

Labor and Employment Law Section Executive Council Meeting Minutes

Thursday, October 20, 2015 5:00 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.

The minutes were presented for the September 17, 2015 meeting. The minutes were approved without amendment.

II. Secretary/Treasurer Report - Zascha Blanco Abbott

Zascha Abbott reported on the Section's Final Financial Statement through September 2015. To date, we had an operating profit of \$45,198. For this month, we had \$5,600 in revenue and about \$3,000 in expenses.

III. Committee Reports

A. Outreach Committee – Leslie Langbein

1. ABA Liaison Subcommittee – Cynthia Sass/Robert Turk:

Bob Turk reported that the ABA subcommittee is going to have its first meeting next week. It has about 7 members. Bob Turk requested approval of 3 items.

The ABA Labor and Employment Section is having a webinar on the FMLA and requested that the Section co-sponsor it at no cost to the Section and our members would get a discount for signing up. Motion approved.

The Committee under Practice and Procedure under the NLRA is holding a regional meeting (November 18th) with Margaret Diaz from the NLRB at Stearns Weaver, participants can also participate at no cost. We would like to put up on the web.

Jennifer Williams is on the committee for mock trials in Miami for law students (November 21 and 22) and requested that we get the word out to the attorneys that would like to be judges at the mock trial.

On motion by Rob Kilbride, seconded by Rob Eschenfelder, all of the proposals were approved.

2. Law School Liaison Subcommittee – Freddy Perera/Cristina Velez -

Freddy reported that all law schools are covered. The committee has people in the subcommittee participating and reaching out to the law schools. All submissions to the hall of fame are to be received

by April 1, 2016. Last year it was extended. He wanted to know if it could be extended. No submissions currently. Chair Brown delegated to the committee the discretion to determine whether any late submissions would be considered, if there was sufficient time to obtain awards. However, the nominations must be presented to the Executive Council for a vote no later than the Advanced Labor Topics meeting. It was also suggested that the co-chairs coordinate with Angie regarding the needed timeframe as well.

3. Judicial Outreach Subcommittee – Zascha Blanco Abbott/John Hoffman -

Zascha reported that the committee recently had a conference call and is planning a program in Broward.

4. Local/Voluntary Bar Association Subcommittee – Scott Atwood/Sacha Dyson –

Scott reported that the committee has a conference call scheduled.

5. EEOC and FEPA Liason Subcommittee – Kristen Foslid/Marquis Heilig/Cheyenne Costilla

Marquis reported that the co-chairs have discussed putting together a summary/document of the local ordinances/laws in each of the jurisdictions.

6. NLRB and PERC Liason Subcommittee – Nick Karatinos/Stephen Meck/Gregg Morton

Gregg reported that the seminar is going smoothly. Attendance is higher than initially anticipated, up to 96.

Nick reported that they he will drafting an article on the “concerted activity” area.

Steve said thank you very much for the recognition he was given. He appreciated being on the council. He always enjoyed working for PERC and took it as a special obligation in 1993 to get PERC involved and was co-chair for this seminar most every year since then, and Gregg has done a wonderful job this year.

7. Wage and Hour Administration Liason Subcommittee – Joseph Santoro/David Spalter

David reported that they are planning on getting some active dialogues with the Department of Labor and he has had some preliminary conversations both on the investigative side and the litigation side and will get a conference call scheduled.

Chair Brown asked whether the subcommittee has any interest in putting together a tool kit on handling the process for an on-site investigations from both the plaintiff/claimant and defense/management perspective.

8. Membership Outreach Subcommittee – Leslie Reicin Stein/Lindsay Wagner

Lindsay reported that the committee is considering a tool kit on the Fair Credit Reporting Act.

9. The Florida Bar Outreach Subcommittee – Sherril Colombo/Marlene Quintana -

Sherril reported that the Florida reciprocity admission has failed.

Marlene reported that BLSE approved the rule changes submitted by the labor and employment certification committee and they had a couple of exceptions based on the facts of our specific exam and those were all approved. These are the procedural rule changes only.

B. Long Range Planning Committee – Hon. Alan O. Forst/Hon. Robert Kilbride -

Chair Frank Brown requests that the Long Range Planning Retreat to be covered in new business.

C. Communications Committee

1. Publications Subcommittee – Jay Lechner/Rob Eschenfelder -

Rob referred to the committee's written report and also reported that they are working on an ERISA article.

2. Website Subcommittee – Hon. Stephanie W. Ray/Brian Lerner -

Judge Ray referred to the committee's written report. In addition, there are several events that the Section will be co-sponsoring and she requested that these materials be forwarded to the committee co-chairs.

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

Brian referred to the committee's written report.

D. Special Projects Committee

1. FLSA Procedures Subcommittee – Shane Munoz – This is an ongoing project and he has reached out to volunteers.

CLE – Cathleen Scott -

There will be 5 webcasts, which have all been scheduled and brochure will go out soon.

The 16th Annual Labor & Employment Law Update & Certification Review, will be on January 28-29, 2016 in Orlando.

Practice Before State Labor & Employment Law Agencies, April 1, 2016

Advanced Labor Topics is scheduled for the first weekend in May, 2016.

New Business

Proposed Budget for fiscal year 2016-2017:

Chair Frank Brown reported that this budget is under the new budgeting standards adopted by the Board of Governors last year and that the proposed budget is also normally estimated on the conservative side. Zascha Abbott reported that the total proposed revenue for the 2016-17 budget is \$105,319 and proposed expenses are \$123,000.

Chair Frank Brown noted that we will be talking about enhancements to the web platform among other things at the long range planning retreat. We have not at this point put in any additional funds for this purpose but that is something that we can approve at the retreat or at a meeting thereafter if it becomes necessary.

Motion to approve by Leslie Langbein and seconded by David Adams. The proposed budget for fiscal year 16-17 was approved without objection.

Co-sponsor and/or Other Section Notifications:

Chair Frank Brown stated that Brian Lerner had brought up that we should have some guidelines regarding the types of events the Section should be providing notice of. Will be assigning to Special Projects with the assistance of Brian Lerner and Judge Ray to set propose guidelines regarding the types of events and criteria for determining the types of events to give notice of as a Section

Long Range Planning Retreat

Chair Frank Brown reported that we have voted to have a long range planning retreat. We need to decide when and where it will be. It will likely be in Orlando. Need to determine date and location. Looking at March 2016. Angie will look into a location. Chair Frank Brown further reported that we will be sending out information on proposed dates. He said that Judge Ray and Brian Lerner recommended that our web vendor attend to discuss the technology issue. And, we would like to get a membership survey out prior to the retreat, regarding electronic delivery of services and content.

Certification

Chair Frank Brown reported that the labor and employment certification committee met over the summer and made some proposed changes and shared them with us. It indicates that they are considering taking some proposed action relating to the certification survey results.

Sherril reported that the Council had conducted the survey about 2 years ago. The results of the survey were submitted to the certification committee and Sherril and Chair Brown met with the chair of the certification committee a couple of times. The attachment has the proposed changes.

Chair Frank Brown reported that we will be meeting with the certification review committee to discuss whether the Council has any comments regarding the proposed changes. We will have a separate vote regarding this matter and will be sending a survey to the Council.