

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



22ND ANNUAL LABOR AND EMPLOYMENT LAW SEMINAR

A New Season of Employment Issues in the HR Big Leagues

Sun Life Stadium • Thursday, May 3, 2012 • 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.

Blitzing Senior Executive Employment Issues

Employment Agreements, Fiduciary Duties, Covenants Not To Compete, Golden Parachutes, Just Cause For Termination and Litigious Exits. It's far from a typical day when dealing with issues from the executive suite.

Robert T. Kofman

9:50 – 10:45 a.m.

Employees Gone Wild

Employees do the weirdest things. We will discuss outrageous cases of employees behaving badly and how employers responded (or should have responded). Learn how to manage and respond to your own out-of-control employees.

Jennifer L. Saltz • Tobi Beth Lebowitz

10:45 – 11:00 a.m.

Time Out

11:00 – 11:50 a.m.

The Seven Most Intriguing Employment Issues for 2012

The change in employment law is accelerating. If HR doesn't see it coming, it can leave management feeling overly stressed and disoriented. We will discuss seven intriguing issues that will affect the 2012 workplace and beyond.

Robert S. Turk

11:50 a.m. – 1:15 p.m.

Networking Lunch – Halftime!

Keynote Speaker: Miami-Dade County Mayor Carlos Gimenez

1:15 – 2:00 p.m.

The Two Minute Drill: How to Conduct Employee Investigations

Properly conducted investigations often remedy serious personnel issues and foster an environment in which the workforce trusts HR to "do the right thing." On the flip side, a poorly conducted investigation can have serious, adverse legal consequences. In this session we will discuss the "best practices" when conducting internal investigations.

Andrew L. Rodman

2:00 – 2:55 p.m.

Breakout Sessions A

Session A1: Preparing for Game Day with an Unemployment Compensation Claimant

The rules of the game have changed. Is it now easier or harder to defend against unemployment compensation claims? We will coach you through the new playbook and highlight the best strategies to enhance your chances for a successful defense.

Eric S. Roth • Bayardo E. Alemán

Session A2: The New Dynamics in Public Sector Bargaining

The current atmosphere in public sector labor negotiations has morphed Florida's simple statutory impasse machinery into something complex and convoluted. Come along for a behind the scenes look into the political realities of public sector bargaining. Learn how to play chess rather than checkers.

Murray A. Greenberg • Jimmy L. Morales • Rene F. Ruiz • J. Freddy Perera

Session A3: Referees Aren't the Only Whistleblowers

"CAN YOU HEAR ME NOW?" – That's how a whistleblower lawsuit sounds. We will discuss who really is a whistleblower, how to hear the whistleblower and how best to respond to those who may toot their whistle or continuously blow their vuvuzelas.

Susan J. Toepfer • Ingrid H. Ponce

2:55 – 3:10 p.m.

Time Out

AGENDA

3:10 – 4:00 p.m.

Breakout Sessions B

Session B1: Sudden Death and Divorce: The Employee Benefit Concerns

The sudden death of an employee may cause major disruption to your business. If the employee was divorced, the problems multiply. But your hassles have only just begun if your employee did not plan his or her financial/benefits life appropriately. This session will review the issues for 401(k), retirement and group life insurance plans and how you can lessen the chances of dealing with these problems.

Sharon Quinn Dixon

Session B2: Tips on Tackling Reasonable Accommodation Requests

The ADA's focus is now on the accommodation of employees with disabilities. This session will provide you with the latest "reasonable" accommodation developments, including when to accommodate, the types of accommodations, appropriate employer responses to employee requests, and how to document the interactive process.

Lisa K. Berg

4:00 – 5:30 p.m.

Networking Reception at LIV Night Club

VIP Stadium Tours

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 2011 and *South Florida Legal Guide* "Top Lawyers in South Florida," from 2005 to 2011. 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 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 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) from 2004 to 2011, *The Best Lawyers in America* from 2006 to 2011, Employment Lawyer of the Year, Miami Litigation, 2012, *Florida Super Lawyers Magazine* from 2006 to 2011, *South Florida Legal Guide* "Top Lawyers in South Florida" from 2005 to 2011 and received an 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.

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 has extensive strategic and advisory legal experience handling a wide range of employment law issues, and provides counseling to employers of all sizes to minimize risk of employment litigation. Ms. Berg also has considerable expertise in all areas of traditional labor law, including management of employer responses to union organizational campaigns,

representation of employers in union representation hearings before the NLRB, litigation of unfair labor practice charges, prevention and management of picketing and strikes, processing of grievances and arbitrations, and negotiation of collective bargaining agreements. 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) from 2005 to 2011, *Florida Super Lawyers Magazine* from 2006 to 2011, *The Best Lawyers in America*® from 1993 to 2011 and *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.

Murray A. Greenberg is Of Counsel in the Municipal Law and Land Use Department. Prior to joining the Firm, Mr. Greenberg served as County Attorney, First Assistant County Attorney and Assistant 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.

Jimmy L. Morales is a Shareholder in the Municipal Law and Land Use Department. His practice focuses on land use and eminent domain, municipal and county law, and governmental affairs. Mr. Morales was selected for inclusion in *Florida Super Lawyers Magazine* from 2006-2010, *South Florida Legal Guide* "Top Lawyers in Corporate and Business" in 2010 and *South Florida Legal Guide* "Top Lawyers in South Florida" in 2008, 2009 and 2011. Mr. Morales is a recipient of the Greater Miami Chamber of Commerce Bill Colson Leadership Award for Outstanding Leadership and Superior Ability, the First Annual McClaskey Leadership Award from the Guardianship Program of Dade County, the Ambassador of the Arts medal from the Dade Cultural Alliance and the "Civic Trailblazer" Award from the Miami-Dade Alumni Chapter of Bethune-Cookman College. Mr. Morales earned his J.D., *magna cum laude*, and his B.A., *magna cum laude*, from Harvard University.

Ingrid H. Ponce is a Shareholder in the Labor and Employment Department. She counsels companies on various employee issues and represents management in employed-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. Ms. Ponce was selected for inclusion in *Florida Super Lawyers Rising Star* in 2011. 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.

Andrew L. Rodman is a Shareholder in the Labor and Employment 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.

Eric S. Roth is a Shareholder in the Labor and Employment Department. Mr. Roth represents and advises clients on a broad range of labor and employment related matters under state and federal law. In particular, he assists clients with the enforcement of non-competition agreements, defends clients facing claims or charges of harassment, retaliation and discrimination and provides counseling on compliance with corporate progressive discipline policies. Mr. Roth provides careful communication training to reduce potential legal exposure, formulates strategies for reductions in force, and regularly drafts non-competition, severance, and separation agreements. Mr. Roth also counsels medical device company clients in a variety of areas including health care compliance and commercial transactions. Mr. Roth 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 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 was selected for inclusion in *Florida Super Lawyers Rising Star* in 2010-2011, *Florida Trend's Legal Elite* from 2006-2010, *The Best Lawyers in America*® from 2008-2010 and *Law & Politics*, "Florida Rising Star" in 2009. 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 was selected for inclusion in *Florida Super Lawyers Magazine* "Rising Star" in 2009, 2010 and 2011. Ms. Saltz is a Member of Leadership Broward Class XXX and a Founding Member of The Traveling Plate, an underground dinner club benefitting ARC Broward Culinary Institute. 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.

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's litigation experience includes representing employers in claims of discrimination, harassment, retaliation, wage-hour violation, whistleblower violation, FMLA violations, tortious conduct, denial of ERISA benefits, breach of contract or non-compete agreements, and theft of trade secrets. 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. 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.

Tobi Beth Lebowitz is an Associate in the Labor and Employment Department. Ms. Lebowitz handles a wide variety of employment law matters across a range of industries. She is a frequent speaker on employment issues and is a regular contributor to *Belabor the Point*, a blog dedicated to the latest developments in labor and employment law. She earned her J.D., *cum laude*, and her B.A., *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 SPEAKER

Carlos A. Gimenez serves as Mayor for the City of Miami-Dade County. Prior to his appointment as County Mayor, Mr. Gimenez served on the Miami-Dade Board of County Commissioners for seven years. As a Commissioner, Gimenez served as Chairman of the Government Operations Committee, as well as Chairman of the Regional Transportation Committee, which oversees Miami-Dade County's transportation systems from a local and regional perspective. He also sat on a number of other committees during his time as a County Commissioner. From May 2000 to January 2003, Mayor Gimenez was Manager of the City of Miami and was credited with helping to restore stability and integrity to that organization. As Miami's Chief Administrative Officer, he was responsible for an annual budget of \$500 million, a 4,000 employee workforce and provision of services to almost 400,000 residents. During his tenure as the City of Miami's top administrator, the City's bond rating went from "junk" to investment grade and the tax rate dropped to its lowest level in 50 years. At the same time, Miami was able to establish more than \$140 million in reserves. Mr. Gimenez earned his Bachelor's Degree in Public Administration from Barry University. In 1993, he completed the Program for Senior Executives in State and Local Government at Harvard University's John F. Kennedy School of Government.

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. Visit us online at stearnsweaver.com.

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- Commercial and Residential Real Estate Development
- Real Estate Finance
- Real Estate Private Equity

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- Public and Private Business Entities
- Trusts and Estates

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SUN LIFE STADIUM
347 Don Shula Drive
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Thursday, May 3, 2012
8:00 a.m. – 5:30 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 AT:

<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.

SUN LIFE STADIUM

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For more information, please contact Dara Errichetti at 305.789.3301 or derrichetti@stearnsweaver.com

NOT TO BELABOR THE POINT . . .

Make sure you check out *Belabor the Point*, our blog dedicated to the latest developments in labor and employment law.

<http://stearnsweaver.com/blog>