

Executive Council Meeting
Labor and Employment Law Section
Minutes of Meeting - Delta Orlando Resort
February 22, 2001

I. Call to Order

The meeting was called to order at 5:15 p.m. at the Delta Orlando Resort by Richard McCrea.

II. Secretary/Treasurer Report

The minutes of the Section Meeting of October 19, 2000 were adopted but amended to add that Cary Singletary and Courtney Wilson were present at that meeting and to change the title of Fair Labor Standards Committee to Federal Labor Standards Committee. The unaudited Statement of Operations dated 1/8/01 was also discussed. Chair McCrea noted that the budget surplus is showing a reduction which reflects the Executive Council's earlier approval of reimbursement for attending meetings and reimbursement of the CLE Certification Committee's attendance at meetings.

III. Committee Reports

a. CLE Committee

There were over 129 individuals registered to attend the certification exam review course currently being held. The day's attendance was 120.

CLE Chair Courtney Wilson thanked Jim Bramnick, Damon Kitchen and Stuart Rosenfeldt for delivering such a thorough and educational program under the pressure of the first time certification demands.

Cathy Beveridge reported that the Advanced Labor Topics seminar will be held Friday, May 4th beginning at 1:00 p.m. and continuing throughout the day on Saturday, May 5, 2001 at the Marco Island, Hilton. She encouraged all members to attend. Chair-Elect Stuart Rosenfeldt reported that the Federal Labor Legislation Committee of the American Bar Association has asked the Section to sponsor a half-day seminar on the Family Medical Leave Act and the Fair Labor Standards Act to be held in May or June at St. Thomas University. There will be no cost associated with the co-sponsorship of this seminar. Courtney Wilson moved that the council vote to co-sponsor the seminar. Cary Singletary seconded this motion. The motion unanimously passed.

b. EEO Committee

Greg Hearing reported that his committee provided two articles for publication.

c. Employee Benefits Committee

Frank Brown reported that he and Becky Steele held a committee meeting in San Francisco. The committee is formulating a proposal for a seminar dealing with employee benefits issues. Frank Brown and Becky Steele are also working on a Check-Off article from the committee. Another meeting of the committee will be scheduled in the near future.

d. Federal Labor Standards Committee

Alan Gerlach reported that the committee is working on setting up a meeting with the Department of Labor in South Florida.

e. Individual Rights Committee

Carmen Johnson reported that she and Cathy Stutin are currently working on increasing committee participation. Two committee members volunteered to write an article for one of the section's publications.

f. Labor Relations Committee

Robbie Miles reported that he and Susan Dolin are setting up focus dinners at Stetson and in South Florida. The dates being considered are March 16 or 21, 2001. The dates will be finalized soon. They are also working on luncheons in Tampa and Jacksonville.

Robbie Miles also reported on House Bill 369 which deals with the abolition of PERC. Miles provided a brief review of some of the significant provisions of this bill. He suggested that there may be individuals or groups that would want to provide their input to the Legislature during its consideration of this bill.

g. Legislative Committee

Ron Rosengarten provided handouts regarding numerous Senate and House bills with provisions affecting labor and employment practices in Florida. After some discussion of these bills and the potential for lobbying efforts or providing information to the legislature regarding the impact of these bills, Chair McCrea suggested that if the council wants to revisit the lobbying issue, then a specific agenda item could be set for a future date. Dave Linesch suggested that the current PERC bill makes it timely to

revisit the prohibition of lobbying language contained in the Section's By-Laws. Rosengarten mentioned that there is a possibility of providing technical assistance help to the Legislature. Rosengarten moved that the Section approve the drafting of a technical assistance memo on the PERC House Bill 369 which could be drafted and submitted to the Florida Bar and if the Bar recognizes that the memo contained only technical assistance and not lobbying, then the memo could be e-mailed to the Executive Committee for approval of its submission to the Florida Legislature. Robbie Miles seconded this motion for purposes of discussion only. Jim Bramnick cautioned against taking a position on this issue. He suggested setting this topic as an agenda item for the June annual meeting when attendance is traditionally high among council and section members in order to provide for full discussion of the issue and exploration of the pros and cons. Jeff Pherterson cautioned that the make up of the Labor and Employment Law Section has traditionally been heavy on lawyers representing employers and questioned whether this might impact any position taken in either a lobbying or technical assistance memo. Damon Kitchen questioned whether we would want a position memo circulated to any Florida Bar committee prior to its approval by the full Executive Council. After discussion, this proposal was defeated by a vote of 7 to 4.

David Linesch then moved that the Legislative Committee address this issue and provide a proposal to the Executive Council for a workable protocol to handle any technical assistance proposal. Stuart Rosenfeldt seconded this motion. During the discussion of this motion, Chair McCrea noted that the By-Laws state that the Section shall not "take a legislative position". McCrea requested that the Legislative Committee clarify to the Executive Council whether the Bar would classify a technical assistance memo as "taking a position". If the Bar made that classification, then the Section would need to pass a by-law amendment and have it approved by the Florida Bar Board of Governors prior to drafting any technical assistance memos. After discussion, Dave Linesch's motion unanimously passed.

h. Litigation/ADR Committee

Marc Snow reported that the committee completed an article. The committee also had a conference call meeting to discuss other projects and committee participation.

i. Long Range Planning Committee

Cary Singletary provided handouts to the Executive Council regarding the strategic planning session held September 23, 2000 in Ft. Lauderdale with the Executive Council, Committee Chairs and a Facilitator.

Singletary also referenced his previous report on the Mastery of Mediation Skills CLE seminar which was held at Stetson University. Due to the success of this program and the tremendous feedback it received, Singletary suggested that the program be held at multiple locations around the state of Florida. Dave Linesch moved that Singletary investigate dates and present information back to the Executive Council for two Masters of Mediation seminars. One seminar would be held in Jacksonville and one would be held in South Florida. The motion was seconded and unanimously passed.

j. Pro Bono/Special Projects Committee

No Report.

k. Publications Committee

Damon Kitchen solicited articles for both the Florida Bar Journal and the Check-Off.

l. Stetson Trial Skills Program

Chair McCrea noted that we need to set up a more formal procedure to review future applications for scholarships to this program. He requested volunteers to help with the application review. Multiple Section members volunteered including Robbie Miles, Cynthia Sass, Jeff Mandel, and Shane Munoz.

The next Stetson Trials Skills program is set for July 11-15, 2001.

IV. Chair's Report

Chair McCrea reported that the annual meeting of the Labor and Employment Law Section is scheduled to be held June 21, 2001 at the Orlando World Center Marriott.

Chair McCrea also discussed the tremendous amount of work that the members of the Labor and Employment Law Board Certification Committee provided to the Section. He specifically recognized the members of the Committee: Susan Dolin, Debbie Crumbley, Cynthia Everett, Greg Hearing, Kevin Hyde, Dave Linesch, John Robinson and Bob Turk. Chair McCrea also specially recognized Stuart Rosenfeldt and his help performing the Chair's duties while Chair McCrea was working on this committee. Chair McCrea thanked everyone for a job well done.

V. New Business

a. Supreme Court Historical Society Donation

Chair McCrea reported that the second installment of \$500 that the Executive Council pledged on the Section's behalf to the Florida Supreme Court Historical Society is due. The total pledge commitment of the Section was \$2000 over two years.

b. Date Change of Discrimination Seminar to Accommodate Stetson Seminar

Susan Dolin reported that Stetson will be unable to hold the employment law seminar for Human Resource professionals in April, 2001 as previously planned. The new dates are September 22 and 23, 2001 at the Radisson Hotel in Clearwater, Florida. Because this will be very close to the traditional dates for the September Section seminar, Dolin suggested moving the September discrimination seminar to an alternate date. Dave Linesch moved that the CLE committee work with Susan Dolin to accommodate the September 2001 dates for the Stetson seminar. The motion carried.

VI. Old Business

The Section Directory updates are on their way to the printers and should be available in the near future.

There being no further business this meeting was adjourned at 7:05 p.m.

Attendance:

David Linesch
Cathy Beveridge
Courtney Wilson
Jim Bramnick
Carmen S. Johnson
Jeff Mandel
Cathy Stutin
Susan Dolin
Jeff Pheterson
Sherril Colombo
Cynthia May
Shane Munoz
Marc Snow
Cynthia Sass
Robert Miles
Alan Forst
Rob Sniffen
Steve Prevaux

Karen Buesing
Carol Kirkland
Alan Gerlach
Damon Kitchen
Frank Brown
Ronald Rosengarten
Cary Singletary
Stuart Rosenfeldt
Richard McCrea
Greg Hearing

Excused:

Leslie Langbein
Kevin Hyde
Marilyn Holifield
Steve Meck
Robert Turk
Michael Spellman
Leslie Stein

Cathy J. Beveridge
Secretary/Treasurer