

**MINUTES OF THE LABOR AND EMPLOYMENT LAW SECTION  
EXECUTIVE COUNCIL MEETING  
THURSDAY, OCTOBER 22, 2009  
ORLANDO, FL**

I. **Call to Order** – Chair Eric Holshouser called the meeting to order at approximately 5:00 p.m.

II. **Secretary/Treasurer Report**

A. **Consideration of Minutes** – The Minutes of the August 27, 2009, Executive Council meeting were presented. It was moved by Alan Forst and seconded by Alan Gerlach that the minutes be approved and the motion carried. The Minutes of June 25, 2009, Executive Council meeting have been previously distributed by email, but were not attached to the instant agenda. Accordingly, consideration of the Minutes from the June 25, 2009, meeting was tabled again until the next Executive Council meeting.

B. **Financial Statement** – Angela Froelich briefly reviewed the financial statement attached to the agenda. The current fund balance is \$210,637.00 with current membership at 1,913 members. Greg Hearing further reviewed the financial statement and presented the proposed budget for 2009-2010. Mr. Hearing reported that it is essentially the same as the previous year. It was moved by Mr. Hearing and seconded by Mr. Gerlach that the proposed 2009-2010 budget be approved and the motion carried.

III. **Committee and Subcommittee Reports**

A. **Outreach Committee** – No formal report was given.

A.1. **ABA Liaison Subcommittee** – Mr. Holshouser reported that there has been recent coordination between the ABA Labor and Employment Law Section and our Section. Subcommittee Chair Bill Cassidy will be put into contact with the ABA chair, Edelise Lebeau, to discuss such coordination and possible joint presentations.

A.2. **Law School Liaison Subcommittee** – Jonathan Oliff discussed a career development program at the FSU College of Law that had been raised at the previous meeting. Mr. Oliff has spoken with the Placement Director at FSU College of Law in this regard. The purpose of the program is to put law students in touch with labor & employment law practitioners. These scholarship programs provide an opportunity to raise our Section's profile. Mr. Oliff reported regarding ABA outreach program at the law school through Tom Brooks and this ABA outreach program does not compete with our Section's efforts. Mr. Gerlach reported being in touch with the Dean of the University of Florida College of Law with regard to awarding

the Section scholarship there and remarked about difficulties concerning awarding the scholarship under the procedures of that law school. Jason Vail reported that the subcommittee continues to make the efforts to get the scholarship monies spent.

- A.3. Judicial Outreach Subcommittee – Zascha Abbott reported that there was an informational lunch in Tallahassee with local judges. Ms. Abbott also reported that there had been proposed CLE program for judges to be presented through the Subcommittee's efforts.
- A.4. Local/Voluntary Bar Association Liaison Subcommittee – In Don Ryce's absence, Scott Fisher reported that Mr. Ryce recently gave a presentation at the St. Petersburg Bar Association on behalf of the Section. Mr. Fischer reported that this was good for cross marketing for our Section and got the Section's name out to the local bar association. Cathleen Scott will be doing a presentation to a local bar association in Martin County.
- A.5. EEOC and FEPA Liaison Subcommittee – Bruce Minnick reported that he was taking responsibility in the northern part of the state and working with the FCHR. Patrick Martin will be taking responsibility for the EEOC and the southern part of the state. Mr. Minnick reported the monetary difficulties that the FCHR is having and that there may be some tension between the FCHR and the EEOC as to payments made pursuant to their work-sharing agreement. Mr. Martin reported in the meeting that he plans to meet with the EEOC Director in Miami to discuss ways in which the subcommittee and Section can work with the Commission.
- A.6. NLRB Liaison Subcommittee – Mr. Holshouser reported that as the result of the last meeting, the NLRB Liaison Subcommittee would include, de facto, PERC. Damon Kitchen reported that he and Stephanie Ray are working on an opportunity to cooperate with the NLRB to put on a webinar. Mr. Kitchen also said that this should include talking to PERC about doing the same. This would be a 1-½ hour program regarding developments in NLRB case law. Mr. Kitchen also talked to Nick Ohanesian about such program. Mr. Ohanesian of course cannot comment about NLRB matters, but can report about the Board's decision. Sherill Columbo also reported on the Section's plan to conduct webinars. Ms. Columbo stated that she is planning six or seven webinars commencing in January 2010. Ms. Columbo sent a list of topics to Mr. Holshouser last week, including diversity, NLRB law and others. Ms. Columbo will be sending a list of topics to Angela Froelich as well, and there will be an effort to obtain ethics CLE credit with regard to the webinars.
- A.7. Wage and Hour Administration Liaison Subcommittee –Mr. Gerlach reported he has been in touch with Marguerite Longoria and reported that

there was a disappointing level of participation on the Subcommittee. Mr. Gerlach reported that there would be an upcoming joint meeting with the local bar association in Orlando in which there would be an attempt to involve officials from the Jacksonville and/or Orlando Wage & Hour offices. Mr. Gerlach also discussed using a webcast as an alternative to such meetings. Mr. Gerlach discussed working with Ms. Columbo on such a webinar. Mr. Holshouser also reported that there is news of pressure from unions to challenge to certain exemptions and that there was a push from the Wage & Hour Division regarding the same. Mr. Gerlach reported that the Wage & Hour Division has hired 250 new investigators.

- A.8. Membership/Outreach Subcommittee – No formal report was given other than are only two members that signed up for the subcommittee.
  
- B. Long Range Planning Committee – Deborah Brown reported that she had spoken with her Co-Chair Cary Singletary and that all work of the subcommittee from the last retreat has been brought forward and accomplished. Ms. Brown reported the future work of the subcommittee will depend on future retreats; however, the subcommittee welcomes any input as to ideas for the subcommittee to handle.
  
- C. Communications Committee – No formal report was given and Chair Cathleen Scott deferred to subcommittee reports.
  - C.1. Publications Subcommittee – Shane Muñoz reported that the most recent addition of The Checkoff has been distributed. Mr. Muñoz reported that the subcommittee is always looking for volunteers for articles to be included in the upcoming edition. Mr. Muñoz reported that the deadline for publication submissions is November 21, 2009. Mr. Muñoz reported that The Checkoff is now distributed only by email, except authors are provided a hard copy. Frank Brown reported as to The Florida Bar Journal that an article is ready for the January 2010 edition, but there is a need for future Journal-quality articles to be put in the “pipeline.” Mr. Brown urged that he be contacted for any ideas for future articles.
  
  - C.2. Website Subcommittee – No formal report was given.
  
  - C.3. Special Projects Committee – Leslie Langbein reported as a carryover from last year that there have been difficulties with the Section directory. It was discussed with the subcommittee that the current company can handle the publication of the directory and, if not, the subcommittee would explore finding a new vendor. Mr. Forst reported that the subcommittee was exploring the beginning of a law school clinical program for unemployment compensation hearings. The subcommittee also discussed the labor & employment law article contest for law schools with scholarship money opportunities. This program would provide articles for

The Checkoff and generate interest in our Section. Mr. Oliff of the Law School Liaison Subcommittee will coordinate with these efforts.

**IV. New Business**

- A. Our Board of Governors representative, Grier Wells, has an excused absence.
- B. Ms. Columbo reported that the turnout for the PERL seminar was good (in the 60's) and that more attendees were expected for the Friday session. Ms. Columbo reported that the webinars would start and, as reported earlier, they were looking at wage & hour as a topic.

**V. Chair's Report**

- A. Chair/Co-Chair Appointments: Mr. Holshouser reported that he appointed all chairs and co-chairs for the committees and subcommittees as well as populated the committees and subcommittees pursuant to the submitted committee preference forms. Mr. Holshouser reported that there are plenty of opportunities available to serve on the subcommittees.
- B. Other Business: Mr. Holshouser reported that our Board of Governors representative, Grier Wells, had announced his candidacy for Florida Bar President. Mr. Wells has been very active in our section and the Bar. He is running against a practitioner from Miami, Irving Gonzalez. Mr. Holshouser reported that the section is still attempting to determine the location and date of the Advanced Labor Topics seminar. Mr. Gerlach reported that he is involved in planning the Tulane Multistate labor Law Seminar which will be held at the Don Cesar Hotel in St. Petersburg, Florida, on May 20, 2010. Mr. Gerlach also reported that there may be single day attendance opportunities.
- C. Mr. Holshouser reported that the reception would follow in Bay Hill IV/V.

**VI. Adjournment – Mr. Holshouser adjourned the meeting at 5:55 p.m.**

**Executive Council Attendance:**

Eric J. Holshouser, Chair  
Jill S. Schwartz, Chair Elect (via conference call)  
Gregory A. Hearing, Secretary/Treasurer (via conference call)  
Alan O. Forst, Immediate Past Chair  
Zascha Blanco Abbott

Walter E. Aye (via conference call)  
Deborah C. Brown  
Frank E. Brown (via conference call)  
Sherrill Columbo  
Thomas A. Delegal, III (via conference call)  
Susan Dolin (via conference call)  
Scott Fisher (via conference call)  
Alan M. Gerlach, Jr.

Mike Grogan  
F. Damon Kitchen  
Leslie Langbein (via conference call)  
Geoff Mandel  
Patrick Martin  
Stephen A. Meck  
Robert A. Miles (via conference call)  
Bruce Minnick  
Shane Muñoz  
Jonathan Oliff (via conference call)  
Kelly Parsons (via conference call)  
J. Ray Poole  
Stephanie Williams Ray  
Cathleen Scott (via conference call)  
Leslie K. Reicin Stein (via conference call)  
John S. Trimper (via conference call)  
Robert S. Turk  
Jason Vail

**Bar Liaison:**

Angela Froelich

**Guests:**

James Bennett  
Sylvia Berrien  
Dennis J. Campagna  
Jim Craig  
Robert Eschenfelder  
Melvia Green  
Megan Pitts  
Rob Sniffen  
Martin Soll

**Excused Absences**

Richard Johnson  
Marguerite Longoria  
Cynthia N. Sass  
Marcus Snow  
Grier Wells