



MINUTES

*Labor and Employment Law Section Executive Council Meeting
Hyatt Regency Orlando International Airport
9300 Jeff Fuqua Boulevard, Orlando FL 32827
Thursday, October 23, 2014 • 5:00 p.m. - 6:00 p.m. EST*

I. Call To Order – Shane T. Munoz, Chair

Chair Shane Munoz called the meeting to order. A quorum of the Executive Council was present either in person or by telephone.

The meeting began with Shane Munoz introducing Michael Grogan from the City, County and Local Government Law Section for the introductory joint Section meeting. Mike Grogan shared his thoughts on the program and the excellent sessions they had on day one. He advised that registration was in the 70s. Mike also expressed his appreciation to the Section, noting that this is the longest jointly co-sponsored program in bar history, with this year being the 40th program. Grogan also advised that next year would be the Labor and Employment Law Section's year to take the lead, and that he planned to continue to support that effort and to work closely with PERC and Steve Meck as he has done for so many years.

II. Committee Reports

a. ABA Liaison Committee – Cynthia Sass/Jennifer T. Williams

No report

b. Law School Liaison Committee – Debbie Brown/Freddy Perera

Debbie Brown reported that she has reached out to co-chair Freddy Perera so the two can discuss the proposed committee list received earlier that week from Angie Froelich. Once the committee is finalized, they will schedule a call to divide up the schools and start the scholarship announcement process.

c. Judicial Outreach Committee – Zascha Blanco Abbott/John D. Hoffman

Zascha Abbott reported that she had just received their Committee list and were working to schedule a call to plan their year.

d. Local/Voluntary Bar Association – Scott Atwood/Sacha Dyson

Sacha Dyson reported that they had already conferred on their goals for the year of building connections with local and voluntary bar associations and that they planned to do outreach on mutually supportive activities. Shane Munoz commented on the success of the local bar co-sponsorship of the Tampa NLRB events with the Hillsborough County Bar Association Labor and Employment Law Committee and Stetson.

e. EEOC and FEPA Liaison Committee – Kristen Foslid/Marquis Heilig

No report

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

Steve Meck reported that the PERLF conference was proceeding well and also that a new issue of the PERC News had just been issued for those who were interested. No major decisions were reported in the most recent issue. However, Meck reported that several cases are on appeal, including in the Florida Supreme court. An update would be given in the session tomorrow.

g. Wage and Hour Administration Liaison Committee – Joseph G. Santoro/David Spalter

David Spalter reported that he and Joe Santoro had already discussed scheduling their first meeting. David did not have a report on the recent webinar but heard it was well received.

h. Membership Outreach Committee – Leslie Reicin Stein/Lindsay Wagner

Leslie Stein reported that the committee had received several positive comments on the toolkits have been posted on the website, but the Section can always use more toolkits. Members are encouraged to prepare toolkits in their areas of expertise.

Shane discussed his goal of fostering the growth of the Section and helping to develop the next generation of labor and employment lawyers by reaching out to the Young Lawyers Division, as well as into law schools, to make contact with those who may be interested in labor and employment practice and encouraging them to become active in the Section.

i. Bar Leadership Outreach Committee – Sherril Colombo/Marlene Quintana

Sherril Colombo reported that she and Marlene Quintana had spoken about the solid relationship that they had previously had with Grier Wells, our Section's prior Board Liaison, and they hoped to do the same with the new liaison. Shane

Munoz advised that the new Board Liaison was Adam Rabinowitz. Sherril said they will try to work with the person to be sure our Section hears of any items of interest to us or activities our Section may want to be involved in. Shane also indicated that we need to put forward someone to serve on the Bar Diversity Committee. Executive Council member Patrick Martin volunteered to serve.

j. Long Range Planning Committee – Hon. Alan Orantes Forst/Robert Kilbride

Robert Kilbride reported on the committee's first telephone conference of the year, for which a written report will be attached to the minutes. He noted that the Section had achieved most of the goals established in the last long-range planning retreat. The two remaining goals include consideration of a "Tech Czar" for the Section to oversee the various electronic delivery methods, and the development of a new Executive Council member orientation program.

The committee discussed the possibility of setting up a Section-wide listserv to be hosted on the Section website, to provide an opportunity for practitioners to discuss practical issues with each other on a real-time basis. The Executive Council discussed the pros and cons of a listserv. Rob Eschedfelder pointed out that we needed to make sure any listserv remained active, because a feature that was not utilized would make the website look "dead." Steve Meck pointed out that when the Section had previously tried a listserv, there was a problem with members' emails getting spammed with constant replies throughout the day, which created a lot of backlash. One possibility was the creation of separate plaintiffs' and defendants' listservs, but Debbie Brown raised concerns about whether it would be practical and desirable to have separate listservs. Shane Munoz asked the committee to explore some answers to the practical questions and attempt to develop a specific proposal that the Executive Council could consider in the future.

Judge Forst advised that he would write a proposal on behalf of the Section for the Presidential Showcase CLE at the annual meeting for 2015. He pointed out that the Section had delivered programs in the past that were very well received.

k. Communications Committee – Cathleen Scott / Hon. Stephanie W. Ray

Publications Subcommittee – Jay Lechner /Rob Eschenfelder

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

Social Media/advertising Subcommittee – Cathleen Scott/Brian L Lerner

Each of the subcommittees of the Communication Committee provided a written report of their activities for the agenda.

I. Special Projects Committee – Marlene Quintana/David Spalter

Certification Standards Review Subcommittee – Sherril Colombo/Frank E. Brown

Sherril Colombo reported that the subcommittee made contact with their counterparts on the Labor and Employment Certification Committee to arrange a meeting for joint discussions on the issues of what changes, if any, should be made in the certification standards for labor and employment law.

FLSA Procedure Subcommittee – David Spalter/Marlene Quintana

Shane discussed the primary project for his year as Section chair – to develop a set of proposed uniform standard procedures for FLSA cases and convincing the federal judiciary to adopt them. Shane has appointed David Spalter and Marlene Quintana to head the committee, and is appointing one member of the plaintiffs’ bar and one member the defense bar for each of the three federal district to the committee.

III. Secretary/Treasurer Report – Frank E. Brown (filling in for Leslie W. Langbein)

a. Consideration of Minutes – June 26, 2014

There being no questions or additions or corrections to the minutes, the minutes of the June 26, 2014 meeting were approved unanimously.

b. Financial Statement – September 2014

Frank Brown reported that the current fund balance as of September was \$238,931 with Section membership at 2019 members.

Frank Brown also reported that the Section’s financial statement as of the end of fiscal year 2014 showed an ending fund balance of \$189,148, which reflects a net operating deficit of \$27,117 over last year ending. The significant drop from the prior month was due to almost \$50,000 in expenses paid during the last month of the fiscal year, including annual meeting expenses, scholarships, awards and reimbursements.

IV. New Business

a. CLE – Zascha Abbott

Zascha Abbott reported on the upcoming seminars:

Litigating Employment Law Claims 50 Years After Title VII –

The fall discrimination seminar is scheduled for November 13-14 at the Riverside Hotel in Fort Lauderdale. At the time of the Executive Council meeting, the Section was still a few room nights short of meeting its obligation, and Shane Munoz encouraged Executive Council members to attend or to recruit individuals to do so.

15th Labor and Employment Law Annual Update and Certification Review –

The spring update/certification review seminar is scheduled for January 29-30 at the Loews Portofino Bay Hotel in Orlando. The Section had hoped to hold the seminar in the prior week in conjunction with The Florida Bar's mid-year meeting, but there is insufficient space in the conference hotel. Accordingly, the Section will present the seminar the following week.

b. Adjournment

There being no additional business or Chairman's comments, the Executive Council was adjourned, with the next meeting to be held on November 13, 2014 in Ft. Lauderdale in advance of the discrimination seminar.

V. Attendance:

Officers/Executive Council/Committee Chairs

In person:

Shane T. Munoz
Hon. Frank E. Brown
Zascha Blanco Abbott
Scott E. Atwood
David E. Block
Deborah C. Brown
Sacha Dyson
Robert M. Eschenfelder
Hon. Alan Orantes Forst
Robert L. Kilbride
F. Damon Kitchen
Patrick Martin
Stephen A. Meck
Angela Froehlich

Phone:

Sherril M. Colombo
Robyn Hankins
Eric J. Holshouser
Brian L. Lerner
Marlene Quintana
Hon. Stephanie W. Ray
Jill S. Schwartz
David H. Spalter
Leslie Reicin Stein
Lindsay Wagner

Section Members/Guests

Present:

Mike Grogan
Gregg Morton
Ken Starr
Evan Gibbs
Alan M. Gerlach Jr.
Cary Singletary

Excused:

Leslie W. Langbein
Cynthia N. Sass
Robert S. Turk