

19th ANNUAL LABOR & EMPLOYMENT LAW SEMINAR

DEALING WITH CHANGE IN THE WORKPLACE:
HOLDING YOUR BREATH IS NOT AN OPTION

THURSDAY ■ MAY 7, 2009

8:00 A.M. - 4:30 P.M.

SEMINOLE HARD ROCK HOTEL & CASINO ■ HOLLYWOOD, FLORIDA

AGENDA

8:00 – 9:00 a.m.

CONTINENTAL BREAKFAST & REGISTRATION

9:00 – 10:00 a.m.

BARACK TO THE FUTURE

How Washington Has and Will Change How We Work

Robert S. Turk, Stearns Weaver Miller

We will discuss how President Obama, Congress, unions, federal agencies, the Supreme Court, and the economy may all make the workplace both a strange new world and one that takes us back to an earlier era - buckle up!

10:00 – 11:00 a.m.

ALL IN THE FAMILY (LEAVE)

The Family Medical Leave Act (FMLA)

Don't role the dice, get in compliance! The new FMLA regulations from the U.S. Department of Labor went into effect on January 16, 2009, with new certification, notice, and designation forms. We will discuss the issues that are now occurring under the new regulations and provide practical advice for complying with them. We will suggest revisions to your company's policies and practices.

Lisa K. Berg, Stearns Weaver Miller
Kara S. Nickel, Stearns Weaver Miller

11:00 – 11:10 a.m.

BREAK

11:10 a.m. – 12:00 p.m.

iWORK IN THE DIGITAL VILLAGE

Facebook, YouTube, Blogs, P2P, Twitter, Blackberries, and Electronically-Stored Information

Ingrid H. Ponce, Stearns Weaver Miller

"Tweet," "Blog," "Poke," "Tag," "P2P": Chances are your employees are doing it. Should HR do it too? What are the legal consequences of relying on Facebook, YouTube, Justin.TV and other networking sites when making employment decisions? We will discuss how the digital age affects the hiring, managing, and firing of every employee who has ever clicked "send."

12:00 – 1:15 p.m.

LUNCH

1:15 – 2:15 p.m.

DEALING WITH DIVERSITY IN A WORKFORCE THE SIZE OF A MAJOR CITY

The Challenges, Strategies, and Lessons for Every Employer

Geri P. Thomas, Sr. Vice President and
Global Diversity and Inclusion Executive
Bank of America

Janis Johnson, Assistant General Counsel
Bank of America

2:15 – 2:25 p.m.

BREAK

AGENDA

2:25 – 3:30 p.m.

**SESSION A:
TIGHT FITTING GENES**

Expansion of the Americans with Disabilities Act and Medical Issues of Genetic Testing

Jon K. Stage, Stearns Weaver Miller
Andrew L. Rodman, Stearns Weaver Miller

The ADA and the newly passed Genetic Information Nondiscrimination Act (GINA) could create new challenges for employers. Congress has broadly expanded the definition of "disability." GINA prohibits basing decisions on the genetic make-up for developing diseases (the EEOC has recently issued its GINA regulations). We will explain how these far-reaching laws allow employees to sue even when they have no symptoms and what you should be doing to avoid lawsuits.

**SESSION B:
E PLURIBUS "UNION"**

EFCA, The Respect Act, Right to Work

Robert T. Kofman, Stearns Weaver Miller
W. Russell Hamilton, III, Stearns Weaver Miller

Unions are pushing President Obama and Congress to pass a law eliminating secret ballot elections and allowing arbitrators to impose union contracts on employers who become unionized. Employees may be required to pay union dues as a condition of employment. Learn what you need to be doing now to protect your company from unionization.

3:30 – 3:40 p.m.

BREAK

3:40 – 4:35 p.m.

**SESSION A:
FOR (LED)BETTER OR FOR WORSE**

The Rise of Pay Equity Issues

Susan J. Toepfer, Stearns Weaver Miller
Eric K. Gabrielle, Stearns Weaver Miller

The Ledbetter Act will increase the time for pay equity claims not only with respect to gender but to other protected classes as well. We will explain why and how employers must rethink and rewrite record-keeping rules and revisit compensation and promotion practices to avoid new areas of exposure.

**SESSION B:
American as Pastel de Manzana (Apple Pie)**

Dealing with the Unique Issues of Florida's Diverse Workforce

Annette Torres, Stearns Weaver Miller
Arturo J. Fernandez, Stearns Weaver Miller

Only in South Florida! Those who work here know the unique challenges managing a multicultural/multilingual workforce. From English/Spanish-Only rules to cases of discrimination based on dress, religion, and even between members of the same protected class (Is it discrimination if a Hispanic manager disciplines a Hispanic employee from another country?). We will explore strategies and best practices for the effective management of a diverse and multiethnic workforce. No se lo pierdan! (Don't miss it!)

REGISTRATION

We understand that employers and human resources professionals need timely, practical business-oriented advice on labor and employment issues. We also understand that the effects of the current economic crisis are felt by businesses large and small across a broad range of industries.

As an accommodation to our clients and friends, this year we have reduced the registration fee to \$195 for the first attendee and \$150 for additional attendees from the same company. The fees includes full day of programming, continental breakfast, lunch, and program materials.

REGISTER ON-LINE AT:

www.acteva.com/go/laborseminar

For more information, please contact Krista Kellogg
at 305-789-3504 or
kkellogg@stearnsweaver.com

CONTINUING EDUCATION

This program is pending prior approval for 9.0 hours of continuing education credit hours by The Florida Bar and 7.5 recertification hours by the Human Resource Certification Institute (HRCI).

Accountants may receive continuing professional education credit by forwarding proof of attendance to the Department of Professional Regulation, State Board of Accountancy.

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Robert T. Kofman is a Shareholder in the Firm and Co-Chair of the Firm's Labor and Employment Department. Mr. Kofman is Board Certified by The Florida Bar in labor and employment law and AV-rated by Martindale-Hubbell. He is consistently recognized as among the best in Florida, enjoying numerous accolades from top publications including, *Chambers USA*, *Florida Trend's Florida Legal Elite*, *Florida Super Lawyers*, and *The Best Lawyers in America*. Mr. Kofman earned his J.D., with distinction, from Duke University and his B.A. from Pennsylvania State University.

Robert S. Turk is a Shareholder in the Firm and the Co-Chair of the Firm's Labor and Employment Department. Mr. Turk is Board Certified by The Florida Bar in labor and employment law and AV-rated by Martindale-Hubbell. He currently serves as Secretary/Treasurer of the Academy of Florida Management Attorneys. Consistently recognized as among the best in Florida, Mr. Turk enjoys numerous accolades from top publications including, *Chambers USA*, *Florida Trend's Florida Legal Elite*, *Florida Super Lawyers*, and *The Best Lawyers in America*. Mr. Turk earned his J.D. from the University of North Carolina School of Law and his B.A., Phi Beta Kappa, from the University of North Carolina, Chapel Hill.

Lisa K. Berg is a Shareholder in the Labor and Employment Department. Ms. Berg is Board Certified by The Florida Bar in labor and employment law and AV-rated by Martindale-Hubbell. She exclusively represents management in labor and employment matters, and has experience in a diverse group of industries, including healthcare, pharmaceutical, airline, manufacturing, automobile, legal, housing, construction, arts, professional sports, banking, real estate, financial, hospitality, and retail. Ms. Berg earned her J.D. from Emory Law School and her B.S. from Cornell University.

Arturo J. Fernandez is an Associate in the Labor and Employment Department. His practice is focused on litigation of employment disputes in federal and state court and before administrative agencies. Mr. Fernandez earned his J.D. from the University of Florida Levin College of Law and his B.S. from the University of Miami.

Eric K. Gabrielle is a Shareholder in the Labor and Employment Department. Mr. Gabrielle is Board Certified by the Florida Bar in labor and employment law. He earned his J.D., with honors, from the University of Florida College of Law and his B.A. from the University of Florida.

W. Russell Hamilton, III is a Shareholder in the Labor and Employment Department. Mr. Hamilton's practice focuses on labor, employment and employee benefits matters, representing exclusively employers, employer associations, and employee benefit plans and fiduciaries. Consistently recognized as among the best in Florida, Mr. Hamilton enjoys numerous accolades from top publications including, *Chambers USA*, *Florida Trend's Florida Legal Elite*, *Florida Super Lawyers* and *The Best Lawyers in America*. He earned his J.D., *cum laude*, from Mercer University School of Law and his B.A. from Stetson University.

Janis Johnson is an Assistant General Counsel and member of the Global Human Resources legal practice group in the Bank of America legal department. She provides strategic counseling and support to the human resources managers and executives supporting assigned lines of business within the organization. Ms. Johnson earned her J.D. from the University of South Carolina School of Law and her B.S. from the University of South Carolina.

Kara S. Nickel is a Shareholder in the Labor and Employment Department. She focuses her practice on counseling and employment litigation. Ms. Nickel earned her J.D., *summa cum laude*, from the University of Miami School of Law and her B.A., *cum laude*, from the University of Miami.

Ingrid H. Ponce is a Shareholder in the Labor and Employment Department. She focuses her practice on employment litigation and counseling, including sexual harassment, Title VII, ADA, ADEA, and Whistleblower Claims. Ms. Ponce earned her J.D., with honors, from the University of Florida Levin College of Law and her B.A., *magna cum laude*, from Rollins College.

Andrew L. Rodman is a Shareholder in the Labor and Employment Law Department. He represents and advises clients on a broad range of labor and employment related matters under state and federal law. He earned his J.D., *cum laude* from Boston University School of Law and his B.A., *magna cum laude*, from Brandeis University.

Jon K. Stage is a Shareholder in the Labor and Employment Department. Mr. Stage has litigated and tried a wide variety of employment law claims arising under various aspects of Title VII, the Family and Medical Leave Act, the Fair Labor Standards Act, the Age Discrimination in Employment Act, the Americans with Disabilities Act, and the Florida Civil Rights Act. He earned his J.D. from Nova Southeastern University Shepard Broad Law Center and his B.S. from Stetson University.

Geri P. Thomas is Global Diversity and Inclusion Executive for Bank of America. Since 2001, she has been Senior Staffing Executive responsible for staffing activities in support of the Global Consumer and Small Business Bank. She was named Corporate Diversity Executive in November 2002. Ms. Thomas earned her B.S. in Human Resources from Georgia State University.

Susan J. Toepfer is a Shareholder in the Labor and Employment Department. Ms. Toepfer's practice is focused on litigation of employment disputes in federal and state court and before administrative agencies. She is the Immediate Past President of the Greater Miami Society for Human Resource Management. Ms. Toepfer earned her J.D., *cum laude*, from the University of Michigan and her B.S., *magna cum laude*, Phi Beta Kappa, from Vanderbilt University.

Annette Torres is a Shareholder in the Labor and Employment Law Department. Ms. Torres represents employers in the defense and trial of employment disputes, including class action and individual claims arising under the full spectrum of state and federal employment laws. She is AV-rated by Martindale-Hubbell. Ms. Torres earned her J.D., *cum laude* from the University of Miami, her M.B.A., with high honors from Florida International University and her B.B.A., with high honors, from Florida International University.



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ABOUT STEARNS WEAVER MILLER

Stearns Weaver Miller Weissler Alhadeff & Sitterson, P.A. is a full service law firm with 120 attorneys serving clients throughout Florida and nationwide. With offices in Miami, Fort Lauderdale, Tampa, and soon in Tallahassee, we are privileged to serve a loyal client base that ranges from small businesses and entrepreneurs to Fortune 500 companies and major financial institutions.

While we are proud of the landmark legal victories achieved for our clients, we are equally proud of our *pro bono* efforts on behalf of those unable to afford counsel. We are dedicated to community-based, charitable organizations and provide regular contributions of time and financial resources to those in need.

Consistently recognized as among the best in Florida, we enjoy numerous accolades from top publications including, *The National Law Journal*, *Chambers USA*, and *The Best Lawyers in America*.

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