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EXECUTIVE COUNCIL

Terms Expiring 2019

David E. Block, Miami
Sacha Dyson, Tampa
Yvette D. Everhart, Tampa
Richard E. Johnson, Tallahassee
Jay P. Lechner, Saint Petersburg
Brian L. Lerner, Fort Lauderdale
Carlo D. Marichal, Plantation
Patrick Martin, Miami
Hon. Stephanie Williams Ray, Tallahassee
David H. Spalter, Winter Park
Leslie Reicin Stein, Tampa

Terms Expiring 2020

Scott E. Atwood, Fort Myers
Ryan D. Barack, Clearwater
Robert M. Eschenfelder, Bradenton
Karen Evans, Miami
Chelsie J. Flynn, Orlando
Kristen Foslid, Miami
Jennifer Fowler-Hermes, Sarasota
Hon. Robert L. Kilbride, Stuart
Gregg R. Morton, Tallahassee
Marlene Quintana, Miami
Cristina Velez, Tallahassee
Lindsey Wagner, Jupiter (Alternate)

PAST CHAIRS

Deborah C. Brown, Tampa
Hon. Frank E. Brown, Tallahassee
Sherril M. Colombo, Miami
Gregory A. Hearing, Tampa
Eric J. Holshouser, Jacksonville
F. Damon Kitchen, Jacksonville
Leslie W. Langbein, Miami Lakes
Stephen A. Meck, Tallahassee
Shane T. Muñoz, Tampa
Cynthia N. Sass, Tampa
Jill S. Schwartz, Winter Park
Robert S. Turk, Miami

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LABOR AND EMPLOYMENT LAW SECTION

www.laboremploymentlaw.org

October 16, 2019

Re: Agenda – October 17, 2019 at **5:00 p.m. e.s.t.**

Dear Labor and Employment Law Section Executive Council Members and Committee Chairs,

The Labor & Employment Law Section executive council meeting will take place on Thursday, October 17, 2019, at 5:00 p.m. e.s.t. at the **Rosen Plaza Hotel**, 9700 International Drive, Orlando, Florida 32819, (407) 996-9700, www.rosenplaza.com.

NOTE: There are two Rosen hotels on International Drive in close proximity. One is the Rosen Plaza, and the other is the Rosen Centre. This year, we are not meeting at the Rosen Shingle Creek on Universal Drive.

The agenda and supporting documents for this meeting are attached.

For those who cannot attend in person, conference call information is listed here. **Toll-free number: 888-376-5050 Participant Pin: 1563821345**

HOTEL ROOM ASSIGNMENTS

Thursday, October 17, 2019

1:00 p.m. – 4:50 p.m.

45th Public Employment Labor Relations Forum (3476) Presented by the Labor and Employment Law and City, County & Local Government Sections (*Regency Ballroom Salons 3/4*)

5:00 p.m. – 6:00 p.m.

Labor Executive Council Meeting (*Regency Ballroom Salon 7*)

6:00 p.m. – 7:30 p.m. All Member Reception (*Mezzanine Balcony*)

7:30 p.m. – 8:30 p.m. Reception in Chair's Suite

Friday, October 18, 2019

8:50 a.m. – 3:40 p.m.

45th Public Employment Labor Relations Forum (3476) Presented by the Labor and Employment Law and City, County & Local Government Sections (*Regency Ballroom Salons 3/4*)

11:50 a.m. – 1:00 p.m.

Luncheon (*Regency Ballroom Salons 11/12*)

AGENDA



AGENDA

Labor and Employment Law Section Executive Council Meeting

Rosen Plaza Hotel, 9700 International Drive, Orlando, Florida 32819

Thursday, October 17, 2019

5:00 p.m. – 6:00 p.m.

Call-in Number: 1-888-376-5050

Participant Code: 1563821345

- I. Call to Order and Introductions** – David W. Adams, Chair

- II. Secretary/Treasurer Report** – Scott Atwood, Secretary/Treasurer
 - A. Minutes – August 29, 2019 (**Attachment A**)
 - B. July 2019 Financial Statement (**Attachment B**)

- III. Committee and Subcommittee Reports**
 - A. Update on Trial Practice Seminar
 - B. CLE update
 - C. Committees Reports (as necessary)
 - D. Bar Journal Report (**Attachment C**)

- IV. New Business**
 - A. Bylaw Amendments (see page D6) (**Attachment D**)
 - B. 2019 – 2020 Labor Audio Webcast Series (**Attachment E**)
 - C. Upcoming Events

V. Next Executive Council Meeting

A. Thursday, February 6, 2020

The Florida Bar Winter Meeting

Hyatt Regency Orlando, 9801 International Drive, Orlando, FL 32819

5:00p.m. – 6:00 p.m. Executive Council Meeting

6:00 p.m. – 7:30 p.m. Reception

7:30 p.m. – 8:30 p.m. Dessert Reception in Chair's Suite

VI. Adjournment

EXHIBIT A

MINUTES

August 29, 2019
Offices of GrayRobinson
Orlando, Florida

Attendance:

David W. Adams
Robyn S. Hankins (phone)
Scott E. Atwood
Sacha Dyson
Joshua T. Chilson (phone)
Angie Froelich (phone)
Zascha Blanco Abbott (phone)
Ryan D. Barack
David E. Block (phone)
Deborah C. Brown (phone)
Hon. Frank E. Brown (phone)
Sherril M. Colombo (phone)
Robert M. Eschenfelder (phone)
Karen Evans (phone)
Yvette D. Everhart (phone)
Chelsie J. Flynn (phone)
Hon. Alan O. Forst (phone)
Kristin Foslid (phone)
Jennifer Fowler-Hermes (phone)
Gregory A. Hearing
Eric J. Holshouser (phone)
Janeia Ingram (phone)
Richard E. Johnson (phone)
Hon. Robert L. Kilbride

F. Damon Kitchen (phone)
Leslie W. Langbein (phone)
Jay Lechner (phone)
Carlo D. Marichal (phone)
Patrick Martin (phone)
Stephen A. Meck (phone)
Shane T. Munoz
Gregg R. Morton (phone)
Marlene Quintana (phone)
Hon. Stephanie W. Ray (phone)
Erika Deutsch Rotbart (phone)
Cynthia Sass (phone)
Jill S. Swartz (phone)
Robert S. Turk
Cristina Velez (phone)

Excused:

Cathleen A. Scott
Brian L. Lerner
Viktoryia Johnson
Angeli Murthy
David S. Spalter
Lindsey Wagner
Leslie K. Reicin Stein

David Adams opened the meeting and welcomed the new members. He announced that the Labor Skills Seminar was going to be reactivated as a three-day CLE in Tampa in August 2020. The Seminar will be coordinated by CLE Chair Sasha Dyson. He is also holding the Advanced Labor CLE in Washington, DC. It's the first time it's been there in 10 years. Judge Forst will coordinate the CLE.

Mr. Adams announced he wants to conduct a review the committees, and that there will be discussion of that in the report from the Long-Range Planning Committee.

The minutes from the prior meeting were approved unanimously, upon motion from Mr. Barack and second from Mr. Kilbride, with a few edits. There was no section yacht, the section did not pay for Mr. Atwood's bar tab, and the meeting was in Boca Raton.

Mr. Turk inquired into reimbursements for meetings and was informed that they would be going out that week.

Ms. Dyson gave a CLE report. There will be a an ADA webinar on 10/9 [moved to 11/15], the PERC seminar is on 10/17-10/18, the Certification Review CLE is 2/6-2/7 (in conjunction with Bar's Winter Meeting), and they are trying for an agency CLE in Tallahassee around 3/5 (like the one Mr. Brown created four years ago). The Advanced Labor CLE will be in April, and they are working on hotels now. Ms. Dyson noted that she thought that the webinars should really be planned in the spring for the next fall and that the incoming CLE Chair should be doing that in the future. Ms. Dyson is volunteering to do this next year.

Mr. Kilbride reported on the Long-Range Planning meeting that was held just before the Council meeting. They considered the structure of all the committees. There was strong consensus to merge the agency (NLRB/PERC/EEOC) committees into one, and to merge special projects committee into the long-range planning committee. They also recommended that the ABA liaison committee be sunset. The LRP committee also felt that the creation of a Legal Education Committee to assist the CLE Director would be effective in oversight. LRP felt that the Communications committee was doing well, especially the website subcommittee. They also felt that the new corporate counsel and immigration committees were new and should be allowed to develop.

There was substantial discussion about the possible mergers and sunseting of committees. Mr. Brown noted that any such changes may require a bylaws change, which the Board of Governors may need to approve. He also spoke in favor of merging special projects into long-range planning.

Mr. Meck spoke in favor of retaining the different agency committees, observing that they are not really apples to apples. Mr. Adams suggested that they not be combined, but rather have one person who oversees them as separate subcommittees. He observed that it would be easier for one person to reach out to other committees to do outreach. Mr. Meck observed that if the reason for the merger was oversight rather than substantive, he thinks they need to stand on their own. Mr. Adams took the position that he would prefer more centralized leadership. Mr. Turk and Mr. Eschenfelder both indicated that they like getting more people involved, and that there may be a need for an additional officer to do that.

Ms. Sass observed that the ABA committee, although not extremely active, was useful. ABA is a useful partner when sponsoring things, and not a great idea to have a void in the section's relations with them. Mr. Barack suggested that ABA be combined with member outreach and local affiliates committees into a single committee. Mr. Munoz concurred, but Ms. Abbott disagreed. After discussion, Mr. Barack made the motion to combine the three committees into one, and Mr. Munoz seconded. The motion passed unanimously.

Mr. Turk then made a motion, which was seconded by Mr. Eschenfelder, to merge special projects into the long-range planning committee. The motion passed unanimously.

Mr. Eschenfelder then made a motion, which Ms. Dyson seconded, to create a Legal Education Committee to assist and support the CLE Director. Discussion ensued. Mr. Munoz noted it would require a bylaws amendment. Various commentators noted that maybe the chairs of some of less-busy committees could be members of the new committee in order to assist with CLEs. After discussion, the motion to create a Legal Education Committee passed unanimously.

After discussion about merging the agency committees, no motion to combine them was made. The committees remain separate, but it was suggested they need more coordination.

A discussion about whether committee reports should be written ensued, and Mr. Adams noted that he was fine with chairs presenting in that manner if they chose.

Mr. Brown offered to do a draft of the bylaws changes necessary to implement the changes, and then circulate them.

Turning to other business, Ms. Scott and Ms. Sass noted that the ABA is organizing a job fair for new attorneys and anyone interested in participating should contact them.

Mr. Adams also observed they the Bar is working on changing the technology for the phones because it is difficult to hear using the current system.

The meeting was adjourned at 6:10.

EXHIBIT B



2019 – 2020
Labor & Employment Law Section
FINANCIAL STATEMENT

JULY 2019

Beginning Fiscal Year Fund Balance	\$129,607
Total Revenue	\$84,901
Total Expenses	(\$38,362)
Net Operations	\$45,539
Ending Fiscal Year Fund Balance	\$176,146*
	<i>*see attached statement of operations</i>

MEMBERSHIP

Current Membership	2,030
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THE FLORIDA BAR
Labor and Employment Law Section - July 2019 Financial Statement

	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20	FY 2019-20
	Actual	Actual	Actual	July Actual	Budget
3001-Annual Fees (member dues - \$45 increased from \$40 in 2018-19)	\$80,080	\$80,280	\$90,890	\$78,795	\$90,090
3002-Affiliate Fees (affiliate dues - AHC & Prof - \$40/Student - \$25)	860	920	880	920	1,020
Total Fee Revenue	80,940	81,200	91,770	79,715	91,110
3321-Registration-Webcast (section-sponsored InReach revenue)(zero'd out)					0
Total Registration Revenue					0
3351-Sponsorships (sponsor or exhibitor revenue)			2,500	0	2,500
3391 Section Profit Split (Joint CLE 80-20 split with CLE Committee)	40,663	(3,408)	33,380	4,660	25,000
3392-Section Differential (Joint CLE Difference / member&non-member fees)	3,300	3,518	4,138	135	1,520
Other Event Revenue	43,963	110	40,018	4,795	29,020
3561-Advertising (advertising in Checkoff/website)	1,400	350	0	0	1,400
Advertising & Subscription Revenue	1,400	350	0	0	1,400
3899-Investment Allocation (Bar's investment of section funds)	18,890	11,479	6,464	391	6,404
Non-Operating Income	18,890	11,479	6,464	391	6,404
Total Revenue	145,193	93,139	138,252	84,901	127,934
4131-Telephone Expense (phone-administrator receives partial stipend)	448	749	237	0	500
4133-Internet Service (wifi cancelled / zero'd out)	448	367	168	0	500
4134-Web Services (website - new website in 2018-19)	8,768	8,031	10,238	65	8,500
4301-Photocopying (copying) (zero'd out)					0
4311-Office Supplies (supplies, e.g. name badge holders)	163	51	555	0	300
Total Staff & Office Expense	9,827	9,198	11,198	65	9,800
5051-Credit Card Fees (Actual fees since fy 17-18)	52	1,067	1,222	190	475
5121-Printing-Outside (Paid Editor / printing newsletter outside Bar)	2,800	4,832	3,246	0	2,000
Total Contract Services	2,852	5,899	4,468	190	2,475
5501-Employee Travel (staff travel per formula)	3,829	5,763	3,150	(55)	5,775
5531-Board/Off/Memb Travel (officer travel / out-of-state travel)	3,587	31,394			1,250
5599-Other Travel (meeting travel expense for council members)	16,174	13,151	12,130	3,489	22,500
Total Travel	23,590	50,308	15,280	3,434	29,525
6001-Post 1st Class/Bulk (mailing)	406	148	143	28	300
6301-Mtgs TFB Annual Meeting (annual convention)	12,713	15,602	2,747	0	13,000
6311-Mtgs General Meeting (council mtgs / winter meeting)	5,898	4,259	3,629	0	3,000
6319-Mtgs Other Functions (Section retreat)	4,756	16,915	212	0	5,000
6321-Mtgs Meals (section dinners - Advanced Labor Topics)	5,292	12,865	10,876	0	10,000
6325-Mtgs Hospitality (section receptions)	8,127	6,507	7,851	0	10,000
6399-Mtgs Other (long range planning meetings)				0	5,000
6401-Speaker Expense (speaker exp not covered by CLE Committee)		189		0	2,000
6451-Committee Expense (LE cmte / cert cmte)	1,634	168		0	1,500
6599-Brd/Off Other (chair's annual convention expenses)		1,591		0	400
7001-Grant/Award/Donation (awards & plaques)	5,551	4,550	6,299	283	7,000
7011-Scholarship/Fellowship (law school scholarships)	9,000	13,000	9,000	0	12,000
7999-Other Operating Exp (operating reserve/miscellaneous)	2,724	174			550
Total Other Expense	56,101	75,968	40,757	311	69,750
8021-Section Admin Fee (FY 18-19 amount is \$18 for paying members only)	35,438	35,420	36,367	34,362	36,522
8101-Printing In-House (Bar's printshop - copies of agendas, etc.)	1,562	1,085	219	0	1,325
8171-Course Approval Fee (section-sponsored CLE approval fee)(zero'd out)					0
Total Admin & Internal Expense	37,000	36,505	36,586	34,362	37,847
9692-Transfer Out-Council of Sections (council of sections contribution)	300	300	300	0	300
Total InterFund Transfers Out	300	300	300	0	300
Total Expense	129,670	178,178	108,589	38,362	149,697
Net Income	15,523	(85,039)	29,663	46,539	(21,763)
2001-Fund Balance, Beginning (As of July 1)	169,457	184,983	99,944	129,607	
Fund Balance, Ending	184,983	99,944	129,607	176,146	

EXHIBIT C

Bar Journal Report

Chair Adams and Executive Council Members,

In advance of the **October 17th 2019** Executive Council meeting, below please find my report of the last 12 months of the Section's Florida Bar Journal activities:

Authors Currently Working

- Author Leslie Langbein is writing an article on the “war on arbitration” which she expects to submit her draft for editing in time for inclusion in the **January/February 2020** Journal issue.
- Author Jackie Prats has agreed to write an article on the distinctions between offers of judgment in state vs. federal employment law cases. She expects to submit her draft for editing in time for inclusion in the **March/April 2020** Journal issue.

Articles Set to Publish

- The article “*Protecting Goodwill as a Legitimate Business Interest in a Restrictive Covenant Enforcement Action*” by Ronald P. Angerer II has been edited and submitted to the Bar Journal and is tentatively scheduled for publication in the **July/August 2019** Journal issue.
- The article “*Unfair Labor Practices in Florida’s Public Sector Workplaces*” by author Gregg Morton has been edited and submitted to the Bar Journal and is tentatively scheduled for publication in the **September/October 2019** Journal issue.
- The article “*A Whistleblower Hidden in Plain Sight: When does an employee termination risk a False Claims Act filing?*” by Robert Spohrer and Dave Rodziewicz has been edited and submitted to the Bar Journal and is tentatively scheduled for publication in the **November/December 2019** Journal issue.

Published in Last 12 Months

- Parts I and II of the article “*Legal Challenges to Labor Arbitration Awards*” by author Donald Spero was published in the **March/April 2019** and **May/June 2019** Journal issues respectively.
- The article “*Are Arbitration Agreements Necessary for Class-Action Waivers to be Enforceable?*” by author Jackie Prats was published in the in the **November/December 2018** Journal issue.
- The article “*Jilt by Association: Adverse Employment Actions Based on Associational Disability Discrimination*” by Alicia Koepke was published in the **September/October 2018** Journal issue.

As always, I appreciate the helpfulness of the members of the Executive Council and Section overall in submitting article ideas and referring aspiring authors to me. Please let me know if you have any questions associated with my report.

Regards,
Robert Eschenfelder
Labor & Employment Law Section Executive Council
Bar Journal Articles Editor

EXHIBIT D

**BYLAWS OF THE
LABOR AND EMPLOYMENT LAW SECTION**

**ARTICLE I
NAME AND PURPOSE**

Section 1. Name. The name shall be "Labor and Employment Law Section of The Florida Bar."

Section 2. Purpose. The purpose and mission of this section is to serve and support our members and others through opportunities for education, leadership, networking, professionalism, and public service, by providing quality programs, publications, scholarships and awards, information access, and social activities, related to the field of labor and employment law and related areas of law.

**ARTICLE II
MEMBERSHIP**

Section 1. Eligibility. Any member in good standing of The Florida Bar interested in the purposes of this section is eligible for membership upon application and payment of this section's annual dues. Except as provided in other sections of this Article II, any member who ceases to be a member of The Florida Bar in good standing shall no longer be a member of the section.

Section 2. Affiliate Membership. The executive council may enroll upon request and upon payment of the prescribed dues as affiliate members of the section other persons who have shown the dual capacity of interest in and contribution to the section's activities and who are law college faculty members, full-time law students at any accredited law school located in the United States, legal assistants or paralegals, human resources professionals, law firm administrators, or authorized house counsel, as defined below. Affiliate membership will be limited to no more than one-third of the section's membership at any one time. Affiliate members shall have all the privileges of membership in the section except they shall not hold office as an elected or appointed officer, become voting members of the executive council, vote or participate in the selection of officers or the nomination of the members of the executive council.

Section 3. Affiliate Membership Definitions

(a) *Law College Faculty Membership.* Any person who is either a full-time or part-time instructor of law at any accredited law school located in the United States may become an affiliate member of the section.

(b) *Law Students.* Any full-time student at any accredited law school located in the United States may become an affiliate member of the section.

(c) *Legal Assistants or Paralegals.* Any individual who works with an active member of the section and who has successfully completed the certified legal assistant (CLA) exam of the National Association of Legal Assistants, Inc., or who has graduated from an ABA

approved program of study for legal assistants, or who has graduated from a course of study for legal assistants which is institutionally accredited but not ABA-approved, and which requires no less than the equivalent of 60 hours of classroom study, or who has graduated from a course of study for legal assistants, other than as defined above, plus not less than 6 months of in-house training as a legal assistant; or a legal assistant or paralegal who has worked with active members of the section for 5 years or more; or any Florida Registered Paralegal;

(d) *Human Resources Professional.* Any individual who is a current member of the Society for Human Resource Management (SHRM) and/or a current member of one of Florida's SHRM-affiliated chapters, as recognized by the HR Florida State Council.

(e) *Law Firm Administrator.* Individuals who are regular members of the Association of Legal Administrators.

(f) *Authorized House Counsel.* Any individual who is an authorized house counsel as defined in chapter 17 of the Rules Regulating The Florida Bar may become an affiliate member of the section.

Section 4. Administrative Year. The administrative year of the section shall run concurrently with the administrative year of The Florida Bar.

Section 5. Annual Dues. The annual dues shall be in an amount fixed by the executive council and approved by The Florida Bar. Dues for regular members and affiliate members other than law students, as defined above, shall not exceed \$40 per year. There shall be no proration of annual dues. Upon becoming a member, dues shall be payable thereafter in advance of each membership year. Any member whose dues are in arrears for a period of 3 months shall cease to be a member of the section. The annual dues for law students, as defined above, shall be no less than \$20 per year per member. The dues shall not exceed 50% of the annual Florida bar dues.

Section 6. Cost of Affiliate Memberships. The section shall reimburse The Florida Bar for expenses incurred by The Florida Bar in administering this section's affiliate memberships.

ARTICLE III OFFICERS

Section 1. Officers. The officers of this section shall be a chair, chair-elect, secretary-treasurer, legal education director, and an immediate past chair, all of whom shall be members in good standing.

Section 2. Duties of Officers. The duties of the officers shall be as follows:

(a) *Chair.* The chair shall preside at all meetings of the section, shall appoint appropriate committees of the section to serve during the chair's term of office, shall plan and supervise the program of the section at its annual meeting, and perform all executive and administrative duties necessary or proper to the organization and functioning of the section, including any duty as from time to time may be prescribed by the section or by The Florida Bar.

(b) *Chair-elect.* The chair-elect shall assist the chair, and in the absence or disability of the chair shall perform the duties of that office. The chair-elect shall be responsible for such other duties as the chair may designate.

(c) *Secretary/Treasurer.* The secretary-treasurer shall keep minutes of the section, maintain the permanent records of the section, and prepare annual financial statements under the supervision of the executive council. The secretary/treasurer shall perform such other duties as may be prescribed by the chair.

(d) *Legal Education Director.* The legal education director shall be responsible for all Section-sponsored seminars throughout the year of the individual's tenure; shall be responsible for appointing all program chairs for such legal education seminars; and, shall be responsible for such other duties as may be prescribed by the chair.

(e) *Immediate Past Chair.* The immediate past-chair shall assist the chair and shall be responsible for such other duties as the chair may designate.

Section 3. Term of Office. Each officer shall hold office for a term beginning at the close of the annual meeting of the section following election and until a successor is elected and qualified. If a vacancy shall arise in the office of secretary/treasurer or the office of the legal education director, the chair shall appoint a successor for the unexpired term. If a vacancy shall arise in the office of chair and there also shall exist a vacancy in the office of the chair-elect, the executive council shall appoint a successor to the unexpired term; otherwise the chair-elect shall fill the remainder to the term of office and the executive council shall appoint a chair-elect for the balance of the unexpired term.

ARTICLE IV EXECUTIVE COUNCIL

Section 1. Governing Body. The section shall be governed by an executive council. The chair of the section shall be the chair of the executive council and the secretary/treasurer of the section shall be the secretary/treasurer of the executive council. It shall have general supervision and control of the affairs of the section, subject to the provision of the Rules Regulating The Florida Bar and the bylaws of this section. It shall authorize all commitments or contracts which entail the payment of money and it shall authorize the expenditures of all section funds. It shall not, however, authorize commitments, contracts or expenditures involving amounts of money in excess of the total amount which is budgeted as disbursements for that fiscal year. As the governing body of the section, it shall be vested with the power and authority to formulate, fix, determine and adopt matters of policy concerning the affairs and purposes of the section which are not inconsistent with the policies of The Florida Bar. All recommendations of the section to The Florida Bar or to any branch of the judiciary or to any other group or body

to which recommendations by the section are authorized to be made, must first be approved by the executive council. Any recommendation made other than to The Florida Bar shall have the prior approval of The Florida Bar. The executive council shall conduct its business at regular and special meetings as provided for in these bylaws; provided, however, the business of the executive council between regular meetings may be conducted by facsimile, correspondence and telephone calls to the extent authorized by the chair.

Section 2. Executive Committee. There shall be an executive committee of the council composed of the chair, chair-elect, secretary-treasurer, legal education director, and immediate past chair of the section. The executive committee will meet as directed by the chair. Its functions will be to serve as a planning agency for the executive council and to take emergency actions on behalf of the executive council between regular meetings of the executive council. All actions of the executive committee taken on behalf of the executive council shall be subject to ratification by the executive council at its next regular meeting. A majority of the executive committee shall be sufficient to exercise its powers and it shall not be necessary that a formal meeting be held for action. Meetings may be conducted by correspondence, telephone, electronic media, facsimile, or any combination thereof to the extent authorized by the chair.

Section 3. Executive Council Membership. The executive council shall consist of the chair, chair-elect, immediate past chair, secretary-treasurer, legal education director, every past chair of the Labor Relations Committee of The Florida Bar or of the Labor and Employment Law Section of The Florida Bar who has attended (by phone or in person) 60% or more of the executive council meetings in the previous section year, and 22 elected members.

Section 4. Term of Office. All members of the executive council, excluding officers and former labor relations committee or section chairs and those initially appointed by the chair as hereinafter provided, shall serve a term of 2 years. The terms of the elected members of the executive council shall be staggered so that one-half of the members shall take office at each annual meeting. All terms of office commence at the conclusion of the annual meeting of the executive council following their election and ending at the conclusion of the annual meeting of the executive council 2 years thereafter.

Section 5. Vacancies. If at any time during a term of office of an executive council member, such office shall become permanently vacant by reason of death, resignation, ineligibility or other reason, such office shall be filled for the balance of such term by vote of the executive council at the next meeting of the executive council unless otherwise provided herein. The chair shall fill all appointed office vacancies.

ARTICLE V

TERMS OF OFFICERS AND EXECUTIVE COUNCIL MEMBERS: NOMINATION AND ELECTION OF OFFICERS AND EXECUTIVE COUNCIL

Section 1. Election of Officers. The executive council at its annual meeting shall elect a chair-elect, secretary-treasurer and legal education director to take office for a term to commence immediately following the adjournment of the executive council's annual meeting and to conclude at the conclusion of the next annual meeting of the executive council. The chair-elect shall become the chair. In order to be considered for chair-elect, the individual must have served

the preceding year as either secretary-treasurer or legal education director. Candidates for secretary-treasurer and legal education director, shall have:

- (a) served at least 2.5 terms (5 years) on the section's executive council and have an attendance rate of at least 80% of the meetings over that 5-year term;
- (b) chaired at least 1 section committee or subcommittee, and attended at least 1 long range planning retreat;
- (c) participated as a speaker in at least 1 section-sponsored or co-sponsored CLE programs and chaired at least 1 such program (participation and chairing may not be concurrent); and
- (d) published at least 1 article in the Checkoff, The Florida Bar Journal, or section-sponsored or co-sponsored CLE materials.

Section 2. Election of Executive Council. All elected members of the executive council shall be elected by the membership in attendance at the annual meeting of the section.

Section 3. Nominating Committee. A nominating committee, as hereinafter provided, shall submit to the executive council nominations for officers and the executive council for the subsequent year, for the purpose of presenting to the section at the annual meeting. The nominating committee shall consist of the chair, who presides, the chair-elect and the immediate past chair. The executive council shall approve the nominations, and may make additional nominations for election of officers or to the executive council prior to submission to the section membership. Nominations for such vacancies may also be made from the floor at the annual meeting of the section.

Section 4. Balloting. The election of such officers and executive council members at the annual meeting of the section shall be by majority vote of those present pursuant to a balloting procedure to be determined by the chair.

Section 5. Management & Labor Representation. Insofar as is practical, the nominating committee and the section membership will alternate their recommendations and elections, respectively between management, labor and neutral representatives. It is the intent of this section that a bona fide effort be made to alternate the partisan identity of the chair between labor and management.

Section 6. Ex-Officio Executive Council Members. Every past chair of the Labor Relations Committee of The Florida Bar or of the Labor and Employment Law Section of The Florida Bar who has attended (by phone or in person) 60% or more of the executive council meetings in the previous section year shall be eligible to serve as a full member of the executive council during the subsequent year.

**ARTICLE VI
STANDING COMMITTEES**

Section 1. Standing Committees. There shall be the following standing committees of the section:

- 1) *Outreach Committee;*
 - a. Membership Outreach
 - ~~a. ABA Liaison Subcommittee~~
 - b. Law School Liaison Subcommittee
 - c. Judicial Outreach Subcommittee
 - ~~d. Local/Voluntary Bar Association Liaison Subcommittee~~
 - d. EEOC and FEPA Liaison Subcommittee
 - e. NLRB Liaison Subcommittee
 - f. Wage and Hour Administration Liaison Subcommittee
- 2) *Long Range Planning/ Special Project Committee;*
- 3) *Communications Committee;*
 - a. Publications Subcommittee
 - b. Website Subcommittee
- 4) *Nominating Committee; and*
- 5) *Legal Education Committee ~~Special Projects Committee.~~*

*[*COMMENTS TO CHANGES- (Due to an overlap or redundancy between sub-committee functions, the function of several sub-committees were merged into other sub-committees. The LEC was created to assist and support the Section's CLE Director.)]*

Section 2. Appointment to Committees. With the exception of the nominating committee, the section chair shall appoint the chairs of the standing committees. The section chair shall work with each appointed committee chair to select interested members of the respective committees. However, the nominating committee shall consist only of the chair, the chair-elect, and the immediate past chair.

Section 3. Ad Hoc Committees. The chair may create and appoint members of such ad hoc committees as are deemed necessary.

ARTICLE VII MEETINGS

Section 1. Annual Meeting. The annual meeting of the section shall be held during the annual meeting of The Florida Bar, with such programs and order of business as may be arranged by the chair. The active members of the section attending any meeting of the section shall constitute a quorum for the transaction of business and a majority vote of those present shall be binding.

Section 2. Regular Meetings. There shall be no fewer than 3 regular meetings of the section each year, 1 of which shall be in conjunction with the annual meeting of The Florida Bar. Insofar as is possible, the other 2 regular meetings shall be held in conjunction with scheduled seminars or CLE courses sponsored by the section.

Meetings of the section shall be subject to call by the chair of the section upon 15 days' written notice. Those present at a meeting duly called shall constitute a quorum and a majority vote of those present shall be binding.

Section 3. Executive Council Meetings. The executive council shall meet during the 3 regular meetings of the section. The executive council may also act or transmit business herein authorized, without meeting, by written approval of the majority of the entire executive council. All members of the executive council shall attend at least 60% of the regular meetings of the section. Any individual who misses any 2 consecutive such meetings, without prior approval of the chair, will lose executive council membership, and the secretary-treasurer will notify the individual in writing within 20 days of the second consecutive absence. Should an individual, upon such notification, wish to appeal loss of executive council membership, the individual may appeal such loss to the executive committee in writing within 10 days of notification, setting forth good cause for the 2 consecutive absences. After the executive committee's review of any such appeal, the secretary-treasurer will notify the individual in writing of the outcome of the appeal.

Section 4. Special Meetings. Special meetings of the entire membership of this section may be called by the executive council provided 14 days' notice thereof shall be given to each member of the section.

ARTICLE VIII LEGISLATIVE POSITIONS

Due to the unique make-up of the section membership, which consists of labor and management representatives, and in order to maintain the neutrality necessary for cohesiveness of the section membership, neither the legislative committee nor the section shall take a legislative position on behalf of the section. This provision shall not prohibit individual members of the section from adopting personal legislative positions. However, individual legislative positions shall not be represented as positions of the section.

**ARTICLE IX
MISCELLANEOUS**

Section 1. Action of The Florida Bar. No action of the section shall be represented or construed as the action of The Florida Bar until the same has been approved by the The Florida Bar.

Section 2. Financial Obligations. Before payment, all financial obligations must first be approved in the manner specified by the executive council.

Section 3. Compensation and Expenses. No salary or other compensation shall be paid to any member of the section for performance of services to the section but the chair and secretary/treasurer may authorize the payment of reasonable out-of-pocket expenses consistent with the section's financial policies.

Section 4. Amendments. These bylaws may be amended only by the Board of Governors of The Florida Bar upon recommendation made by the executive council of the section.

EXHIBIT E



The Florida Bar Labor and Employment Law Section 2019 -2020 Audio Webcast Series (3737)

November 15, 2019

12:00 p.m. – 1:00 p.m.

Have You Googled It? Website Accessibility Under Title II and Title III of the ADA (3573)

This seminar will explore the recent trends and litigation regarding website accessibility under Title II and Title III of the ADA as well as discuss best practices for handling these cases from both governmental entity and private business perspectives.

Anastasia Protopapadakis, GrayRobinson, P.A., Miami

December 11, 2019

12:00 p.m. – 1:00 p.m.

We're at Impasse. Now What? Best Practices for the Impasse and Special Magistrate Process (3574)

This seminar will discuss the impasse process as well as provide best practices for handling your case before the special magistrate.

*Thomas W. Young, III, Special Magistrate
Stephanie M. Marchman, GrayRobinson, P.A., Gainesville*

January 8, 2020

12:00 p.m. – 1:00 p.m.

Be an Expert in Handling Experts: Best Practices for Expert Designation, Discovery, Direct, and Cross-Examination (3575)

This seminar will explore the best practices in federal and state court for designating experts, conducting discovery, and handling the direct and cross-examinations of experts in labor and employment matters.

*Samuel J. Horovitz, Rogers Towers P.A., Jacksonville
Eric J. Holshouser, Rogers Towers P.A., Jacksonville*

February 5, 2020

12:00 p.m. – 1:00 p.m.

Flexible Work Arrangements: Legal Implications of a Millennial Must Have (3576)

Hear the latest on flexible work arrangements and the legal and practical considerations attorneys need to know in advising clients on adopting or electing to participate in such programs.

Deborah C. Brown, Brown Law and Consulting, PLLC, Tampa

March 11, 2020

12:00 p.m. – 1:00 p.m.

Hot Topics in Public Sector Bargaining (3577)

This seminar will discuss the recent developments in public sector bargaining and the cutting-edge issues that employers and unions will face at the bargaining table as well as discuss best practices for addressing those issues.

Nathan J. Paulich, GrayRobinson, P.A., Tampa

April 8, 2020

12:00 p.m. – 1:00 p.m.

New Rules of Reason or Reasons to Rue? NLRB Decisions Changing the Landscape of the Union and Non-Union Workplace (3578)

This seminar will explore why all employers must be cognizant of the NLRB and the impact of recent NLRB decisions on all workplaces.

*Lisa K. Berg, Stearns Weaver Miller Weissler Alhadeff & Sitterson, P.A., Miami
Robert S. Turk, Stearns Weaver Miller Weissler Alhadeff & Sitterson, P.A., Miami*

May 6, 2020

12:00 p.m. – 1:00 p.m.

What Employers and Employees Need to Know About the GDPR, CCPA, and Emerging Privacy Laws (3572)

This seminar will explore the recent legislation regarding privacy and discuss best practices for employees and employers in addressing these recent developments in privacy legislation.

Kevin M. Levy, GrayRobinson, P.A., Miami

CLER PROGRAM

Max. Credit: 8.5 hours

General: 8.5 hours

CERTIFICATION PROGRAM

Max. Credit: 8.5 hours

Labor and Employment Law: 8.5 hours

To register, log into The Florida Bar Members Portal at www.member.floridabar.org, click CLE Events/Meetings and scroll to the desired course, OR click on a title above.