

STEARNS WEAVER MILLER  
WEISSLER ALHADEFF & SITTERSON, P.A.

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# 21<sup>st</sup> Annual Labor & Employment Law Seminar “Law and Orders”

Seminole Hard Rock  
Hotel & Casino  
Hollywood, Florida  
Thursday • May 5, 2011  
8:00 a.m. – 4:30 p.m.

# AGENDA

8:00 – 9:00 a.m.

## Registration and Continental Breakfast

9:00 – 9:45 a.m.

### It Wasn't Always Sunny in Philadelphia

The NLRB has become an extremely activist agency, aggressively seeking injunctions, issuing pro-employee decisions and prosecuting employers under new theories of the law. Learn how this "below the radar" activity could affect non-union employers from our former Philadelphia-based NLRB attorney.

**Robert T. Kofman**

9:45 – 10:45 a.m.

### A New Declaration of Independence: Consultants, Contingent Workers, Leased Employees and Independent Contractors

How do federal and state courts and agencies determine who the legitimate employer is? What are the risks of misclassification of the 21st Century Workforce? How can you minimize the risk?

**Robert S. Turk • Ingrid H. Ponce**

10:45 – 11:00 a.m.

## Networking Break

11:00 – 11:45 a.m.

### What are the Priorities of the U.S. Equal Employment Opportunity Commission in Florida?

**Robert E. Weisberg, Regional Attorney**

**U.S. Equal Employment Opportunity Commission**

11:45 a.m. – 12:45 p.m.

### Networking Lunch and Video Short – What Really Motivates Your Employees?

12:45 – 1:15 p.m.

## Lunch Speaker

### Crime and Punishment in South Florida

**Wifredo "Willy" Ferrer, U.S. Attorney**

**Southern District of Florida**

1:15 – 1:30 p.m.

## Networking Break

1:30 – 2:15 p.m.

### Secrets in the Workplace: Are Your Documents and Conversations Protected?

You may think your emails, PDFs, documents, and conversations are privileged but what is and is not privileged may actually surprise you. We will discuss what information is protected, why you should care, as well as what personnel records need to be retained, why and for how long.

**Kara Nickel • Jennifer L. Price**

2:15 – 3:00 p.m.

## Breakout Sessions A

### SESSION A1 – Alphabet Soup Update:

#### What's New Regarding ADAAA, GINA, and USERRA?

There have been a number of critical developments under the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act and the Uniformed Services Employment and Reemployment Rights Act. The regulatory and legal framework behind these laws can present challenges for any human resources team. Is your company in compliance? Join us to find out.

**Eric K. Gabrielle • Bayardo E. Alemán**

### SESSION A2 – Revenge of the FLSA: Top 10 Things Employers Do That Get Them Sued

Claims for unpaid overtime continue to clog our courts' docket. While some of those claims certainly are without merit, others are legitimate. Many of those legitimate claims could have been prevented with relative ease and at little expense. In this session we will discuss those practices and policies that carry the greatest likelihood of getting you sued. Come find out if any of your practices or policies appear on the "Top 10" list.

**Andrew L. Rodman**

### SESSION A3 – Cheesehead Fallout: What is the Future of Public Sector Bargaining and Pensions in Florida?

The debate over the power of public employee unions has reached a fever pitch in Wisconsin, Indiana, and Ohio as proposed legislation aimed at shoring-up fiscal gaps in public budgets has unions battling for benefits and collective bargaining rights. There is now a similar bill on the table in Florida. The panel will provide a situation analysis, overview of the proposed bill, and conduct a question and answer session.

**Murray A. Greenberg • John R. Herin, Jr. • Rene F. Ruiz**

# AGENDA

3:00 – 3:15 p.m.

**Networking Break**

3:15 – 4:30 p.m.

**Breakout Sessions B**

**SESSION B1 – The Brave New World of Immigration Enforcement:**

**The Focus on Employers**

The Obama administration has changed the focus of immigration compliance from arresting illegal workers to sanctioning employers. E-Verify is mandatory for federal contractors and many states, including Florida, are requiring employers to use E-Verify in at least some situations. We will discuss E-Verify, the pros and cons of its use, and how to prepare for a potential visit from the ICE-man.

**Glenn M. Rissman**

**SESSION B2 – Dancing with the Regulators: Benefits Regulations Galore for 401(k) and Health Plans...Tune in for the Latest Steps**

Join us on the dance floor as we swing with the status of Health Care Reform rules, jump into Department of Labor regulations requiring new disclosure to you and your employees and slide into the latest IRS news.

**Sharon Quinn Dixon**

# 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 2011, *The Best Lawyers in America*® from 2005 to 2011, *Florida Super Lawyers Magazine* from 2006 to 2010, *South Florida Legal Guide* "Top Lawyers in South Florida," from 2005 to 2010. 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 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 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 2011, *The Best Lawyers in America*® from 2006 to 2011, *Florida Super Lawyers Magazine* from 2006 to 2011, *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, and received the Award of Excellence presented by The Florida Bar, Labor and Employment Law Section in 1992, 1993 and 2000. 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.

**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: Employee Benefits in Florida) from 2005

to 2011, *Florida Super Lawyers Magazine* from 2006 to 2011, *The Best Lawyers in America*® from 1993 to 2011, *South Florida Legal Guide* "Top Lawyers in South Florida" in 2008 and 2011. 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.

**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, and specializes in litigation of employment law issues in Florida federal and state courts, and also advises employers regarding compliance with all federal, state, and local laws and regulations governing employment relationships. Mr. Gabrielle has been recognized by Florida Trend *Legal Elite*, *Florida Super Lawyers Magazine* and *The South Florida Legal Guide* and has been honored by Broward Lawyers Care, the Broward County Bar Association, and the Southern District of Florida for his pro bono and community activities. Mr. Gabrielle has been a member of The Florida Bar since 1999. He earned his J.D., with honors, and his B.A. from the University of Florida.

**Murray A. Greenberg** is Of Counsel in the Land Use, Environment and Government Affairs Department. Prior to joining the Firm, Mr. Greenberg served as Assistant County Attorney, First Assistant County Attorney, and County Attorney for Miami-Dade County. 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 Chief Judge of the Eleventh Judicial Circuit of Florida. Mr. Greenberg is AV-rated by Martindale Hubbell. He earned his J.D. and his B.A. from the University of Pennsylvania.

**John R. Herin, Jr.** is a Shareholder and Chair of the Miami Office Land Use, Environment and Government Affairs Department. He also currently serves as the City Attorney for the City of Marathon and serves on the City Attorney team for the City of Doral. His practice focuses on representing private and public clients in the areas of land use, zoning, local government, administrative, and environmental law. Mr. Herin has been a member of The Florida Bar since 1991. He earned his J.D. in 1991 from Stetson University College of Law and his B.A. in 1986 from the University of Central Florida.

**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 2010 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 counsels companies on various employee issues and represents management in employment-related litigation. Ms. Ponce is a frequent speaker on issues affecting the workplace and has developed a particular niche in social networking best practices for human resources professionals. 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.

**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, 2010 and 2011. 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, in 2004 and her B.S., highest honors, from the University of Florida, in 1998.

**Glenn M. Rissman** is a Shareholder in the Labor and Employment Department. Mr. Rissman's practice focuses on employment law, immigration, and accessibility. He also practices in the area of employment-based immigration and naturalization. He represents employers and investors seeking temporary visas and permanent residence for employees and has successfully obtained non-immigrant visas (H-1B, L-1, TN, O, P, E) for employers in industries such as retail, hospitality, pharmaceutical, and manufacturing. Mr. Rissman also counsels clients regarding I-9 compliance, audits, and inspections. 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.

**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. In particular, Mr. Rodman's practice focuses on employment law discrimination and harassment, whistleblower and retaliation litigation, overtime and wage and hour litigation, non-compete and trade secret litigation, and employment law counseling on issues such as hiring, discipline, reduction in force and termination, leave and time-off issues, accommodation issues, and drafting of employee handbooks and employment contracts. He earned his J.D., *cum laude*, from Boston University School of Law and his B.A., *magna cum laude*, from Brandeis University.

**Rene F. Ruiz** is a Shareholder in the Labor and Employment Law Department. Mr. Ruiz is experienced in defending companies in employee litigation, with an emphasis on harassment, discrimination, and the Fair Labor Standards Act. He regularly advises clients regarding compliance with wage and hour laws, Title VII, the Family and Medical Leave Act and Title III of the Americans with Disabilities Act. Mr. Ruiz also provides management-level individuals with training on litigation avoidance as well as frequently negotiating contracts for companies with unionized workforces and advises employers on contract administration. Mr. Ruiz has been a member of The Florida Bar since 2001. He earned his J.D., *cum laude*, from the University of Miami School of Law in 2001 and his B.A., *magna cum laude*, in 1998 from Florida International University.

**Bayardo E. Alemán** is an Associate in the Labor and Employment Department. He represents employers and management in all areas of labor and employment law, including defending employment discrimination lawsuits, retaliation claims, whistleblower litigation, and wage and hour compliance. Mr. Alemán also counsels employers on day-to-day human resources issues. Mr. Alemán earned his J.D., *cum laude*, and his B.A., *magna cum laude*, from the University of Florida.

## GUEST SPEAKERS

**Wifredo "Willy" A. Ferrer** serves as United States Attorney for the Southern District of Florida. Prior to his appointment as United States Attorney, Mr. Ferrer held the position of Chief of the Federal Litigation Section at the Miami-Dade County Attorney's Office. After graduating from law school, Mr. Ferrer clerked for Judge Stanley Marcus. Upon completing his clerkship, Mr. Ferrer joined a Miami law firm and after three years in private practice, returned to public service, first as a White House Fellow and Special Assistant to the Secretary of the U.S. Department of Housing and Urban Development, and later as Deputy Chief of Staff and Counsel to then Attorney General Janet Reno. After five years at the Department of Justice, Mr. Ferrer returned to Miami to become an Assistant U.S. Attorney. As an Assistant U.S. Attorney, he handled and tried numerous high profile matters, including international money laundering, health care fraud, narcotics, international human rights abuses, immigration, and firearms offenses. Mr. Ferrer received his undergraduate degree in 1987 from the University of Miami and his J.D., *cum laude*, from the University of Pennsylvania Law School in 1990.

**Robert E. Weisberg** was appointed Regional Attorney for the Miami District Office of the U.S. Equal Employment Opportunity Commission, effective September 27, 2010. As Regional Attorney, Robert oversees the enforcement of federal laws prohibiting employment discrimination throughout the State of Florida, Puerto Rico and the U.S. Virgin Islands. Prior to joining the EEOC, Mr. Weisberg maintained his own law practice in Miami, Florida. His practice areas included representation of plaintiffs and other aggrieved individuals in employment discrimination matters and other civil rights and employment-related issues. Mr. Weisberg has been listed in each edition of Best Lawyers of America for the past twelve years in the category of individual employment rights, has served as a consultant for lawyers, legal aid organizations and has lectured to lawyers and other professionals in the area of civil rights and employment law. He has also served on the Local Rules Committee for the U.S. District Court for the Southern District of Florida, served as Court Appointed Special Master in the Southern District in various civil matters and has been an Adjunct Professor of Law at the University of Miami School of Law. Mr. Weisberg has been a member of The Florida Bar since 1979 and has been Board Certified in the area of Employment and Labor Law since 2001.

# ABOUT

## STEARNS WEAVER MILLER WEISSLER ALHADEFF & SITTERSON, P.A.

Stearns Weaver Miller is a full-service law firm with more than 120 attorneys 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.

### **BUSINESS RESTRUCTURING**

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- Trustee
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**1 Seminole Way**  
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**Thursday • May 5, 2011**  
**8:00 a.m. – 4:30 p.m.**

**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 not increased.

**\$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**

**[www.stearnsweaver.com/events](http://www.stearnsweaver.com/events)**

**CONTINUING EDUCATION**

This program is pending prior approval for continuing education credit hours by The Florida Bar and 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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