

LABOR AND EMPLOYMENT LAW SECTION MINUTES – SEPTEMBER 22, 2011

I. CALL TO ORDER – GREGORY A. HEARING, CHAIR

II. SECRETARY/TREASURER REPORT – ROBERT S. TURK

- a. Consideration of Minutes – The Minutes were approved unanimously.
- b. Financial Statement – Robert S. Turk provided the report.

Through July 2012, the current fund balance for the Section is \$233,006.00, with a current membership of 1,875.

III. COMMITTEE AND SUBCOMMITTEE REPORTS

- a. Membership Outreach – Eric Holshouser – No report.
 - i. ABA Liaison Subcommittee – No report.

However, Don Slesnick attended the meeting. He announced that he is active in the ABA Labor and Employment Law Section, and he encourages all Committee Chairs to contact him to coordinate Florida events with the ABA.

- ii. Law School Liaison Subcommittee - Jonathan Oliff reported that the Committee Sub-Chairs would follow-up on the issues that came out of the Section's Retreat. Debbie Brown asked for feedback regarding the naming of scholarships.

One idea that Debbie asked the Executive Council to consider was whether the Labor and Employment Law Section would establish a Labor and Employment Law Section Hall of Fame. Deceased Section members or those who had a close connection to the Section could be honored in the Section's Hall of Fame. Those honored would have their photos and other information posted on the website. Furthermore, the Section's Law School Scholarship Awards would be named for these individuals on a rotating basis when presented.

The award that is given to the Stetson law student is named for Garry Vause, former Dean of the Law School. Debbie suggested that, for certain law schools such as Stetson, the Section may want to grandfather in the name of the award and exclude it from the rotating-named scholarships.

Greg Hearing suggested that Angela Froelich circulate this idea to the Executive Council Members, and that it be discussed again at the October 2011 Executive Council Meeting. Greg also asked that if anyone had suggestions for proposed names for the awards to provide it to Angela or to him.

forms would be for use by members of the Section and might be password protected. Shane Muñoz reminded the Subcommittee Chairs that they need to make sure that the Section took no responsibilities for the forms and regularly updated the forms. Greg Hearing asked for an example of a toolkit form that could be distributed to Executive Council Members at the next Executive Council Meeting.

Robyn also suggested that the Membership Subcommittee roll out a survey to members asking for their input and ideas. It was discussed that, about a year ago, the Section conducted a survey. Debbie Brown advised that The Bar has an excellent survey format that could be used without charge. There was also a discussion about whether the Section would give a gift or discount, such as free CLE, to encourage members to participate in a survey. The Subcommittee was reminded that it needed to check with The Bar if the survey was considered a “Contest”.

b. Long Range Planning Committee – Robert Kilbride reported that the Facility Doctors’ report compiled after the Retreat should be distributed to this Committee so that the Committee could deal with the goals that had been established. Greg Hearing then asked that this report be sent to all Committee and Subcommittee Chairs to review.

c. Communications Committee – Cathleen Scott made a motion that Mimi Hobbs, the Editor of the Checkoff, who is an attorney, receive a pay increase due to the hours that she is working. Currently, the Section pays Mimi \$40 per page up to 24 pages (\$35 per page thereafter). Shane Muñoz reported that Mimi is always timely, very helpful, a great editor and adds a lot of value to the Checkoff. A motion was made by Cathleen to increase the current \$40 per page rate to \$45 per page for up to 24 pages and thereafter maintain the \$35 per page. The Executive Council approved this motion unanimously. Cathleen reported that the Committee will review the Editor’s performance on a yearly basis and make a recommendation as to any incremental future increase in pay.

i. Publications Subcommittee – Scott Fischer reported that the Checkoff has a number of good articles and case squibs. However, additional articles are needed and, if anyone wants to write an article, he/she should contact Scott. Frank Brown reported that, for The Florida Bar Journal, three articles are in the works through January 2012. However, he needs additional articles and asks for a topic regarding the *Dukes vs. Walmart* decision.

Don Slesnick then raised the issue regarding the fact that the last Membership Directory was published some time ago. He recognized that it is currently on-line but urged that a printed Directory be considered

ii. Website – Judge Stephanie Ray reported that the website has been updated with a full roster and Committees. She also reminded members that they could update their profiles on the website at any time. She reported that all CLE materials and courses are up-to-date on the website. She

encouraged all Committees to provide any information they wanted regarding their Committees. She also said that there was a section on the website called "Section News" which can be updated without cost. She encouraged anyone with any content, whether a photographs, articles or news, to contact the Subcommittee to have this information posted.

d. Special Projects Committee – Leslie Langbein reported that she spoke to Marlene Quintana, Special Project Committee Co-Chair, and updated her on all pending and completed projects. All committees were encouraged to contact this Committee if they were considering any special projects and needed assistance.

IV. NEW BUSINESS

Sherril Colombo reported that she had been contacted by a CPA firm, Fiske and Company. This firm primarily specializes in Litigation Support and Business Evaluation. This firm is a frequent sponsor of a number of Florida Bar events. This CPA firm would like to participate in upcoming events in the Section and asked about prospective opportunities for marketing to the Section, including sponsoring Section events. Shane Muñoz reported that other CLE committees had discussed the idea of using sponsorship money to support individuals who are not highly paid and others who could not afford CLE to provide scholarship to attend CLE functions. Shane gave the example attorneys for Legal Aid, local government or attorneys involved in pro- bono work as those who could be eligible for such scholarships.

CLE Report/Upcoming Seminars

Shane Muñoz reported that the September 22-23, 2011 PELRF Seminar had 86 registrants. He reported that on October 21, 2011, there will be a Litigation Seminar in Hollywood, Florida. On February 23-24, 2012 the Certification Review Committee will hold its seminar in Orlando, Florida. Shane encouraged people to make reservations early as the NBA All-Star Game will be held about the same time. In April 2012, the Advanced Labor Topic Seminar will be held in Puerto Rico. Additional information on all seminars will be in the Checkoff.

Shane also announced that there will be five intermediate webinars. The first webinar is NLRA and PERA which will be held on November 15, 2011. Thereafter, there will be a webinar regarding Retaliation/Whistleblower; Wage and Hour Law; ADA/FMLA and Ethics. Shane also announced that another Presidential Showcase Seminar is being considered for some time in June 2012.

Shane also advised that he is attempting to reinstitute the Trial Skills Seminar at Stetson which was discontinued 10 years ago. He further reported that Stetson lost interest in the seminar but now has shown a renewed interest.

Shane also discussed selling, after market, CLE seminars. Each presentation would be sold separately or bundled in a different way than at the present time.

V. PRESIDENT'S REPORT

Greg Hearing reported that he had sent out the Facilitation Doctors' Report to each Committee to work toward the goals and objectives outlined in that Report. He hoped, by the next Executive Council Meeting, to have Committee and Subcommittee reports on these goals and objectives. Greg noted that the NLRB Subcommittee will also include PERC on a going forward basis.

VI. OTHER BUSINESS

Cynthia Sass reported that she is on the Supreme Court Jury Instruction Committee. That Committee is reviewing Jury Instructions for the Florida Civil Rights Act. Cynthia believes that such instructions are a few years away, but she will circulate drafts to Greg Hearing for distribution once instructions are more formalized.

Mike Grogan – Program Co-Chair of the 37th Annual Public Employment Labor Relations Forum, thanked Stephen Meck for doing an excellent job on the seminar. He advised that the seminar should show a profit. Speakers are being lined-up for next year's seminar. The City and Local Government Law Section will take the lead on this seminar. He advised there is some discussion about whether to move this seminar to October, and whether it should be in the Orlando area.

Damon Kitchen made a Motion to adjourn. Motion unanimously passed.

PRESENT:

Zascha Blanco Abbott
Scott E. Adams
Scott Atwood
Sherril M. Colombo, Chair-Elect
Robert M. Eschenfelder
Angela Froelich, Section Administrator
Gregory A. Hearing, Chair
Robert L. Kilbride
F. Damon Kitchen
Marguerite Longoria
Stephen A. Meck
Shane T. Muñoz, Legal Education Director
Honorable Stephanie W. Ray
Cynthia N. Sass
Robert S. Turk, Secretary/Treasurer
S. Grier Wells, Board Liaison

TELEPHONE:

Walter E. Aye
Deborah C. Brown
Lindsay B. Hanson
Eric J. Holshouser
Rick Johnson
Leslie W. Langbein
Brian Lerner
Daniel R. Levine
Patrick Martin

Robert A. Miles
Jonathan Oliff
Ray J. Poole, Jr.
Robyn Rusignuolo
Jill S. Schwartz
Cathleen Scott
Scott T. Silverman
Leslie K. Reicin Stein

GUESTS:

Michael K. Grogan
John Hoffman
Don Slesnick

EXCUSED:

Frank E. Brown
Scott A. Fisher
Honorable Alan O. Forst
Alan Gerlach

ABSENT:

David W. Adams
David E. Block
Thomas A. Delegal, III
Cary Singletary
John S. Trimper