



CHAIR

Shane T. Muñoz
FordHarrison LLP
101 E. Kennedy Boulevard, Suite 900
Tampa, FL 33602-5133
(813) 261-7800
smunoz@fordharrison.com

CHAIR-ELECT

Hon. Frank E. Brown
Fla. Reemployment Assistance Appeals Commission
2740 Centerview Drive, Suite 1
Tallahassee, FL 32399-4150
(850) 487-2685, ext. 124
frank.brown@raac.myflorida.com

SECRETARY/TREASURER

Leslie W. Langbein
Langbein & Langbein, P.A.
8181 N.W. 154th Street, Suite 105
Miami Lakes, FL 33016
(305) 556-3663
langbeinpa@bellsouth.net

LEGAL EDUCATION DIRECTOR

Zascha Blanco Abbott
FordHarrison, LLP
100 S.E. 2nd Street, Ste. 2150
Miami, FL 33131
(305) 808-2107
zabbott@fordharrison.com

IMMEDIATE PAST CHAIR

Robert S. Turk
Stearns Weaver Miller Weissler
Alhadeff & Sitterson, P.A.
150 W. Flagler Street
Miami, FL 33130-1536
(305) 789-3200
rturk@stearnsweaver.com

BOARD LIAISON

Adam Glen Rabinowitz
Broad and Cassel, Fort Lauderdale
arabinowitz@broadandcassel.com

EXECUTIVE COUNCIL

Terms Expiring 2015

David E. Block, Miami
Sacha Dyson, Tampa
Richard E. Johnson, Tallahassee
Jay P. Lechner, Tampa
Brian L. Lerner, Fort Lauderdale
Patrick Martin, Miami
Jonathan W. Oliff, Jacksonville
Hon. Stephanie Williams Ray, Tallahassee
Erika Deutsch Rotbart, Boca Raton
Cathleen Scott, Jupiter
David H. Saplter, Winter Park
Leslie Reicin Stein, Tampa

Terms Expiring 2016

David W. Adams, Tampa
Scott E. Atwood, Fort Myers
Thomas A. Delegal, III, Jacksonville
Robert M. Eschenfelder, Bradenton
Karen Evans, Miami
Kristen Foslid, Miami
Robyn S. Hankins, Jupiter
Robert L. Kilbride, Stuart
Leslie W. Langbein, Miami Lakes
J. Ray Poole, Jr., Jacksonville
Marlene Quintana, Miami

PAST CHAIRS

Deborah C. Brown, Tampa
Sherril M. Colombo, Miami
Hon. Alan O. Forst, West Palm Beach
Gregory A. Hearing, Tampa
Eric J. Holshouser, Jacksonville
F. Damon Kitchen, Jacksonville
Stephen A. Meck, Tallahassee
Cynthia N. Sass, Tampa
Jill S. Schwartz, Winter Park

PROGRAM ADMINISTRATOR

Angie Froelich
afroelich@flabar.org

October 21, 2014

Re: Agenda, Executive Council Meeting, October 23

Dear Executive Council Members and Committee Chairs,

The Labor & Employment Law Section executive council meeting will take place on Thursday, October 23 at **5:00 p.m.** at the Hyatt Regency Orlando International Airport, 9300 Jeff Fuqua Boulevard, Orlando, FL 32827, (407) 825-1234.

The agenda and supporting documents for this meeting are enclosed.

The conference call information is:

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

The next Labor & Employment Law Section executive council meeting will take place on Thursday, November 13, 2014, at The Riverside Hotel, 620 East Las Olas Boulevard, Fort Lauderdale, FL 33301, (954)467-0671, www.riversidehotel.com. To make hotel reservations, please call The Riverside Hotel at (800) 325-3280. The group rate of \$155 expires on October 23, 2014.

I look forward to seeing you in Orlando.

Angie



AGENDA

*Labor and Employment Law Section Executive Council Meeting
Hyatt Regency Orlando International Airport, 9300 Jeff Fuqua Boulevard, Orlando, FL 32827, (407) 825-1234
Thursday, October 23, 2014 • 5:00 p.m. e.s.t. - 6:30 p.m. e.s.t. • Orly*

- I. Call To Order** – Shane T. Muñoz, Chair

- II. Secretary/Treasurer Report** – Leslie W. Langbein
 - a. Consideration of Minutes – June 26, 2014 (**Attachment A**)
 - b. Financial Statement – September, 2014 (**Attachment B**)

- III. Committee and Subcommittee Reports (Attachment C)**
 - a. ABA Liaison Committee – Cynthia Sass / Jennifer T. Williams
 - b. Law School Liaison Committee – Debbie Brown / Freddy Perera
 - c. Judicial Outreach Committee – Zascha Blanco Abbott / John D. Hoffman
 - d. Local/Voluntary Bar Association Liaison Committee – Scott Atwood / Sacha Dyson
 - e. EEOC and FEPA Liaison Committee – Kristen Foslid / Marquis Heilig
 - f. NLRB and PERC Liaison Committee – Nick Karatinos / Stephen A. Meck
 - g. Wage and Hour Administration Liaison Committee – Joseph G. Santoro / David Spalter
 - h. Membership Outreach Committee – Leslie Reicin Stein / Lindsay Wagner
 - i. Bar Leadership Outreach Committee – Sherril Colombo / Marlene Quintana
 - j. Long Range Planning Committee – Hon. Alan Orantes Forst / Robert Kilbride
 - k. Communications Committee – Hon. Stephanie W. Ray / Cathleen Scott
 - a. Publications Subcommittee – Jay Lechner / Rob Eschenfelder (**attachment**)
 - b. Website Subcommittee – Hon. Stephanie W. Ray / Brian L. Lerner (**attachment**)
 - c. Social Media / Advertising Subcommittee – Cathleen Scott / Brian L. Lerner (**attachment**)
 - l. Special Projects Committee – Marlene Quintana / David Spalter
 - a. Certification Standards Review Subcommittee – Sherril M. Colombo / Frank Brown
 - b. FLSA Procedures Subcommittee – David Spalter / Marlene Quintana

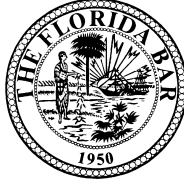
- IV. New Business**

- V. Chair's Report**

- VI. Informational**
6:30 p.m. – 7:30 p.m. Reception • *Schiphol/Ben Gurion*

- VII. Next Executive Council Meeting**
 - a. Thursday, November 13, 2014 – Litigating Employment Law Claims 50 Years After Title VII (1783R)
Riverside Hotel / Hotel Reservations: \$155 / (800) 325-3280 / Group Rate Expires: 10/23/14

- VIII. Adjournment**



MINUTES

*Labor and Employment Law Section Executive Council Meeting
Gaylord Palms Resort and Conference Center
6000 W. Osceola Parkway, Kissimmee, FL 34746
Thursday, June 26, 2014 • 5:15 p.m. - 6:00 p.m. EST*

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. Introduction of Guests – Robert S. Turk

Bob Turk recognized outgoing Board Liaison Grier Wells to introduce President-Elect of The Florida Bar Ramón A. Abadin and Board of Governors Members Michael J. Higer and David C. Prather.

President-elect Abadin spoke briefly regarding the initiatives he plans to work on during his year as President-Elect and carrying into his time as President. His initiatives include expanding and improving CLE offerings and delivery methods, promoting pro bono among the bar, and expanding the bar's use of technology.

Bob Turk also recognized and thanked Grier Wells for his many years of service to the Section as our Board Liaison.

III. Secretary/Treasurer Report – Frank E. Brown

a. Consideration of Minutes – May 16, 2014

There being no questions or additions or corrections to the minutes, the minutes of the May 16, 2014 meeting were approved unanimously.

b. Financial Statement – May 2014

Frank Brown reported that the Section's financial statement as of the end of May 2014 showed a current fund balance of \$232,530, which reflects a net operating surplus of \$16,265 over last year ending. Current Section membership is 2,162, an addition of 82 members since last meeting.

IV. Committee and Subcommittee Reports

Due to the late start because of a last minute change in the meeting room, Bob Turk asked the committee and subcommittee chairs for abbreviated reports.

a. Outreach Committee –

ABA Liaison Subcommittee – Jennifer T. Williams

No report

Law School Liaison Subcommittee – Jonathan Oliff/Debbie Brown

Debbie Brown reported that the 11 law school scholarships budgeted for the year had been awarded, and that four of the recipients – Ann Charleus of St Thomas, Nicole Engebretson of Thomas Cooley, Matthew Neff of FSU, and Louis Montone of Barry – would be attending the reception this evening to receive their recognition. Additionally, family members of the two Hall of Fame inductees, Judge Richard Harlan Frank and Theo Hamilton, would be present to receive the awards.

The other scholarship recipients are Thomas D. Rosachi from Ave Maria, Leanda Ferron from FAMU, Ingrid Cepero from FIU, Sari Canavan from Nova, Thomas Farrior from Stetson, Shannon Williams from UM, and Courtney Anne Newton from UF.

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

Zascha Abbott reported that the subcommittee hosted its judicial program for Miami-Dade on May 20, and the planned program for Hillsborough County in conjunction with the HCBA has been moved to July.

EEOC and FEPA Liaison Subcommittee – Marquis Heilig / Kristen Foslid

Kristen Foslid reported that Bob Turk authorized the Section's contribution to the July 2, 2014 event commemorating the 50th anniversary of the passage of the Civil Rights Act to be hosted at the North campus of Florida International University. In exchange for its sponsorship, the Section was given 20 tickets to the event, of which 16 had been already been claimed.

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

No report

Wage and Hour Administration Liaison Subcommittee – Joseph G. Santoro

No report

Membership Outreach Subcommittee – Leslie Reicin Stein/Robyn Rosignuolo

Leslie Stein reported that the subcommittee is still looking for new toolkits.

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

The subcommittee provided a written report for the agenda.

b. Long Range Planning Committee – Robert L. Kilbride

The Committee provided a written report for the agenda. In sum, the committee has addressed most of the issues from the last Long Range Planning Retreat. Two action issues that remain open for additional work during the next bar year include consideration of the appointment of a “technology czar” to oversee and integrate all of the Section’s technology-delivered services, including website, social media, advertising and CLE. Additionally, the Section needs to develop the new Executive Council member orientation approach.

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

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

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

The Publication and Website subcommittees provided written reports for the agenda.

d. Special Projects Committee – Robert S. Turk

Bob Turk summarized his project of increasing the Section’s involvement with the NLRB as a success, with the April event hosted in Miami and another one planned for Tampa. Incoming Chair Shane Munoz discussed his project for the upcoming bar year. Shane’s goal is to develop standardized procedures for FLSA cases and attempt to get federal courts to adopt them. Shane has asked Marlene Quintana and David Spalter to serve as co-chairs of a special committee. Shane will appoint two members from each federal district to the committee, one from the plaintiff’s bar and one from defense bar.

e. Certification Standards Review Subcommittee – Sherril Colombo

Sherril briefly recapped the certification survey results. The Section received a 7% return rate from the survey. About two-thirds of the respondents felt the experience requirements should be broadened in some fashion. The most common opinion was that the current standards do not count a lot of work that is a regular part of labor and employment practice, such as representation before the EEOC, defending client or witness depositions, etc.

There was lengthy discussion about how best to proceed in considering the merits of changes to the experience requirement. Robyn Hankins noted that the BLSE would have to approve any proposed changes before any further action could be taken. Rob Eschenfelder moved that a subcommittee be appointed to consider the issues, and to work with the bar certification committee, to determine what, if any, changes should be proposed. The results of that review will be brought to the Executive Council before any further action would be taken. Rob Kilbride seconded the motion, which passed on voice vote.

V. New Business

a. CLE – Leslie Langbein

Leslie reported that the 40th Annual Public Employment Labor Relations Seminar is scheduled for October 23-24, 2014 in Orlando at the Orlando Airport Hyatt Regency Hotel. The City, County and Local Government Section is organizing this year's seminar with Gregg Morton co-chairing on behalf of our Section.

The details for the fall discrimination seminar still being finalized. Gina Cadogan and Ray Poole will co-chair. The Section is looking at mid-November for the seminar date but the hotel is still being finalized.

VI. Chair's Report – Robert S. Turk

a. Awards and Recognitions

Bob presented a number of awards to individuals for their work on behalf of the Section of the past year, including the officers, CLE chairs, editors, and Angela Froehlich for work as Section liaison. Additionally, the Section presented Bob Turk an award for his year of outstanding service as chair.

Program Chair Awards – Gregg Morton, PERLF SEMINAR; Marlene Quintana, NAVIGATING THE WORLD OF ADR; Erin Jackson and David Spalter, ANNUAL UPDATE AND CERTIFICATION REVIEW; Arlene Kline and Rick Johnson, ADVANCED LABOR TOPICS; and Leslie Langbein, WEBINAR SERIES.

Editors – Robert Eschenfelder, THE FLORIDA BAR JOURNAL Section Column;
Zascha Blanco Abbott and Jay Lechner, THE CHECKOFF

Officers – Sherril Colombo, Shane Munoz, Frank Brown, Robert Turk

Board Liaison – S. Grier Wells

Volunteer of the Year – Hon. Stephanie W. Ray

Lifetime Achievement Award – Cary Singletary

b. Report Of Nominating Committee and Vote For Officers and Executive Council Members

Bob Turk presented the Nominating Committee’s proposed slate of Executive Council members and officers. The Executive Council unanimously approved the following members for an Executive Council term expiring in 2016:

David W. Adams	Scott E. Atwood
Thomas A. Delegal, III	Robert M. Eschenfelder
Karen Evans	Kristen Foslid (new member)
Robyn Hankins	Robert L. Kilbride
J. Ray Poole, Jr.	Marlene Quintana
David H. Spalter	

The Executive Council also approved the proposed officer slate for 2014-2015, including Chair Shane T. Munoz, Chair-Elect Hon. Frank E. Brown, Secretary/Treasurer Leslie W. Langbein, Legal Education Director Zascha Blanco Abbott, Immediate Past Chair Robert S Turk, and new Board Liaison Adam Glenn Rabinowitz.

Finally, the Executive Council approved the recommendation that Sasha Dyson fill the Executive Council vacancy expiring in 2015 resulting from Zascha Abbott’s appointment as Legal Education Director.

Executive Council Members were reminded to attend the Hall of Fame and Law School Scholarship Reception and the reception for Chief Justice Ricky Polston. There being no additional business, the meeting was adjourned.

VII. Attendance:

Officers/Executive Council/Committee Chairs

In person:

Robert Turk
Shane Munoz
Hon. Frank Brown
Sherril Colombo
Grier Wells
Zascha Abbott
David Adams
Scott Atwood
Debbie Brown
Tad Delegal III
Robert Eschenfelder
Karen Evans
Hon. Alan Forst
Kristen Foslid
Marquis Heilig
Rob Kilbride
Brian Lerner
Ray Poole
Marlene Quintana
Hon. Stephanie Ray
Cathleen Scott
Leslie Stein
Angie Froelich

Phone:

Leslie Langbein
David Block
Robyn Hankins
Greg Hearing
John Hoffman
Rick Johnson
Nick Karatinos
Patrick Martin
Jonathan Oliff
Jill Schwartz
David Spalter

Section Members/Guests

Present:

Chris Bentley
Dan Coffman
Sacha Dyson
Erin Jackson
Gregg Morton
Amanda Neff

Excused:

Eric Holshouser
Damon Kitchen
Jay Lechner
Steve Meck
Jennifer Williams



Labor & Employment Law Section

2014 – 2015

SEPTEMBER 2014 Section – Financial Statement

Beginning Fiscal Year Fund Balance	\$189,155
Total Revenue	\$ 89,710
Total Expenses	\$ 39,934
Ending Fiscal Year Fund Balance	\$238,931*

**see attached statement of operations*

Current Membership

Current Membership	2,019
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	SEPT 2014 Actuals	YTD 14-15 Actuals	Budget	Percent Budget
Total Labor & Employment Law =====				
31431 Sect Dues	1,400	77,560	77,000	100.73
31432 Affil Dues	0	720	730	98.63

Total Dues Income Net	1,400	78,280	77,730	100.71

32010 Legal Span On-line	1,756	1,756	0	*
32191 CLE Courses	10,536	10,536	30,000	35.12
32205 Compact Disc	798	2,354	0	*
32293 Sect Differential	440	440	7,000	6.29
35201 Sponsorships	0	0	2,500	0.00
37991 Advertising Revenue	350	350	3,000	11.67
38499 Investment Alloc	-4,303	-4,006	6,599	-60.71

Other Income	9,577	11,430	49,099	23.28

Total Revenues	10,977	89,710	126,829	70.73

36998 Credit Card Fees	16	41	15	273.33
51101 Employee Travel	0	135	4,330	3.12
71001 Phone/Direct	75	150	1,200	12.50
71005 Internet Charges	0	0	550	0.00
75401 Express Mail	5	10	0	*
84001 Postage	0	206	1,250	16.48
84002 Printing	74	76	800	9.50
84006 Newsletter	1,360	1,360	5,500	24.73
84007 Membership	0	0	250	0.00
84009 Supplies	26	41	250	16.40
84010 Photocopying	45	50	350	14.29
84051 Officers Travel Exp	0	0	500	0.00
84052 Mtg Travel Exp	0	659	22,500	2.93
84053 Out Of State Travel	0	0	1,000	0.00
84054 CLE Speaker Exp	0	0	10,000	0.00
84061 Reception	0	0	11,000	0.00
84069 Dinners	0	0	5,000	0.00
84101 Committee Exp	0	0	500	0.00
84103 Cert Committee Exp	0	0	2,000	0.00
84201 Board Or Council Mtg	0	0	5,600	0.00
84202 Annual Mtg	0	0	10,000	0.00
84205 Section Service Prog	0	0	3,000	0.00
84209 Retreat	0	0	11,000	0.00
84214 Long Range Planning	0	0	4,000	0.00
84301 Awards	0	0	7,000	0.00
84302 Scholarships	0	0	11,000	0.00
84422 Website	214	452	5,800	7.79
84535 Chairs Conv	0	0	400	0.00
84701 Council Of Sections	0	0	300	0.00
84998 Operating Reserve	0	0	11,870	0.00
84999 Miscellaneous	0	0	500	0.00

	SEPT 2014 Actuals	YTD 14-15 Actuals	Budget	Percent Budget
Total Labor & Employment Law =====				
88252 Course Credit Fee	0	0	150	0.00
Total Operating Expenses	1,815	3,180	137,615	2.31
31433 Section Mgmt Fee	560	34,160	34,318	99.54
86431 Mtgs Admin	6	6	1,236	0.49
86543 Graphics & Art	2,500	2,500	2,722	91.84
86623 Registrars	44	88	0	*
Total TFB Support Services	3,110	36,754	38,276	96.02
Total Expenses	4,925	39,934	175,891	22.70
Net Operations	6,052	49,776	-49,062	-101.46
21001 Fund Balance	0	189,155	219,983	85.99
Total Current Fund Balance	6,052	238,931	170,921	139.79

* * * * * End of listing * * * * *

BAR JOURNAL REPORT

In advance of the upcoming October 23 Executive Council meeting, please accept this as my report of the Bar Journal Articles committee to the Executive Council:

- * The first Section Journal articles for 2014 were a two-part article on enforcement of arbitration clauses by author Donald Spero. They appeared in the January and Feb./March issues.
- * In the May Journal, we published an article by authors Jennifer Fowler-Hermes and Luisette Gierbolini on Religious Accommodations.
- * In the June Journal, we published an article by author Kenneth Starr concerning the collection of attorney fees in arbitration cases.
- * Author Deborah Brown's well done and timely article on the application of the FLSA to an employer's use of "interns" is set to run in the November Journal.
- * Authors Damon Kitchen and John Dickinson continue to develop their article on the recent NLRB decision concerning unionization of college football players. Depending on submission for editing, this article will publish either in the December or January Journal.
- * Author Sacha Dyson has committed to drafting an article on judicial estoppel in the employment law setting. She anticipates submission of the article in November, with a hoped-for publication in early 2015.
- * While I am pleased with article activity thus far in the year, I always like to have at least three authors working at a given time, and so I am happy to receive additional references for authors to begin work on articles targeted for the 2015 Journal year.

This concludes my report to you and the Executive Council. Please let me know if you have any questions prior to the meeting.

Respectfully submitted,
Robert Eschenfelder
Section Journal Articles Editor

**Labor and Employment Law Section
Website Subcommittee Report
October 14, 2014
Submitted by Co-Chairs: Brian Lerner and Judge Stephanie Ray**

New Developments on Website:

- Website updates
 - Added Message from the Chair
 - Updated webpages for Executive Council, Committees and Subcommittees, Publications, Hall of Fame, “Get Involved,” and EC Meeting materials
 - Added June and September 2014 Checkoffs
 - Section Events and CLEs regularly updated
 - Posted pictures from Hall of Fame Scholarship Presentations
- E-Blasts regularly issued
- Website Data (since the last report on 6/4/14):
 - 2,826 sessions.
 - The average person views the site for 1 minute, 51 seconds (down 14 seconds from last report)
 - Most popular age range: 25-34 (33.5%); 18-24 (27.5%); 35-44 (15.5%)
 - Males visit more than females (over 54%).
 - The most popular pages viewed are CLE/Section events and then publications.
 - 95% of visits come from computers (whether Windows or Mac).

Reminder to Executive Council: As a benefit to Section members, the website features a searchable member directory which allows users to search for members by name, county, area of practice, law school or board certification. Members are encouraged to update and personalize their member page by adding a photo, practice area, law school, board certification, and links to publications. To log in for the first time to update your profile, click Member Login at the top right corner of the home page. Click the link that reads “Forgot your password? First time logging in? Click this link.” That link will provide instructions on how to obtain your password so that you can log in to the website and update your profile.

**Labor and Employment Law Section
Social Media/Advertising Subcommittee Report
October 14, 2014**

Submitted by Co-Chairs: Cathleen Scott and Brian Lerner

- Facebook Page
 - 63 likes (up 8 since last report on 6/4/14)
 - Page continues to be updated with CLEs, meetings, and other news and notes (21 items added since last report on 6/4/14)
- LinkedIn Page
 - 455 members (added 22 members since last report on 6/4/14)
 - Page continues to be updated with CLEs, meetings, and other news and notes (17 items added since last report on 6/4/14)

Reminder to Executive Council: Be sure to join the Facebook and LinkedIn pages, and let others know about liking the Facebook page and joining the LinkedIn page.