



MINUTES

*Labor and Employment Law Section Executive Council Meeting
Hyatt Regency Orlando International Airport • Thursday, October 24, 2013
5:00 p.m. - 6:30 p.m. • Regency B*

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 – June 27, 2013

Minutes of the June 27, 2013 Executive Council were not available the time of the meeting, and will be sent out via email for approval.

b. Financial Statement – August 2013

The Section began this bar year with a fund balance of \$216,265. The Section financial statement as of end of September 2013 showed a current fund balance of \$269,763. Current section membership is 1,957.

c. Approval of 2014 – 2015 Section Budget

Frank Brown presented the 2014-15 budget which is similar to that approved for 2013-2014. As is typical for the Section, the budget contains very conservative projections regarding revenues and higher spending authorizations than will likely be needed. The budget projects a deficit of \$44,683 but we expect based on projected actual revenues and expenses to run a surplus again.

The budget was approved by unanimous of the vote of the Executive Council.

II. Committee and Subcommittee Reports

a. *Outreach Committee –*

ABA Liaison Subcommittee – Jennifer T. Williams

Jennifer submitted the Subcommittee's written report. The committee had a conference call on October 14, 2013 to plan for the coming year. Goals established included:

- Getting all committee members involved and active on one of the ABA Labor & Employment section committees;
- Jennifer Williams is attending this year's ABA Labor & Employment section CLE conference in New Orleans. Jennifer will report back to the subcommittee on emerging trends the ABA Labor & Employment section is focusing on or maybe topics that the Florida Bar might find useful;
- The subcommittee would like to start a quarterly Florida employment law hot topic email report. A goal would be to get the ABA Labor & Employment section to send our email report out to their Florida members; and
- The subcommittee will explore the viability of setting up a database of resource materials on the Florida Bar Labor & Employment section website.

Law School Liaison Subcommittee – Jonathan Oliff

Report unavailable

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

Zascha Abbott reported that the publications subcommittee had just received a list of members and had scheduled its first conference call to plan programs for the year.

Local/Voluntary Bar Association Liaison Subcommittee –

No report

EEOC and FEPA Liaison Subcommittee – Marquis Heilig / Kristen Foslid

Report unavailable

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

Nick Karatinos reported on contacts with the NLRB including regional director Margaret Diaz. He also noted that several board members will likely be in Miami for one of the ABA labor section committee midwinter meetings.

Steve Meck announced that the latest edition of PERC News had been released and was available on the Commission website. The newsletter provides a summary of significant cases decided by the Commission during the prior quarter.

Wage and Hour Administration Liaison Subcommittee – Joseph G. Santoro

Report unavailable

Membership Outreach Subcommittee – Leslie Reicin Stein

Leslie Stein and Robyn Rusignuolo reported that several toolkits have been posted on the website and they asked that those that have promised toolkits to please send them to Leslie or Robyn so that the website can be kept fresh.

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

Brian Lerner reported the following metrics for the Section's various social media accounts:

More than 300 members have joined the Section's LinkedIn group since the last section meeting. The number of group members is currently 345, roughly 15% of overall section membership.

The section's Facebook site has 36 members to date.

b. Long Range Planning Committee – Robert L. Kilbride

Robert Kilbride reported that the Committee was still being formed for this year as he had been recently appointed and was soliciting for new members. He was planning a teleconference to discuss old and new proposals for the Committee to consider.

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

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

Rob Eschenfelder reported the following for the *Journal*:

- Thus far in 2013, the Section has achieved publication of three articles in the February, July/August, and September/October issues of the Journal.
- The Section has submitted and the Journal has accepted for publication an article on the interpretation of the Florida Civil Rights Act by author Kendra Presswood. The article will appear in the December edition of the Journal.
- With the publication of the December article, the Section will have had 4 articles for the 2013 calendar year, which was my goal upon taking over the Editor role from Frank Brown in mid 2012.
- My goal for calendar year 2014 is 5 articles published.
- I am currently working with author Donald Spero who has almost completed what likely will need to be a two part article dealing with defenses to arbitration clauses, which will be a very informative reference piece. I anticipate receipt of Mr. Spero's article by the second week of November, and to have editing work completed and submission to the Journal staff by the second week of December which will likely result in February publication.
- It is noted that the Section's web page has not been updated with the last two published articles.

Jay Lechner reported that last bar year the Checkoff subcommittee published at least one e-alert or Checkoff every month except one. Their goal for the upcoming year is to have at least one e-alert or Checkoff every month. They have recently received the list of the members of our subcommittee and are preparing the next edition of the Checkoff, which will be published by the end of the year (it was published in December). They are always looking for volunteers to submit articles for either the e-alerts or Checkoffs.

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

Brian Lerner and Judge Ray reported specific metrics for the website:

Since the last Section meeting, 1,281 unique users have visited for 1,770 total site visits; the average person views the site for 2 minutes, 4 seconds; the most popular pages viewed are publications, events, and then committee preference forms. The committee preference forms page was viewed by 178 people. In terms of publications, the most popular was the August CHECKOFF and the next most popular was the October E-Update. The e-update in the last day had 280 visits.

This year, the website has had over 18,000 page views, which is a 19% increase from last year. The highest page traffic has come from Florida, but there is also significant traffic from Georgia and New York

d. Special Projects Committee – Robert S. Turk

Bob Turk reported that one of his goals for the bar year is developing stronger ties between the Section and major Federal agencies such as the NLRB and EEOC. In particular, he would like to introduce the local officials in these agencies to the Section to establish better interaction, and hopefully keep agency representatives involved in Section activities. Chairman Turk has been in contact with NLRB Miami resident officer Pam Scott and Tampa NLRB attorney Christopher Zerby.

Certification Standards Review Subcommittee – Sherril Colombo

Sherril Colombo reported that the section's draft membership survey regarding potential changes to the labor and employment certification standards has been provided to BLSE for their approval before submitting to the Section's membership as a whole. BLSE advised that the survey should be submitted to the Certification Committee for review.

III. New Business

a. Partnership with Young Lawyers Division

The Section has received a letter from the Young Lawyers Division offering additional possibilities for interaction between the YLD and the various substantive sections. Although the YLD has not planned a Basic Labor And Employment Law Seminar this year, the Section has been invited to contact the Division if interested in assisting on any future seminar. In addition, the Division has offered to cross-advertise section events within the Division's social media outlets.

b. 39th Public Employment Labor Relations Forum Update (1633R) – Gregg Morton

Gregg Morton reported on the success of the PELR Seminar, which is well attended as usual and has received very favorable comments so far.

c. 14th Labor and Employment Law Annual Update and Certification Review(1662R), January 30-31, 2014, Rosen Shingle Creek, Orlando – Leslie Langbein

Leslie Langbein reported that David Spalter and Erin Jackson will be co-chairing the annual update/certification review seminar, which is being held earlier this year. The Section considered coordinating the event with the bars mid-year meeting but the logistics did not favor doing so.

- d. *ADR (1619R), March 13-14, 2014, Seminole Hard Rock Hotel & Casino, Hollywood – Leslie Langbein*

Leslie Langbein reported that Marlene Quintana will be co-chairing the ADR seminar in the spring with Leslie. This seminar is a variation from the normal litigation seminar held in South Florida and is being conducted in the spring due to logistics and the scheduling of the PELR seminar this year.

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

Leslie Langbein reported that Chairman Turk has selected New Orleans as the location for the Advanced Labor Topics Seminar. We are still working on potential dates as May is a busy time and we need to avoid Memorial Day weekend.

- f. *Audio Webcast Series*

Leslie Langbein reported that she is finalizing the webcast series, and the tentative list includes the following webinars to be conducted in the Winter/Spring of 2014:

Developments in LGBT Rights presented by Michael Farrell

A Primer on the Railway Labor Act presented by Terrence Connor

A Primer On ERISA For The Labor Practitioner presented by Ivelisse J. Berio-LeBeau.

IV. Chair's Report

Chairman Turk had previously discussed one of his goals for the year in the Special Projects Committee report to emphasize outreach with the NLRB and EEOC. He also discussed the initiative from the Young Lawyers Division to increase contacts with the Section as part of new business. He also reported briefly on the Counsel of Sections meeting he attended as Section representative.

The Chairman also followed up a presentation regarding the forthcoming ABA Labor Section's Trial Skills Seminar by encouraging section members who could participate as staff to do so.

V. Attendance

Officers/Executive Council/Committee Chairs

Present:

Robert Turk
Shane Munoz
Frank Brown
Leslie Langbein
Sherril Colombo
Scott Atwood
David Block
Debbie Brown
Rob Eschenfelder
Karen Evans
Eric Holshouser
Rob Kilbride
Damon Kitchen
Jay Lechner
Steve Meck
David Spalter

By Phone:

Grier Wells
Zascha Abbott
David Adams
Walter Aye
Todd Delegal
Hon. Alan O. Forst
Robyn Hankins
Greg Hearing
Brian Lerner
Patrick Martin
Jonathan Oliff
Marlene Quintana
Hon. Stephanie Ray
Erika Deutsch Rotbart
Jill Schwartz
Cathleen Scott
Leslie Stein
Kristen Foslid
Marquis Heilig
Jennifer Williams

Section Members/Guests

Present:

Gregg Morton
Mike Grogan
Bob Moberly
Matthew Neff
Hikhil Joshay
Robert Grizzard
Freddy Perera
Dorothy C. Yancy

Excused:

Rick Johnson