of the direct representation of employees, such as grievance processing and collective bargaining negotiations, contemplated by the Commission’s decision in *City of Jacksonville*. Accordingly, the Commission would have sustained the unfair labor practice charge against the college, but did not because of a General Counsel’s Summary Dismissal that stated *City of Jacksonville* allowed this type of unlimited paid release time. *Riley v. Miami-Dade Transit Authority*, 25 FPER ¶ 30112 (G.C. Summ. Dis. 1999).

The Commission dismissed the charge cautioning future litigants that it was disavowing *Riley*. See *Board of County Commissioners of Jackson County v. International Operating Engineers*, 620 So. 2d 1062 (Fla. 1st DCA 1993) (prohibiting the Commission from changing precedent and finding a violation in the same case). Employers are now responsible for ensuring that all publicly funded union release time is spent only on the direct representation of employees in the bargaining unit.

2. Public Employees Relations Forum

The 42nd Annual Public Employees Labor Relations Forum will be held on October 20-21, 2016 at the Rosen Shingle Creek hotel in Orlando, Florida. The agenda with topics and speakers is in the process of being finalized and should be available soon. As in past years, the PELRF will have a training component for special magistrates that satisfies the requirement in section 447.207, Florida Statutes (2015), and Florida Administrative Code Rule 60CC-3.003, which require the Commission to consider participation in continuing education or training programs for initial and renewal appointments to the roster of Special Magistrates.

3. Personnel Changes

Mary Ann Burns, the Commission’s long-serving Chief Operating Officer, retired at the end of May 2016. The Commission’s new COO is Edgar Gonesh who comes from the Florida Department of Management Services.

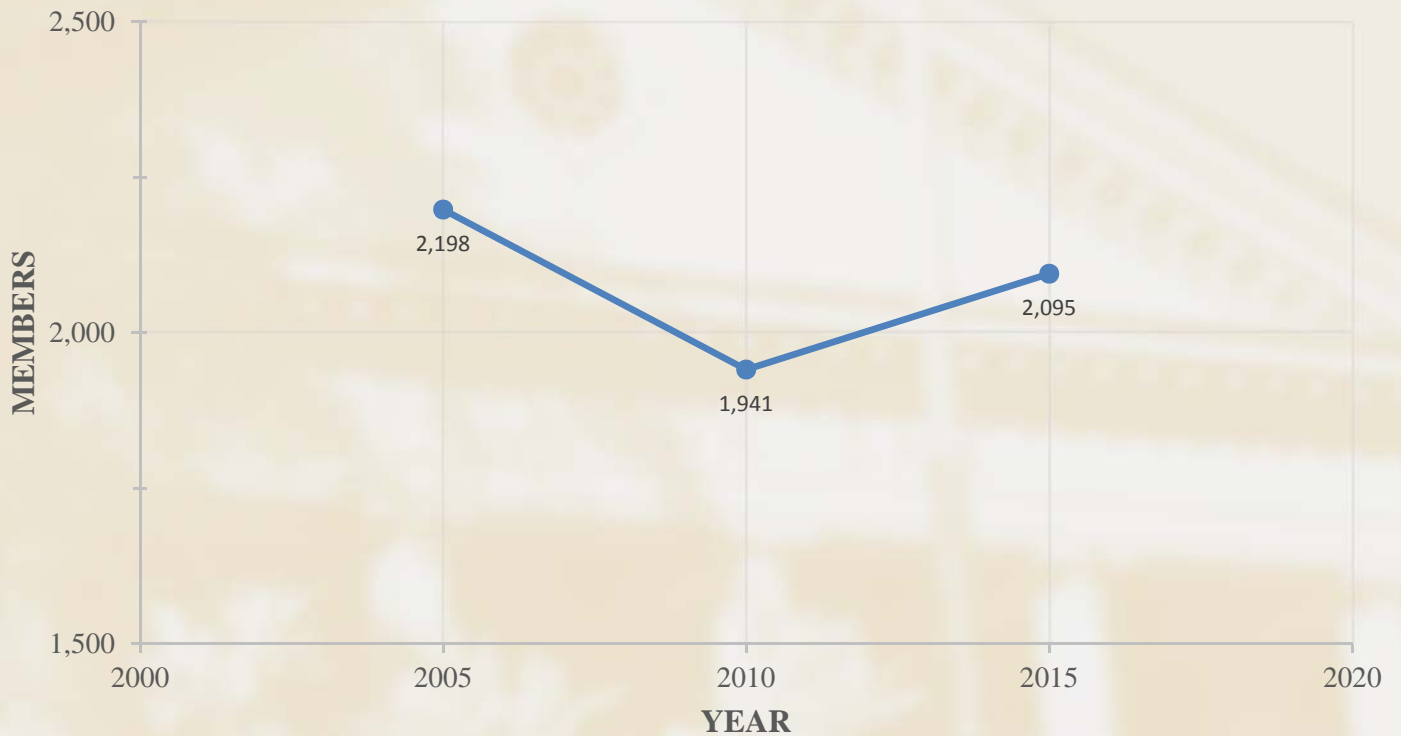
**Labor and Employment Law Section Membership
(1981-2015)**

Year	Members	Growth Rate
1981	111	---
1982	315	184%
1983	332	5%
1984	373	12%
1985	407	9%
1986	456	12%
1987	478	5%
1988	553	16%
1989	607	10%
1990	616	1%
1991	740	20%
1992	836	13%
1993	986	18%
1994	1,167	18%
1995	1,323	13%
1996	1,570	19%
1997	1,704	9%
1998	1,799	6%
1999	1,923	7%
2000	2,126	11%
2001	2,375	12%
2002	2,208	<-7%>
2003	2,217	0%
2004	2,162	<-2%>
2005	2,198	2%
2006	2,087	<-5%>
2007	2,091	0%
2008	2,052	<-2%>
2009	1,952	<-5%>
2010	1,941	<-1%>
2011	1,933	0%
2012	2,008	4%
2013	2,014	0%
2014	2,072	3%
2015	2,095	1%

Labor and Employment Law Section Membership (1981-2015)



Labor and Employment Law Section Membership (2005-2015)



LONG RANGE PLANNING RETREAT

MAY 14, 2016

SUMMARY OF ACTION ITEMS

- I. During our retreat, Terry Hill, Division Director from the Florida Bar, identified several “best practices” for technology strategies and enhancements for section websites. He identified several components that are essential for a successful section website. They include keeping a website up to date with current information. Also, an effective website should be interactive and provide members with useful forms, resources and a calendar of events. The Bar is in the process of continuing to upgrade the main website and is considering adding microsites and links for each Section on its main website.

The results of the Member Survey were discussed at the retreat. The results gave the EC a better and clearer understanding of what is important to Section members.

- II. The following list of action items were discussed and adopted by the Executive Council:
 1. **Members Only website.** The Council agreed to forego a member’s only portion of the website. As an alternate to a “member’s only” section on our website, email blasts (which have been proven to be the best and most successful source of interaction with section members) could provide “hidden” links to content not directly accessible through the links on the website. These links can provide additional resources to members of the Section.
 2. **Use of Emails and Eblasts.** Emails and Eblasts to Section members have been the most effective way to communicate. Insuring that we provide enhancements to make our website more “mobile” friendly should be a goal. The Executive Council supports “Ecase summaries” and supports

retaining a dedicated and experienced attorney to handle this, so long as the cost is reasonable and does not exceed \$10,000 per year.

3. **Social Media.** LinkedIn has been the most successful social medium for the Section and should be promoted. Stand-alone emails should be sent out to promote and encourage Section membership. We should appoint a historian to document and photograph events and post pictures to LinkedIn and Facebook. Twitter can be used as well, since the time and effort to post items to Twitter is minimal.
4. **LEstserv.** To increase the use of LEstserv and to minimize a concern that open postings may reveal sensitive information about the poster, we must develop a way to allow “anonymous” posting.
5. **CLE.** We can and should repackage excerpts or portions of significant CLE presentations for resale, particularly to fulfill credits for ethics.
6. **Goals and aspirations for the upcoming 2016/2017 year.** (To be considered and implemented by the incoming Chair) :
 - a. Insure that we make the best effort to integrate local bar associations by having the Chairman make regular visits to local bar associations to promote the benefits of our section.
 - b. Explore effective ways to mentor and support other cultural and ethnic legal groups or associations, and to support diversity within the Section.
 - c. Explore effective ways for EC members to offer their time and services to law schools in their area.
 - d. There was a sense that we should be prepared to devote more time to discussion of Section issues at EC meetings, and consider longer terms for EC members to promote more institutional knowledge and expertise.

**PUBLICATIONS SUBCOMMITTEE
CHECKOFF / E-ALERT REPORT**

In advance of the upcoming June 16, 2016 Executive Council meeting, please accept this as my report of the Publications (Checkoff / E-Alerts) Subcommittee to the Executive Council:

<i>Date of Publication</i>	<i>Type of Publication</i>	<i>Author</i>
January 2016	E-Alert	Aaron W. Tandy , Pathman Lewis, LLP
February 2016	Checkoff	Aaron W. Tandy Christopher Shulman , Shulman ADR Law, P.A. Guy Farmer , GrayRobinson, P.A. Carlo D. Marichal , Banker Lopez Gassler P.A. Jeffrey D. Slanker and Monna Lea Bryant , Sniffen and Spellman, P.A. Kelly M. Pena , Ogletree, Deakins, Nash, Smoak & Stewart, P.C. Allison Gluvna , Jackson Lewis, P.C.
March 2016	E-Alert	Jay P. Lechner , Whittel & Melton, LLC
April/May 2016	E-Alert	Jason E. Vail and Matthew D. Stefany , Allen, Norton & Blue, P.A.
Late May 2016	E-Alert	Kelly M. Pena
June 2016	Checkoff (anticipated)	Kathleen M. Bonczyk , Kathleen M. Bonczyk, LLC Sherril M. Colombo and Nick Andrews , Littler Mendelson, P.C Greg Demers , University of Florida Levin College of Law Kelly M. Pena Diane P. Perez , Diane Perez, P.A. Aaron Tandy , Pathman Lewis, LLP

- We are **currently seeking volunteers** to prepare an E-Alert for June or July.
- We will be holding a conference call with the Publications Subcommittee team members this month or next month to plan the next Checkoff. **Any ideas for articles or volunteers are greatly appreciated.**

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,
Jay P. Lechner

BAR JOURNAL REPORT

Chairman Brown,

In advance of the upcoming June 16th 2016 Executive Council meeting, please accept this as my report of the Bar Journal Articles committee to the Executive Council:

- Authors Anne Chapman and Mike Magidson's well-done 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 was submitted for the **June** 2016 Journal issue. However, Journal editorial staff declined to publish it based on their assessment that the topic being before the Supreme Court for resolution. I have pressed the Journal editorial staff to re-consider, but if they do not, the authors have graciously agreed to await resolution of the issue and conversion of their article to educate the Bar on the ultimate outcome.
- Author J. Evan Gibbs' article concerning deposition objections (with suitable but not exclusive focus on employment cases) has been submitted and is scheduled to be published in the **July/August** Journal issue.
- Author Cynthia Sass has begun drafting an article concerning the ADA's applicability to web sites and apps, an issue important to employers as well as business and educational institutions. The article will be completed in time for publication in the **September/October** Journal issue.
- Author Zascha Blanco Abbott's article on the new FLSA regulations is being drafted so as to be published in the **November** Journal issue.
- Author Cathleen Scott has begun working on an article addressing the legal treatment of gender-specific accommodations. This article is expected to be completed and edited in time for submission for publication in the **December** Journal issue.
- Author Nicole Dunlap has begun work on an article addressing whether class and collective actions waivers are lawful under the NLRA. Depending on Supreme Court treatment, the article is expected to be drafted by November for publication in the **January** Journal issue.

Our Section continues to do very well with our Journal article publication rate. The article publication numbers since 1997 are below:

1997	1	2001	5	2005	4	2009	6	2013	4	2017	1 (so far)
1998	5	2002	5	2006	5	2010	1	2014	5		
1999	5	2003	3	2007	4	2011	4	2015	7		
2000	5	2004	5	2008	4	2012	4	2016	9 (assuming all authors deliver)		

While we have articles set to run us through the end of the calendar year, it is not too early to have new authors accepting topics for the **February** and **March** 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
June 13, 2016**

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

New Developments on Website:

- Website updates
 - Section Events, EC Meeting Materials, CLEs, and Publications regularly updated.
 - Membership Directory updated.
- E-Blasts regularly issued

Upcoming Projects for 2016-2017:

- Website
 - We anticipate making updates and modifications to the website. These may include adding pages that are not necessarily visible to the public, but would allow our members to access select content. Members would learn of this content through e-mails. Those e-mails would contain links that would take the user to the website page.
 - We anticipate making the website more mobile friendly. This would include features that would scale the website to phones for more optimal use and viewing.
 - With the changes to the website, we anticipate making any changes necessary so that the website is compliant with ADA guidelines (i.e., Level AA standards of the Web Content Accessibility Guidelines (WCAG) 2.0).
- LEstserv
 - We will implement an anonymous submission feature so as to encourage more submissions to the listserv.
- E-mail
 - We anticipate upgrading our e-mails in terms of overall look and feel. We also anticipate adding e-mails—in particular, the issuance of a case summary e-mail issued on a regular basis.

**Labor and Employment Law Section
Social Media/Advertising Subcommittee Report
June 13, 2016**

Submitted by Co-Chairs: Brian Lerner and Cathleen Scott

New Developments on

- Facebook (<https://www.facebook.com/LaborEmploymentLaw>)
 - The page continues to be regularly updated with news and events
- LinkedIn
 - The page continues to be regularly updated with news and events

Upcoming Projects:

- Twitter
 - To increase social media presence and attract a greater viewing audience, we will create a Twitter account (@FlaBarLESection). The Twitter account will post information on CLEs, news, and events. In addition, the account will be used to show the more social side of the Section.
- LinkedIn
 - Given the business oriented nature of LinkedIn and that LinkedIn appears to be used to a greater extent by Section members than other social media, we will focus efforts on improving LinkedIn as a means of communicating Section CLEs, news, and events.
- Facebook
 - While Facebook will include information on Section CLEs, news, and events, we will refocus the page to emphasize more of the social side of the Section. This would include greater use of photos and videos taken of Section events. To help facilitate that process, we will endeavor to find a “historian” for each event. This person will document the event through photos and videos, provide the photos or videos to the subcommittee, and the subcommittee then may post to all of the social media accounts.

CLE Director Report

I am happy to report a busy and successful CLE year. The 2015-2016 CLE's include the following:

Webcasts:

1. Effective Mediation of Employment Cases (December 1, 2015) – 6 Live Registrations
2. FMLA – The Basics that You Need to Know (December 2, 2015)
3. Attorney's Obligations in the Techno Age (February 9, 2016) – 20 Live Registrations
4. Policy and Handbook Update – Data Ownership, Phones, LinkedIn and Facebook – Practical Tips for Evolving Issues (March 8, 2016) – 24 Live Registrations
5. When Associates Leave; Ethical and Legal Considerations (April 5, 2016) – 6 Live Registrations

Note: Webcasts are a source of revenue on resale and historically that is larger value for the section.

Seminars to date:

Seminar	Date	Registrations
Effectively Litigating Employment Cases from Inception Through Trial	September 17-18, 2015	82
41 st Annual Public Employment Labor Relations Forum	October 22-23, 2015	93
16 th Annual Labor and Employment Law Certification Review	January 28-29, 2016	71
Practice Before State Labor and Employment Law Agencies	April 1, 2016	58
Advanced Labor Topics	May 6-7, 2016	49

Upcoming – A Look Ahead

CLE

Our upcoming CLE includes:

1. Fall Seminar
 - a. Location: Potential venues in South Florida are Pier 66 and Hardrock
 - b. Date: September 23, 2016
 - c. Chairs – To be announced
2. 42d Annual Public Employment Labor Forum

- a. Location: Rosen Shingle Creek hotel in Orlando, Florida
- b. Co-Chaired by Gregg Morton and Glenn Thomas
- c. Date: October 20-21, 2016
- d. See Gregg Morton's Report for additional details.

Webcast:

Our upcoming webcast includes:

1. White Collar Exemptions (July 12, 2016)
2. 5 other webcast with topics to be determined by incoming director

Looking ahead to the 2016-2017 CLE year, we have confirmed dates for webcasts on the following Tuesday dates:

1. November 8, 2016
2. December 6, 2016
3. February 7, 2016
4. March 7, 2016
5. April 11, 2016

Topics and speakers are still being arranged, but you can expect case law updates, current topics such as LBGT rights and how new intellectual property laws affect employment practitioners.

Remaining Projects:

1. Finalize the upcoming CLE 42d Annual Public Employment Labor Forum
2. Transition to new CLE Director
3. Agenda and Chairs for Fall Seminar – September 23

From: [Bell Bremmer, Cathleen](#)
To: [Brown, Frank E](#)
Cc: [Colombo, Sherril M.](#); [Moyles, M](#)
Subject: RE: Labor & Employment Law Certification Standards
Date: Thursday, May 26, 2016 2:49:31 PM

Frank, you are correct that there was no intent to exclude the NLRA/PERA work referenced in your second paragraph. I think it is covered by the terms “collective bargaining” and “administrative proceedings” preceding the new “list” being proposed in the draft. Those have always been provided credit and will continue to be granted credit.

The second point is harder. Like drafting or other general case development issues, I don’t think general work up on employee or company side of grievance processing or general union/employer campaigning work would be covered as being involved in “litigation and/or administrative proceedings.” But as you know, it is impossible to cover every possible scenario in the standards. That is why the committee proposed the language that “[a]n applicant may also seek credit from the certification committee for activities not set forth above that involve labor and employment issues that are of sufficient complexity and otherwise demonstrate the applicant’s labor and employment law experience.” In other words, if there is something particularly unique about a particular grievance process or union campaigning or electioneering effort that justifies awarding credit, the “catch-all” language allows for it. But in the abstract of your email description, I would not think that credit would be awarded.

Hope this helps.

From: Brown, Frank E [<mailto:Frank.Brown@raac.myflorida.com>]
Sent: Thursday, May 26, 2016 12:06 AM
To: Bell Bremmer, Cathleen
Cc: Colombo, Sherril M.
Subject: RE: Labor & Employment Law Certification Standards

Katy:

At our long-range planning retreat on May 14, 2016, the Section Executive Council approved in principle the Certification Committee’s recommendations for changes to the rules regarding substantial involvement, accepting your Committee’s position with respect to written advocacy and defense of depositions. One concern came up that had not been raised before. The individual noted that the list of governmental agencies in the proposed new rules did not include the NLRB, and requested that the NLRB be added. We agreed to discuss the issue with your Committee.

After reviewing the language, I concluded that the concern was largely a misunderstanding of the purpose of the Committee’s changes. Noting that the proposal was to eliminate the phrase “representing clients in relation to governmental agencies” in favor of specific examples of activities that are not included in the broader list of substantive work that already existed, it is clear to me that there was no intent to exclude any NLRB-related work that would otherwise meet the task

requirements. Thus, I read the proposal to clearly include many of the tasks that are routinely performed in NLRA and PERA work, such as collective bargaining, arbitration, mediation, evidentiary hearings and oral arguments for any administrative litigation. While I think this is the obvious intent of the Committee, it would be helpful if you can confirm that interpretation.

The two activities that are not clearly included are participation in a grievance process prior to any arbitration or oral argument, and campaigning/electioneering. Absent specific inclusion, these do not fall under the revised rule, although theoretically they could have been included in a broad interpretation of the prior language. Have these tasks ever been considered as meeting the substantial involvement requirements previously under any particular circumstances? Does the Committee currently have any view of whether such tasks are creditable under the proposed revisions? Any other information that you can share on how the Committee views these activities, and any intent or lack thereof in the proposed changes as to these activities, would help us resolve the last remaining concern.

Frank E. Brown

Hon. Frank E. Brown, Chairman



Florida Reemployment Assistance Appeals Commission
Suite 101 Rhyne Building
2740 Centerview Drive
Tallahassee, FL 32399-4151
TEL: (850) 487-2685, Ext. 124
FAX: (850) 488-2123
frank.brown@raac.myflorida.com

Correspondence made or received in connection with the transaction of official business by a state agency, unless exempt or made confidential by law, is considered a public record and may be subject to disclosure upon request.

2016 - 2017 PROPOSED SLATE LABOR AND EMPLOYMENT LAW SECTION

OFFICERS

Chair	Leslie W. Langbein
Chair-Elect	Zascha Blanco Abbott
Secretary/Treasurer	Cathleen Scott
Legal Education Director	J. Ray Poole (PROPOSED)
Immediate Past Chair	Frank E. Brown
Board Liaison	Adam G. Rabinowitz

2018 (PROPOSED) **EXECUTIVE COUNCIL**

David W. Adams

Scott E. Atwood

Ryan D. Barack (proposed)
(replaces Ray Poole)

Robert M. Eschenfelder

Karen Evans

Kristen Foslid

Jennifer Fowler-Hermes

Robyn S. Hankins

Robert L. Kilbride

Gregg Morton
(currently 2017 term)

Marlene Quintana

2017 **EXECUTIVE COUNCIL**

David E. Block

Sacha Dyson

Richard E. Johnson

Jay P. Lechner

Brian L. Lerner

Patrick Martin

Jonathan W. Oliff

Hon. Stephanie Williams Ray

Erika Deutsch Rotbart

David H. Spalter

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

Shane T. Muñoz

Cynthia N. Sass

Jill S. Schwartz

Robert S. Turk



THE FLORIDA BAR

2016 Section Leadership Conference

The Florida Bar Headquarters & Annex, Tallahassee

July 21 - 22, 2016



We are pleased to invite you to attend an informative and valuable conference to assist you as you assume or continue a leadership role within your Section or Division. You will have an opportunity to meet and socialize with other Section leaders, TFB officers and staff. We have put together a special program this year designed not only to further acquaint you with operations of The Florida Bar and the services it provides, but also to provide ideas that may assist you in increasing the prominence of your Section.

The conference will be held in Tallahassee beginning with tours of TFB headquarters at 4:00 p.m., Thursday, July 21st. A bus will provide transportation from TFB's main building to Hotel Duval at 5:00 p.m. and at 6:00 p.m. from Hotel Duval to dinner. Following dinner, the bus will return to Hotel Duval and TFB. On Friday, the conference will be held at TFB's Annex building, where breakfast and lunch will be served. You are encouraged to attend both days of the conference. The networking opportunities combined with interactive presentations will assist you in achieving the goals of your Section/Division.

Overnight accommodations can be obtained at a group rate of \$125.00, including overnight parking, at **Hotel Duval** conveniently located less than one mile from TFB at 415 N Monroe St., Tallahassee, FL 32301. Contact Hotel Duval directly at 888-717-8854 and mention The Florida Bar group rate. The cut-off date for the block rate is July 7, 2016.

The registration form and schedule for this conference is enclosed. **For planning purposes, please complete and return the registration form as soon as possible or by July 7th at the latest.** We look forward to seeing you in Tallahassee this July!

Note: This will be an informal meeting, designed to promote discussion between Section and TFB leaders, the conference format is intended to facilitate interaction. The attire will be business casual both days.

REGISTRATION FORM

2016 Section Leadership Conference

The Florida Bar, Tallahassee

July 21 - 22, 2016

Conference includes: conference material, dinner, light breakfast, and lunch.

	<u>Registration Fees</u>	<u>Amount Enclosed</u>
Two-Day Conference Fee (#4700007)	\$100	\$ _____
Friday Only Conference Fee (without dinner)(#4700008)	\$30	\$ _____
Guest for Rec. & Dinner (#4700009)	\$50 per guest	\$ _____
Name of Guest _____ (for name tag)		
	TOTAL Enclosed	\$ _____

- I would like to participate in the tour of TFB Headquarters.
- I will be using the DINNER transportation provided by the TFB
- I will use my own car

Your Name _____

Florida Bar Number _____

Your Section/Division _____

Your Position within your Section/Division in 2016-2017 _____

Registrations due by July 7, 2016.

<u>METHOD OF PAYMENT (CHECK ONE):</u>	<input type="checkbox"/> Visa <input type="checkbox"/> Master Card <input type="checkbox"/> AMEX <input type="checkbox"/> Discover
<input type="checkbox"/> Check (made payable and mailed to) The Florida Bar 651 E. Jefferson St. Tallahassee, FL 32399	Name on Card: _____
<input type="checkbox"/> Credit Card Fax to 850-561-9413	Card No.: _____
	Exp. Date: ____/____
	Amount to charge: \$ _____
	Signature: _____

Questions? Call Whitney Kirk at 850-561-3160.