



# The Florida Bar

651 East Jefferson Street  
Tallahassee, FL 32399-2300

John F. Harkness, Jr.  
Executive Director

850/561-5600  
www.FLORIDABAR.org

## MEMORANDUM

---

To: Labor and Employment Law Section Executive Council Members  
From: Angie Froelich, Section Administrator  
Date: October 18, 2016  
Re: Agenda for Labor and Employment Law Executive Council Meeting on October 21, 2016

---

The October Labor & Employment Law Section executive council meeting will take place on **Friday**, October 21, 2016 at **5:20 p.m.** at the Rosen Shingle Creek, 9939 Universal Boulevard, Orlando, FL, 407/996-9939, <http://www.rosenshinglecreek.com>.

The agenda and supporting documents for this meeting are enclosed. The conference call information is listed below.

Toll-free number: 888-376-5050  
Conference Code: 1563821345 and #  
Customer Service: 866-640-5038

### Hotel Room Assignments

<i>Labor Executive Council Meeting</i>	<i>5:20 p.m. – 6:30 p.m.</i>	<i>St. Johns 31</i>
<i>Joint Reception</i>	<i>6:30 p.m. – 7:30 p.m.</i>	<i>St. Johns 32/33/34</i>
<i>Seminar</i>		<i>Sandlake</i>

I look forward to seeing you in Orlando.



## AGENDA

*Labor and Employment Law Section Executive Council Meeting  
Rosen Shingle Creek, 9939 Universal Boulevard, Orlando, FL 32819  
Friday, October 21, 2016 • 5:20 p.m. e.s.t. • St. Johns 31*

- I. **Call To Order** – Leslie W. Langbein, Chair
  
- II. **Secretary/Treasurer Report**
  - A. Approval of Minutes – September 22, 2016 (**Attachment A**)
  - B. Financial Statement – Statements of Operations for the first quarter of FY 2016-17 are expected to be released before the end of October.
  
- III. **Committee and Subcommittee Reports (Attachment B)**
  - A. ABA Liaison Committee – Cynthia Sass/Andrew Rodman
  - B. Law School Liaison Committee – Cristina Velez/Yvette Everhart
  - C. Judicial Outreach Committee – Zascha Blanco Abbott/John Hoffman/Hon. Alan O. Forst
  - D. Local/Voluntary Bar Association Committee – Robin Hankins/Ena Diaz
  - E. EEOC and FEPA Liaison Committee – Kristen Foslid/Cheyenne Costilla
  - F. NLRB and PERC Liaison Committee – Lindsay Wagner/Gregg Morton/Stephen A. Meck
  - G. Wage and Hour Administration Liaison Committee – David Spalter/Jeff Goodz
  - H. Membership Outreach Committee – Leslie Reicin Stein/Sasha Dyson
  - I. Bar Leadership Liaison Committee - Marlene Quintana/Evan Gibbs
  - J. Communication Committee
    - a. Publications Subcommittee (Checkoff/Journal) – Jay Lechner/Rob (**attachment**) Eschenfelder/Carlo Marichel
    - b. Website Subcommittee – Hon, Stephanie W. Ray/Brian L. Lerner (**attachment**)
    - c. Social Media/Advertising Subcommittee – Cathleen Scott/Brian L. Lerner (**attachment**)
  - K. Long Range Planning Committee – Hon. Robert Kilbride/Robert Turk
  - L. Special Projects Committee – Shane Munoz/Gina Cadogan

**IV. Continuing Legal Education – J. Ray Poole, Jr.**

- A. 42<sup>nd</sup> Public Employment Labor Relations Forum, Rosen Shingle Creek, Orlando – October 20-21, 2016
- B. 2016-2017 Audio Webcast Series – November 2016 – May 2017  
17<sup>th</sup> Labor and Employment Law Annual Update and Certification Review, January 26 – 27, 2017 at The Florida Bar Winter Meeting, Gaylord Palms, 6000 West Osceola Parkway, Kissimmee, FL 34746 (**Attachment C**)
- C. Advanced Labor Topics, March or April, 2017, New York City

**V. New Business**

- A. ABA Committee on Disabilities Proposed Seminar

**VI. Chair’s Report**

- A. Diversity & Inclusion Committee, Brittany J. Maxey, Chair (**Attachment D**)
- B. IOTA Contributions

**VII. Informational**

<i>Labor Executive Council Meeting</i>	<i>5:20 p.m. – 6:30 p.m.</i>	<i>St. Johns 31</i>
<i>Joint Reception</i>	<i>6:30 p.m. – 7:30 p.m.</i>	<i>St. Johns 32/33/34</i>
<i>Seminar</i>		<i>Sandlake</i>

**VIII. Next Executive Council Meeting**

- A. Thursday, January 26, 2017, 5:00 p.m. – 6:00 p.m.  
17<sup>th</sup> Labor and Employment Law Annual Update & Certification Review (2275R),  
January 26-27,2017, The Florida Bar Winter Meeting, Gaylord Palms, 6000 West Osceola Parkway, Kissimmee, FL 34746

**IX. Adjournment**

## MEETING MINUTES

Labor and Employment Law Section Executive Council Meeting  
Ritz-Carlton Naples Golf Resort, Naples  
Thursday, September 22, 2016 • 5:00 p.m. E.S.T.

### **I. Call To Order**

Cathleen Scott, Secretary/Treasurer, called the meeting to order and confirmed that a quorum of the Executive Council was present either in person or by phone. Zascha Blanco Abbott, Chair-Elect, led the meeting in Chair, Leslie Langbein's absence.

### **II. Secretary/Treasurer Report**

Approval of Minutes – Cathleen Scott, Secretary/Treasurer presented the minutes for the June 16, 2016 meeting. The minutes were approved without amendment.

Financial Statement – Zascha Blanco Abbott, Chair-Elect presented the Financial Statement through June 2016. Honorable Frank Brown noted that while there were additional expenses such as the long range planning retreat this past bar year, the Section had great CLE revenue.

### **III. Committee and Subcommittee Reports**

- A. ABA Liaison Committee – Cynthia Sass/Andrew Rodman  
Ms. Sass provided the report. The committee reported they are working with the ABA to plan the year and future events.
- B. Law School Liaison Committee – Cristina Velez/Yvette Everhart -  
Cristina Velez discussed her vision for a formal mentorship program for law students. It was suggested to speak with FAWL. A recent Stetson graduate in attendance, Ashley also suggested that there is a need for mentors and that mentorship is highly desired by law students and graduates.
- C. Judicial Outreach Committee – Zascha Blanco Abbott/John Davis Hoffman / Hon. Alan O. Forst: A committee meeting is being arranged
- D. Local/Voluntary Bar Association Committee – Robin Hankins/Ena Diaz – No report.
- E. EEOC and FEPA Liaison Committee – Kristen Foslid/Cheyenne Costilla – No report.
- F. NLRB and PERC Liaison Committee – Lindsay Wagner/Gregg Morton/Stephen

Greg Morton provided the report and advised that they are planning an NLRB conference call. A reminder that the next meeting PEARL seminar is coming up October 21-22 and is now a Friday - Saturday Conference.

- G. Wage and Hour Administration Liaison Committee – David Spalter/Jeff Goodz  
Mr. Spalter provided the report. He is working on plans to have a DOL question and answer for wage and hour practitioner as a webinar.
- H. Membership Outreach Committee – Leslie Reicin Stein/Sasha Dyson  
Leslie reported that they need volunteers to do Tool Kits.
- I. Bar Leadership Liaison Committee - Marlene Quintana/Evan Gibbs  
The report was provided by Frank Brown who was assigned to oversee this committee. He reported on the council of sections meeting. He said that the survey was completed and he will pass that along to the website committee. It will be distributed in January. There is an interest in the recent changes to wage and hour DOL guidelines and they are interested in having someone work on that. There is a proposed rule change to certification requirements, rule 6-23. Frank is sending the sections endorsement and will place the letter on section letterhead with approval. Mr. Brown provided an update on the deadline to submit the proposed jury instructions.
- J. Communication Committee
  - a. Publications Subcommittee (Checkoff/Journal) – Jay Lechner/Rob Eschenfelder/Carlo Marichel - written report provided
  - b. Website Subcommittee – Hon, Stephanie W. Ray/Brian L. Lerner.
    - i. Report: Judge Ray provided the oral report in addition to the written report submitted. The committee is seeking to raise a few issues for the section's consideration and if appropriate, a vote.
    - ii. Website: The website may have some compliance issues as determined by Ms. Sass' company, AccSass. The company submitted a proposal for \$860 to bring the website into compliance. The committee also obtained a proposal from E-link for a review and compliance work. The E-link quote is \$95 per hour with an estimate of 20 hours. Motion to approve AccSass proposed by Cathleen Scott, and seconded by Rob E. was approved.
    - iii. Mobile Friendly: Discussed second issue which is converting website to mobile friendly. That proposal is 25 hours \$95 -
    - iv. Motion amended to approve both expenditures by EC for up to \$3,800.00 for both AccSass and Mobile Conversion was made by Shane Munoz, Second by Cathleen Scott. Motion carries. This includes \$3800, includes the \$860 above.
    - v. E-Blast: Third issue is redesign on the e-blast - may not need to spend money but wants to have some budget for that to accomplish the goal. If within the

budget, does not require an actual vote at this, just for EC's information. The internal design can be accomplished by Mr. Lerner but may need some budget for functionality for the future.

- c. Social Media/Advertising Subcommittee – Cathleen Scott (Cathleen mentioned adding Brian L. Lerner/Hon. Stephanie W. Ray/ Gina Cadogan) – referred to the written report
- K. Long Range Planning Committee – Hon. Robert Kilbride/Robert Turk  
Bob gave report and they are meeting to discuss status they are ahead of schedule on long range planning committee.
- L. Special Projects Committee – Shane Munoz/Gina Cadogan  
Shane Munoz reported that the committee is working on the FLSA project and has gathered orders and procedures from Southern District but are in need of orders from Middle and Northern District courts. Brian Lerner suggested that a list serve request be made for these orders.

#### **IV. Continuing Legal Education**

- A. Mr. Poole provided the update:
- B. Webinars: 6 available time slots, he currently has 3 volunteers but needs some more. There is a current plan for FLSA with David Spalter, and Disability Webinar with DOJ and Cynthia Sass, LGBT topics as well.
- C. 42<sup>nd</sup> Public Employment Labor Relations Forum, Rosen Shingle Creek, Orlando – October 20-21, 2016
- D. 2016-2017 Audio Webcast Series – October 2016 – April 2017
- E. 17<sup>th</sup> Labor and Employment Law Annual Update and Certification Review, January 26 – 27, 2017 at The Florida Bar Winter Meeting, Gaylord Palms, Orlando
- F. Advanced Labor Topics 2017, March or April, 2017, New York City - Plans under way. Ray Poole asked about reports on the attendance numbers for location and attendance. The last three years there has been difficulty finding an acceptable location in Southern District

#### **V. New Business**

- A. Zascha Abbott reported that the new committee member assignments are attached to the agenda. They will also be emailed separately to all co-chairs. The goal is the schedule a committee meeting before October's meeting to get started on planning your programs for the bar year.
- B. The members and guests in attendance all did self-introductions.

**ATTENDANCE**

**In Person**

Zascha Blanco Abbott  
Cathleen Scott  
Sherril Colombo  
Rick Johnson  
Shane Munoz  
Yvette Everhart  
Allison Duffie  
Dan Zabludowski  
Lakisha M. Kinsey  
Ashley Petefish  
Ashley Ward-Singleton  
Viktoria Johnson  
Nathan Paulich  
Maria Korn  
Bill Nelson  
Angie Froelich

**Conference Call**

J. Ray Poole  
Frank Brown  
Scott Atwood  
Ryan Barack  
Debbie Brown  
Sacha Byson  
Rob Eschenfelder  
Kristen Foslid  
Jennifer Fowler-Hermes  
Gregg Hearing  
Eric Holshouser  
Damon Kitchen  
Jay Lechner  
Brian Lerner  
Gregg Morton

Hon. Stephanie Ray  
Cynthia Sass  
Jill Schwartz  
David Spalter  
Leslie Stein  
Bob Turk  
Cristina Velez

**Excused**

Leslie Langbein  
Karen Evans  
Robyn Hankins  
Marlene Quintana  
Patrick Martin  
Steve Meck

## **PUBLICATIONS SUBCOMMITTEE REPORT FOR CHECKOFF/E-UPDATE**

We are finalizing the latest version of The Checkoff, and it should be complete by late this month/early next month. I have an E-Update to be released later this month that will discuss the 11<sup>th</sup> Circuit's Opinion in Villarreal v. RJ Reynolds (the issue was whether the ADEA allows an unsuccessful applicant to sue for disparate impact). In addition, I already have three authors committed to submitting articles for the next edition of The Checkoff.

Carlo D. Marichal  
Chair



**Labor and Employment Law Section  
Website Subcommittee Report  
October 12, 2016  
Submitted by Co-Chairs: Brian Lerner and Judge Stephanie Ray**

**New Developments:**

- Website updates
  - Section Events, EC Meeting Materials, CLEs, and Publications regularly updated.
- E-Blasts regularly issued
- 2016-2017 Project: E-mail
  - New e-mail template design used for last two e-mails
  - Now with side bars that feature reminders about events, CLEs, etc.
  - Different coloring scheme used to aid in viewing
- 2016-2017 Project: Website
  - EC approved budgeting for work to be done by Elyk to update website, with focus on mobile use.
  - EC approved proposal to retain ACCSASS for modifications to website to address accessibility issues.
  - Work will proceed with website modifications first followed by work by ACCSASS
- 2016-2017 Project: LEstserv
  - Long range planning retreat work completed

**Upcoming Projects for 2016-2017:**

- Website
  - We anticipate making updates and modifications to the website. These may include adding pages that are not necessarily visible to the public, but would allow our members to access select content. Members would learn of this content through e-mails. Those e-mails would contain links that would take the user to the website page.
  - We anticipate making the website more mobile friendly. This would include features that would scale the website to phones for more optimal use and viewing. (Project pending)
- E-mail
  - We anticipate upgrading our e-mails in terms of overall look and feel. We also anticipate adding e-mails—in particular, the issuance of a case summary e-mail issued on a regular basis. (Project partially completed)
- LEstserve
  - Create ability to allow for anonymous submissions so as to further facilitate use by members (Project Completed)
- Twitter
  - Create Twitter account (Project Completed)

**Labor and Employment Law Section  
Social Media/Advertising Subcommittee Report  
October 12, 2016**

**Submitted by Co-Chairs: Brian Lerner and Cathleen Scott**

**New Developments on**

- Twitter
  - The page continues to be regularly updated with news and events.
- Facebook (<https://www.facebook.com/LaborEmploymentLaw>)
  - The page continues to be regularly updated with news and events.
- LinkedIn (search The Florida Bar Labor & Employment Section)
  - The page continues to be regularly updated with news and events.

# *Save the Date!*



## **17<sup>th</sup> Labor and Employment Law Annual Update and Certification Review (2275R)**

**Gaylord Palms Resort & Convention Center  
6000 W. Osceola Parkway  
Kissimmee, Florida 34746  
(407) 586-0000**

**January 26 – 27, 2017**

**(17.5 CLE hours Awarded)**

**HOTEL RESERVATIONS:** Member can make hotel room reservations online or contact the hotel and indicate you will be attending the 2017 Florida Bar Winter Meeting. Our special group rate of \$204 single/double occupancy will be available until Tuesday, January 3rd or until the group block is sold-out, whichever comes first. **There is no group code.**



## Standing Committee on Diversity and Inclusion Master Calendar

### **August 2016**

4: Asian Pacific American Bar Association's Meet the Candidates and Judiciary Event

4-9: ABA Annual Meeting, San Francisco, CA

16: Puerto Rican Bar Association of Florida

"Political Salsa"

5:30pm – 8:30pm

### **October 2016**

19-22: The Florida Bar Fall Meeting

Tampa Airport Marriott

### **January 2017**

25-28 The Florida Bar Winter Meeting

Gaylord Palms, Orlando

### **February 2017**

1-7 ABA Miami Midyear Meeting

JW Marriott, Miami

### **June 2017**

21-24 Annual Florida Bar Convention

Boca Raton Resort & Club, Boca Raton

*As Diversity Grant programs and conference calls are scheduled, the calendar will be updated.*