

20th ANNUAL
CELEBRATING TWENTY YEARS

LABOR & EMPLOYMENT LAW SEMINAR

AGENDA

THURSDAY ■ MAY 6, 2010
8:00 A.M. - 4:30 P.M.

SEMINOLE HARD ROCK HOTEL & CASINO ■ HOLLYWOOD, FLORIDA

8:00 – 9:00 a.m.

CONTINENTAL BREAKFAST & REGISTRATION

9:00 – 10:00 a.m.

THE TOP TEN GOLD NUGGETS MINED FROM RECENT COURT DECISIONS

Robert T. Kofman, Stearns Weaver Miller

Employment law is not static and court rulings impact employers daily. Buried in the mountains of case law are warnings, prohibitions and remedial measures directed at employers. We will review the ten most important employment cases from this year and discuss their practical application to your company.

10:00 – 11:00 a.m.

**CRISIS MANAGEMENT: WHEN BAD THINGS HAPPEN TO GOOD EMPLOYERS
(AND WHAT HR CAN DO ABOUT IT)**

Suzanne R. Laughlin, Firestorm Solutions, LLC

Ingrid H. Ponce, Stearns Weaver Miller

There are situations that occur so fast and unexpectedly, that HR must be able to react quickly or face disaster. We will discuss how to prepare and respond to such diverse events as workplace violence, health scares and crises outside your company that affect your workplace.

11:00 – 11:15 a.m.

BREAK

11:15 a.m. – 12:15 p.m.

JERKS AT WORK: DEALING WITH BULLIES, BUMS AND BADDIES

Robert S. Turk, Stearns Weaver Miller

What does HR do with someone who causes conflict, turnover and unwarranted complaints? Many employers do nothing. This program will address the problems caused by jerks at work, the protection that the law may afford them and the best ways to respond.

12:15 – 1:30 p.m.

LUNCH: THEFT BY EMPLOYEES: WHY DO THEY BITE THE HAND THAT FEEDS THEM?

Dr. Richard Hollinger, University of Florida

AGENDA

1:30 – 2:30 p.m.

SESSION A:

NAVIGATING THE UNEMPLOYMENT COMPENSATION APPEALS MAZE

Lisa K. Berg, Stearns Weaver Miller
Alan O. Forst, Chairman, Unemployment Appeals Commission

Join us to discuss the inner workings and outer limits of Florida's unemployment compensation appeals process, including when employers should contest claims (and why) and what the courts require employers to show to defend against contested claims.

SESSION B:

EMPLOYEE BENEFITS IN A STATE OF FLUX

Sharon Quinn Dixon, Stearns Weaver Miller

Proposed legislation and regulations, as well as court decisions, could radically affect your 401-K and insurance benefit plans. This program will cover what Washington is (and is not) doing and what employers need to know for the coming year.

2:30 – 2:40 p.m.

BREAK

2:40 – 3:45 p.m.

SESSION A:

CITY LIFE: BEST EMPLOYMENT PRACTICES FOR PUBLIC SECTOR EMPLOYERS

Arturo J. Fernandez, Stearns Weaver Miller
Murray A. Greenberg, Former County Attorney for Miami-Dade County, Stearns Weaver Miller
Jimmy L. Morales, Former Miami-Dade County Commissioner, Stearns Weaver Miller

Public sector employers are unique. This session will review best practices for hiring and separating public sector employees in light of Florida's Government in the Sunshine Law, Public Records Act, due process requirements and other laws that apply only to government employers.

SESSION B:

WHEN EMPLOYEES JUMP SHIP

Jon K. Stage, Stearns Weaver Miller
Jennifer L. Price, Stearns Weaver Miller

Nothing could be worse than a high-level employee leaving with your client list, a few of your employees and a laptop with your valuable trade secrets. Employers invest considerable time in developing good hiring practices but often give too little thought to protecting business interests before employees leave. We will discuss practical ways to protect those interests before employees jump ship.

SESSION C:

IS THERE A COMING IMMIGRATION REVOLUTION?

Glenn M. Rissman, Stearns Weaver Miller

The federal government has increased I-9 compliance enforcement, E-Verify has expanded (what is it and who should be using it) and H-2B and other visas can cause unexpected headaches. Will we see comprehensive change from Washington or will we just face more piecemeal tweaks? We will discuss it all – no passports required.

3:45 – 4:30 p.m.

READING THE FMLA AND ADA TEA LEAVES

Kara S. Nickel, Stearns Weaver Miller

Last year we discussed the basics of the new FMLA regulations. Employers spent the last year problem solving. Now the EEOC has proposed new ADA regulations. We will discuss difficult health/disability problems and how employers have addressed them. This is an advanced session where we will consider challenging workplace scenarios.

REGISTRATION

We understand that employers and human resources professionals need timely, practical business-oriented advice on labor and employment issues. We also understand that businesses large and small across a broad range of industries are impacted by continuing economic challenges and must make the most of every dollar spent on training. As an accommodation to our clients and friends, this year's registration fees have been reduced:

- \$130** Regular Registration Fee / First Attendee
- \$110** Reduced Rate for additional attendees from the same company

Fees include a full day of programming, continental breakfast, lunch, program materials and parking.

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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SPEAKERS

Robert T. Kofman is a Shareholder in the Firm, Co-Chair of the Labor and Employment Department and serves on the Board of Directors. Mr. Kofman is Board Certified by The Florida Bar in labor and employment law and AV-rated by Martindale-Hubbell. He was selected for inclusion in *Chambers USA: America's Leading Lawyers for Business* (ranked in Band One in Labor and Employment in Florida) from 2005 to 2009, *The Best Lawyers in America*® from 2005 to 2009, *Florida Super Lawyers Magazine* from 2006 to 2010, *Florida Trend Magazine* "Florida Legal Elite" from 2005 to 2007 and *South Florida Legal Guide* "Top Lawyers in South Florida," from 2005 to 2008. Mr. Kofman has been a member of The Florida Bar since 1981. He 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, Co-Chair of the Labor and Employment Department and serves on the Board of Directors. Mr. Turk is Board Certified by The Florida Bar in labor and employment law and AV-rated by Martindale-Hubbell. He currently serves as Vice President of the Academy of Florida Management Attorneys. Mr. Turk was selected for inclusion in *Chambers USA: America's Leading Lawyers for Business* (ranked in Band One in Labor and Employment in Florida) from 2004 to 2009, *The Best Lawyers in America*® from 2006 to 2010, *Florida Trend Magazine* "Florida Legal Elite" from 2004 to 2006, *Florida Super Lawyers Magazine* from 2006 to 2010, *South Florida Business Journal's* "Heavy Hitter in Human Resources" in 2004, *South Florida Legal Guide's* "Top Lawyers in South Florida" from 2005 to 2010, *Who's Who Legal USA* in Management Labor and Employment in 2006. Mr. Turk has been a member of The Florida Bar since 1978. He earned his J.D. 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. She 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 is Board Certified by The Florida Bar in labor and employment law and AV-rated by Martindale-Hubbell. She has been a member of The Florida Bar since 1992. Ms. Berg earned her J.D. from Emory Law School and her B.S. from Cornell University.

Sharon Quinn Dixon is a Shareholder in both the Tax Department and Labor and Employment Department and is Board Certified by the Florida Bar in tax law. She is also a Fellow of the American College of Employee Benefits Counsel. Ms. Dixon counsels employers about compliance of their employee retirement and welfare benefit plans. She was selected for inclusion in *Chambers USA: America's Leading Lawyers for Business* (ranked in Band One in Tax in Florida) from 2005 to 2009, *Florida Super Lawyers Magazine* from 2006 to 2010, *The Best Lawyers in America*® from 1993 to 2010, *South Florida Legal Guide* "Top Lawyers in South Florida" in 2008 and 2009. Ms. Dixon has been a member of the Florida Bar since 1982. She earned her LL.M. in Taxation, from the University of Miami, her J.D., *cum laude*, from the University of Miami and her B.S., *summa cum laude*, from Bradley University.

Arturo J. Fernandez is an Associate in the Labor and Employment Department. He has been a member of the Florida Bar since 2004. His practice focuses on employment litigation, supervisory training and counseling public and private sector employers on day-to-day human resources issues including compliance with the Family Medical Leave Act, the Fair Labor Standards Act, Title VII of the Civil Rights Act of 1964, the Florida Civil Rights Act, the Age Discrimination in Employment Act and the Americans with Disabilities Act. Mr. Fernandez earned his J.D. from the University of Florida Levin College of Law and his B.S. from the University of Miami.

Alan O. Forst serves as the Chairman of Florida's Unemployment Appeals Commission. Prior to this appointment, Chairman Forst was a partner at Cray Buchanan in Stuart, Florida. A graduate of the Georgetown University School of Foreign Service and Catholic University's School of Law, Mr. Forst served in front office positions at the U.S. Departments of Justice and Labor, the Merit Systems Protection Board and as special assistant to Chairman Clarence Thomas at the Equal Employment Opportunity Commission. He currently serves as an officer of The Florida Bar's Labor and Employment Law Section, the Federalist Society's Labor and Employment Law Practice Group and the Society's Tallahassee chapter, and the Martin County Bar Association.

Murray A. Greenberg is Of Counsel in the Land Use, Environment and Government Affairs Department in Miami. Prior to joining the Firm, Mr. Greenberg served as County Attorney for Miami-Dade County, First Assistant County Attorney and Assistant County Attorney. Mr. Greenberg serves as an adjunct Professor of Law at the University of Miami School of Law, Florida International University, and St. Thomas University School of Law, teaching courses in state and local government, state and local taxation, and election law. He is also certified as a mediator and arbitrator and currently serves as Special Counsel to the Miami-Dade County School Board. Mr. Greenberg is AV-rated by Martindale Hubbell. He earned his J.D. in 1968 and his B.A. in 1965 from the University of Pennsylvania.

Dr. Richard Hollinger is a Professor at the University of Florida in Gainesville. He is a tenured member of the faculty in the Department of Sociology and Criminology & Law. Dr. Hollinger is also the Director of the Security Research Project, an academic research institute that focuses exclusively on retail loss prevention and security issues. Dr. Hollinger's research is principally focused on the topic of "white collar crime," more specifically, deviant and criminal behavior committed in the course of one's occupation. He received both his baccalaureate and masters degrees at the University of Georgia. He then completed his graduate studies at the University of Minnesota where he was awarded a doctorate in Sociology in 1979.

Suzanne Rhulen Loughlin is a Co-Founder and Chief Administrative Officer of Firestorm Solutions, LLC. Mrs. Loughlin has extensive consultative experience and has served several Fortune 500 clients in the development of pandemic and communicable illness plans, providing a focus on the legal and human resource exposures integral to the planning process. Mrs. Loughlin spent many years litigating professional liability actions for a large New York City firm and later served as Managing Attorney of a New York/Florida law firm, employing 40 attorneys. She received her J.D. from New York Law School and her B.A. from St. Lawrence University and is licensed to practice law in the State of New York only.

Jimmy L. Morales is a Shareholder in the Land Use, Environment and Government Affairs Department. His practice focuses on land use and eminent domain, municipal and county law and governmental affairs. Mr. Morales, a former Miami-Dade County Commissioner, currently serves as city attorney for the City of Marathon, City of Doral, and Special Master for The City of Miami Gardens. He previously served as Special Master for The City of Sunny Isles Beach and Chief Special Master for the City of Miami Beach. He was selected for inclusion in *South Florida Legal Guide's* annual list of "Top Lawyers in South Florida" in 2008 and 2009 and *Florida Super Lawyers Magazine* from 2006 to 2010. Mr. Morales has been a member of The Florida Bar since 1987. He earned his J.D., *magna cum laude*, from Harvard Law School and his B.A., *magna cum laude*, from Harvard University.

Kara S. Nickel is a Shareholder in the Labor and Employment Department. She exclusively represents management in employment matters and has experience in a variety of industries, including healthcare, banking, retail, financial services, hospitality, airline, aerospace, and medical device manufacturing. She was selected for inclusion in *Florida Super Lawyers Magazine* "Rising Star" in 2009 and *Florida Trend Magazine* "Up and Coming Legal Elite" in 2004 and 2006. Ms. Nickel has been a member of The Florida Bar since 1996. She 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 has been a member of The Florida Bar since 1999. She 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.

Glenn M. Rissman is a Shareholder in the Labor and Employment Department. Mr. Rissman's practice focuses on employment law, immigration, and accessibility. He was selected for inclusion in *Florida Trend Magazine* "Florida Legal Elite" in 2005, 2006 and 2008. Mr. Rissman has been a member of The Florida Bar since 1991. He earned his J.D., with honors, from the University of Florida and his B.A., *magna cum laude*, from Duke University.

Jennifer L. Price is an Associate in the Labor and Employment Department. Ms. Price represents state and national employers at the trial and appellate levels in labor and employment litigation, including claims for discrimination, harassment, retaliation, failure to accommodate, family and medical leave, whistleblower, workers compensation retaliation, and wage and hour. She was selected for inclusion in *Florida Super Lawyers Magazine* "Rising Star" in 2009. Ms. Price has been a member of The Florida Bar since 2004. She earned her J.D., *cum laude*, from the University of Pennsylvania Law School and her B.S., highest honors, from the University of Florida.

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 was selected for inclusion in *Chambers USA: America's Leading Lawyers for Business* from 2005 to 2009, *Florida Super Lawyers Magazine* from 2006 to 2010, *Florida Trend Magazine* "Florida Legal Elite" in 2006 and *The Best Lawyers in America*® from 2006 to 2010. Mr. Stage has been a member of The Florida Bar since 1988. He earned his J.D. from Nova Southeastern University Shepard Broad Law Center and his B.S. from Stetson University.

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ABOUT STEARNS WEAVER MILLER

Stearns Weaver Miller is a full-service law firm serving clients throughout Florida and nationwide. With offices in Miami, Fort Lauderdale, Tampa and Tallahassee, we serve business clients and government agencies with a focus on litigation, real estate, labor and employment, business restructuring, corporate and securities and local government representation.

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