

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



23rd ANNUAL
LABOR AND EMPLOYMENT
LAW SEMINAR

BILTMORE HOTEL, CORAL GABLES
THURSDAY, MAY 9, 2013 ♦ 8:00 A.M. - 5:30 P.M.

AGENDA



8:00 – 9:00 a.m.

Registration and Continental Breakfast

9:00 – 9:50 a.m.

Over 300 Religions and One Constitution: Religion in America's Workplace

Disparate treatment discrimination, reasonable accommodation, hostile work environment, religious garb, holy days, the Sabbath! Employers must rely on more than just prayer when addressing religious beliefs and practices in the workplace.

Robert T. Kofman

9:50 – 10:45 a.m.

Employment Law Surprises: The 2013 Edition

"It was a dark and stormy night; laws and regulations fell in torrents. The HR Director stared into the employment fog that was 2013. The flame of her lamp struggled against this darkness. Something was out there!" We will discuss recent employment law surprises that may be the stuff of your nightmares if you miss this presentation.

Robert S. Turk

10:45 – 11:00 a.m.

Networking Break

11:00 – 11:50 a.m.

Ready or Not, Here it Comes: What HR Really Needs to Know About The Affordable Care Act

The Patient Protection and Affordable Care Act survived 2012. In just seven months many of its provisions will come to life. We will discuss what you need to know now in order to be compliant now, in 2014 and beyond.

Sharon Q. Dixon • Larry Giusti

12:00 – 1:15 p.m.

Networking Lunch

73 Visitors a Minute – Open 24/7, 365 Days – Welcome to MIA!

Keynote Speaker: Dickie Davis
Director of Terminal Operations and Customer Service, MIA
Featured on Travel Channel's *Airport 24/7: Miami*

1:20 – 2:15 p.m.

Dealing with the Manager Everyone Hates!

You have a manager who is important to the business but is a nightmare when it comes to managing staff. We will discuss the legal pitfalls a manager can cause and how to coach and salvage the manager everyone hates.

Jennifer L. Saltz • Marlene Green

2:20 – 3:10 p.m.

BREAKOUT SESSIONS A

Session A1: Public Sector: Hunting for Hidden Employment Treasures

You don't need a metal detector to find hidden treasures that are waiting in public sector negotiations or when rolling out new employment policies. We will discuss the routes to follow in collective bargaining and personnel policies to implement that will help you to conclude a successful treasure hunt.

Kara Nickel • Rene F. Ruiz • Jorge Freddy Perera

Session A2: Your Employee Handbook: Dead Sea Scroll, Pulp Fiction or Blockbuster Bestseller?

Some employee handbooks have never been updated and others do not capture your "real" workplace practices. The best handbooks clearly communicate corporate policies, practices and legal restrictions. Which is yours? What policies can be "best in class"?

Lisa Berg

Session A3: OFCCP – New Focus, New People, New Investigations

The OFCCP, now 35 years old, administers and enforces affirmative action obligations of Federal Contractors. It is increasing its enforcement especially in the area of pay disparity. We will discuss ways to avoid being tagged by the OFCCP.

Susan J. Toepfer

3:10 – 3:20 p.m.

Networking Break

3:25 – 4:20 p.m.

BREAKOUT SESSIONS B

Session B1: The Wage and Hour Virus: Has Your Workplace Been Vaccinated?

"A dollar saved, is a... minimum wage and overtime lawsuit waiting to happen." Fair Labor Standards Act cases continue to spread like a virus. "We pay everyone a salary" is not an effective vaccine and can lead to large claims. Learn how to inoculate your company from FLSA claims.

Andrew L. Rodman • Jorge J. Rivero

Session B2: E-Work, iPhones, u-Sued: Social Media, Privacy and Information Security

Mobile devices, cloud computing, Google Glass and wireless communications—it is easier than ever for an employee to misappropriate trade secret, proprietary and other confidential information. Learn how to protect against employees' misappropriation of sensitive business information and address other digital employment problems.

Eric K. Gabrielle • Eric Roth

4:30 – 5:30 p.m.

Historic Tour of the Biltmore Hotel

The Biltmore's halls echo with history as one of the most fashionable resorts in the country. Stick around for an exciting and informative tour of Coral Gables' "Crown Jewel"!

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), *The Best Lawyers in America*®, *Florida Super Lawyers Magazine* and *South Florida Legal Guide* "Top Lawyers in South Florida." 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 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 is incoming Chair of The Florida Bar's Labor and Employment Law Section. He is immediate Past 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). He was recognized in 2012 by *The Best Lawyers in America*® as Miami Litigation, Labor & Employment Lawyer of the Year. He is recognized by *Florida Super Lawyers Magazine*, *South Florida Legal Guide* "Top Lawyers in South Florida" and received an Award of Excellence presented by The Florida Bar, Labor and Employment Law Section. 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. Ms. Berg is Board Certified by The Florida Bar in labor and employment law and AV-rated by Martindale-Hubbell. Ms. Berg is a frequent lecturer on employment law issues, authored the *Pocket Guide* to Florida Employment Law, and has trained hundreds of executives, companies and organizations regarding compliance with labor and employment laws. She earned her J.D. from Emory University 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: Employee Benefits in Florida), *Florida Super Lawyers Magazine*, *The Best Lawyers in America*® and *South Florida Legal Guide* "Top Lawyers in South Florida." 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. He earned his J.D., with honors, and his B.A. from the University of 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. Her practice is focused on litigation of employment disputes in federal and state court and before administrative agencies. 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.



Andrew L. Rodman is a Shareholder in the Labor and Employment Department and serves on the Firm's Board of Directors. He represents and advises clients on a broad range of labor and employment related matters under state and federal law. Mr. Rodman has also served on the Board of Directors for GMSHRM as its Legislative Director. He earned his J.D., *cum laude*, from Boston University School of Law and his B.A., *magna cum laude*, from Brandeis University.

Eric S. Roth is a Shareholder in the Labor and Employment Department. Mr. Roth counsels clients on employment matters and compliance with corporate policies. He earned his J.D., *cum laude*, from the Georgetown University Law Center and his B.A., *cum laude*, from the University of Pennsylvania.

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 negotiates contracts for companies with unionized workforces and advises employers on contract administration. Mr. Ruiz earned his J.D., *cum laude*, from the University of Miami School of Law and his B.A., *magna cum laude*, from Florida International University.

Jennifer L. Saltz is a Shareholder in the Labor and Employment Department. Ms. Saltz 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 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.

Susan J. Toepfer is a Shareholder in the Labor and Employment Law Department. She represents employers in all legal issues relating to the employer-employee relationship. Ms. Toepfer's practice is focused on litigation of employment disputes in federal and state court, and before administrative agencies. Ms. Toepfer earned her J.D., *cum laude*, from the University of Michigan and her B.S., *magna cum laude*, from Vanderbilt 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. Aleman 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.

J. Freddy Perera is an Associate in the Labor & Employment Department. Mr. Perera earned his J.D. from Nova Southeastern University Sheppard Broad Law Center where he graduated summa cum laude and number one in his graduating class. He earned his B.A., summa cum laude, from Florida Atlantic University.

GUEST SPEAKERS



Dickie Davis began her career with the Miami-Dade Aviation Department 35 years ago at Miami International Airport (MIA). At MIA, she earned a series of promotions in public affairs and operations before accepting her current position as Director of Terminal Operations and Customer Service. She holds the distinction of being the first woman promoted to a management position in operations at MIA, a rarity for women executives in the early 1980s. As Director of Terminal Operations and Customer Service, Ms. Davis manages a large staff and multi-million dollar contracts. She manages MIA's terminals, which span more than seven million square feet. In addition to her operations responsibilities, Ms. Davis is MIA's Director of Customer Service. In this capacity, she has implemented numerous customer service innovations such as a partnership between MIA and the renowned Disney Institute. MIA is the first U.S. airport to enter into such a partnership. She is also currently being featured on the Travel Channel's docu-series, *Airport 24/7: Miami* currently in production for its second season. During her tenure at MIA, Ms. Davis has distinguished herself as a highly effective, creative and empathic leader who has crafted innovations and initiatives with a keen focus on passenger care and customer service excellence. She holds a B.A. degree in Mass Communications from the University of South Florida.

Larry Giusti is senior vice president and partner for Harden, one of the Southeast's leading insurance, risk management, and employee benefit firms headquartered in Jacksonville, Florida. Larry has over 25 years of experience in the employee benefits field leading the firm in identifying and deploying a broad range of innovative strategic plans for improving overall enterprise value, optimizing benefit resources and creating predictable results. He is a member of Chartered Life Underwriters (CLU) and Chartered Financial Consultants (ChFC). He is a founding member of the Board of Directors for the National Council of Employee Benefit Executives and a member of Society of Human Resource Managers (SHRM).

Marlene Green has more than 25 years of experience as a professional executive coach, trainer, image consultant, and author. Prior to launching her own firm, Marlene Green worked for Warner Brothers and the Jenny Jones Show where she utilized her expertise to develop on-air talent and was nominated twice for an Emmy. Marlene provides teambuilding strategies, executive coaching expertise, and talent development for senior executives. She works with Fortune 500 corporations, non-profit organizations, unions, and academia. Marlene is credentialed by the International Coach Federation (ICF) as a Professional Certified Coach (PCC), and is certified in Generative Leadership in Coaching Excellence in Organizations. Marlene has authored two books, *Invisible Conversations* and the recently released *7 Secrets of Attraction*.

Jorge J. Rivero began his career with the U.S. Department of Labor in 1978. He served as the District Director for South Florida between 1991-2004. Mr. Rivero was responsible for developing and directing the Division's programs and operations in South Florida. This included the enforcement, compliance, education and information programs conducted under the statutory authority contained in the Fair Labor Standards Act, Family and Medical Leave Act, McNamara-O'Hara Service Contract Act, Davis Bacon Act, Migrant Seasonal Agricultural Worker Protection Act, Employee Polygraph Protection Act, and others. Mr. Rivero is currently President of H.R. Management Consultants, Inc. and is serving as Past President of the South Florida Compensation and Benefits Association, an affiliate of the World at Work organization.

ABOUT

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

Stearns Weaver Miller is a full-service law firm with more than 110 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. Visit us online at stearnsweaver.com

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BILTMORE HOTEL, CORAL GABLES THURSDAY, MAY 9, 2013 • 8:00 A.M. - 5:30 P.M.

1200 Anastasia Avenue • Coral Gables, FL 33134 • www.biltmorehotel.com

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.

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.

NOT TO BELABOR THE POINT...

Make sure you check out *Belabor the Point*, our blog dedicated to the latest development in labor and employment law. <http://stearnsweaver.com/blog>

REGISTER ON-LINE AT:

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