

LABOR & EMPLOYMENT LAW SECTION MINUTES
Hilton Orlando
9/23/10

Before the start of the meeting, Lisa Tipton from The Florida Bar made a presentation on Florida Board Certification. For 2010, Florida Bar certification is up by 18%. The Bar is looking for suggestions on how to serve its members on certification issues and is reaching out to the sections for recommendations.

I. Call to Order – Jill S. Schwartz, Chair

II. Secretary/Treasurer Report – Sherril M. Colombo

- a. Consideration of Minutes – June 24, 2010. The minutes were approved unanimously.
- b. Financial Statement – August 2010. The financial statement was reviewed by Sherril M. Colombo (a copy was provided to all members in attendance). The Section currently has a fund balance of \$228,507 with a membership of 1,864, which is down from 2,046 members on the previous report. There were no questions regarding the financials.

III. Committee and Subcommittee Reports

A. Membership Outreach - Scott Fisher gave the report. He will be speaking to subcommittee chairs for support and ideas. In this regard, Jill requested all committee chairs to conduct their first meeting before October, 2010.

1. ABA Liaison Subcommittee- No report given.
2. Law School Liaison Subcommittee – Jason Vail gave the report. Stephanie Ray is assisting him on this subcommittee. The University of Miami has been contacted and there is interest in working with the section. The plan is to have question and answer sessions with the students.
3. Judicial Outreach Subcommittee – Zacha Abbott provided the report. Applications were sent to the 11th Judicial Circuit Court judges. A luncheon is scheduled for October 29th with the judges and their staff for an employment law seminar.
4. Local/Voluntary Bar Association Liaison Subcommittee - No formal report given.
5. EEOC and FEPA Liaison Subcommittee - Patrick Martin provided the report. He has contacted the EEOC with respect to a CLE program.

6. NLRB Liaison Subcommittee- Stephanie Ray gave the report. There is a webinar scheduled for 9/29 dealing with special magistrates. So far, about 50 people have registered. Debbie Brown will speak at this webinar. PERC will continue to support and send articles to the Check-off.

7. Wage and Hour Subcommittee - Alan Gerlach gave the report. He has spoken to Mike Young at the Wage/Hour Division in Orlando and was advised that the Regional Office had some reservations about participating in a webinar. Mr. Young is interested, but was unable to provide any other information until after October 1st.

8. Membership Outreach Subcommittee – Leslie Stein stated they are waiting to meet with the members.

B. Long Reach Planning Committee – Debbie Brown gave the report. She advocated for the Section survey last year (the survey results were attached to the Agenda). The survey showed that members were favorable to the Check-off, the webinars and the website and that there is a strong desire for mentoring. Cary Singleton discussed the long-range planning retreat, which is conducted every 2-3 years with a facilitator. The Section has accomplished many of the goals from this retreat. There was a discussion about how many more projects the Section should undertake and whether another long-range planning retreat is necessary. Debbie Brown responded that the survey contained a lot of information to analyze and maybe another retreat should be done with a facilitator or a half-day work session. Jill Schwartz stated that the survey results are important and that goals from past years should be reviewed to determine how the Section performed. Jill suggested that the Council review the survey results and have observations ready for the next Executive Council meeting.

C. Communications Committee – Cathleen Scott provided the report. Ms. Scott discussed the status of the preparations for the seminar at the Hard Rock seminar in Hollywood, Florida.

1. Publications Subcommittee – Shane Munoz stated the new Check off will be completed in early October, 2010.

2. Website Subcommittee – Jill Schwartz reported that the website has now been updated by Stephanie Ray. Stephen Meck (reporting on behalf of Stephanie Ray) stated that updating of the Section profiles was completed. Stephanie is working on the ability to link into articles written in past editions of the Check-off. The problem, however, is that the articles are in PDF. A service can be hired, however, to update the entire website. Updating the on-line Section directory was again discussed. A company used by the Florida Bar can make a new Section directory for \$3,500 to 4,000. Debbie Brown stated we should consider the costs for the website and the directory in

conjunction with the survey results. There was discussion about whether the Section must comply with Florida Bar Rules on these issues. Jill requested Angela to research and report at the next meeting. There was discussion about whether a print copy of the Section directory was necessary with Steve and Sherril stating that it is obsolete. A motion was approved to do away with the printed Section Directory.

3. Special projects – no formal report given.

IV. New Business

Scott Hawkins – President/Elect the Florida Bar made a presentation. He urged everyone as leaders to recruit future members to serve on committees. He stated that the Florida Bar is an arm of the Supreme Court and that funding for the judiciary is difficult in these economic times. He urged the Section to speak to legislators to preserve and enhance judiciary system via funding. He also stated there is a diversity program that is designed to encourage the Bar sections to become more diverse. Gwen Young from the Florida Board of Governors has created a special Bar section on diversity. They are currently setting up a procedure to provide grants for diversification of the various sections. Alan Forst is the appointee for the Labor & Employment section on this diversity initiative.

- A. BOG Report – No formal report given.

- B. CLE Report - Jill Schwartz mentioned there are five webinar series planned and discussed the schedule for these events. The cost is \$65 for members and \$95 for non-members. The list of webinars will be listed in the Check-off. The first webinar is more expensive because it is longer and is a two-part series. Scott Attwood is on the CLE committee and they are looking now at podcasts. The Section has up to 11 events planned for the year. A report was given on the PERC seminar by Mike Grogen. There are over 70 registrants for the seminar. While there is a moratorium on State travel, it does not have much impact on the seminar as it is held in conjunction with the Florida Bar's mid-year meeting. Next year, the PERC seminar will be held in October, 2011. There was discussion about whether we should pair the PERC seminar next year with the Florida Bar mid-year meeting. Rob Eschenfelder mentioned if we did not pair the seminar, we would deprive attendees who prefer to attend both at the same time. For the Hard Rock Seminar, Sherril Colombo stated that there are about 21 registrants. Alan Gerlach and Stephanie Ray will host a CLE in Tallahassee aimed at government attorneys in March, or April 2011.

V. Chair's Report

Jill Schwartz announced that May 13th and 14th are the dates for Advanced Labor Topics. The location is yet to be determined, but it may be at the Breakers Hotel in Palm Beach, Florida. Tulane has pulled-out as a sponsor so that event is not planned this year. Damon Kitchen stated this event has not been a money-making proposition for Tulane and Tulane did not produce any attendees when they were a co-sponsor. Alan preferred not to be on the planning committee for this event, but mentioned that Stetson is an option. Leslie Stein reported that the Florida Bar's new Alternative Resolution Committee had a meeting, which she attended. They are planning various mediation and arbitration programs. Leslie will serve as the Labor & Employment liaison to this new committee.

October 28th is the next Executive Council meeting at the Hard Rock in Hollywood, Florida.

VI. Adjournment - Alan Forst moved to adjourn, which was seconded by Damon Kitchen. The motion passed unanimously.

Executive Council Attendance:

Dan Levine (via conference call)
Lindsay Hanson (via conference call)
Robert Miles (via conference call)
Robert Turk, Legal Education Director (via conference call)
Rick Johnson (via conference call)
Shane Munoz (via conference call)
Cathleen Scott (via conference call)
John S. Trimper (via conference call)
Cynthia Sass (via conference call)
Walter E. Aye, (via conference call)
Scott Fisher (via conference call)
Marguerite Longoria (via conference call)
Jill Schwartz, Chair
Gregory A. Hearing, Chair Elect
Sherril Colombo, Secretary/Treasurer
Eric Holshouser Immediate Past Chair
Alan O. Forst
Leslie K. Reicin Stein
J. Ray Poole
F. Damon Kitchen
Stephen Meck
Alan M. Gerlach, Jr.
Zascha Blanco Abbott
Carey Singletary
Jonathan Oliff
Jason Vail
David Adams

Patrick Martin
Deborah Brown

Guests:

Mary Greenwood
William Mitchell
Mike Grogan

Bar Liaison:

Angela Froelich