



FLORIDA DEPARTMENT of ECONOMIC OPPORTUNITY



APPEALS QUARTERLY

# Reemployment Assistance Appeals 2015 Year in Review

Perhaps the most noteworthy news of 2015 involves leadership in DEO. At the end of 2015, DEO Executive Director Jesse Panuccio announced his resignation. Under Director Panuccio’s leadership, Florida experienced significant economic progress as reflected in job creation and unemployment rates. In 2015, the National Association of State Workforce Agencies awarded Florida its State Excellence Award for Leadership for its innovative fraud prevention programs. Director Cissy Proctor is now leading DEO, stepping up from the Chief of Staff position she occupied after being the agency’s Director of Strategic Business Development. Under her leadership, we look forward to continued prosperity for Florida.

Several leadership announcements were also made specifically in the RA program in 2015. Magnus Hines was promoted to Deputy Director for RA Services. Emily Eineman now serves as Bureau Chief of RA Appeals. At RAAC, Commissioner Epsky and Commissioner Finnegan were both reappointed to their positions and were confirmed by the Senate in January 2016.

Legislative activity impacting RA law was minimal in 2015. The most noteworthy activities were the sunset of Section 443.131(5), F.S. and the enactment of House Bill 7019. Section 443.131(5) was enacted in 2010. It temporarily increased contribution rates to pay interest on money that had been borrowed from the Federal Unemployment Trust Fund during the recession. The provision sunset effective July 1, 2014. House Bill 7019, enacted as Chapter 2015-98, Laws of Florida, updates statutory language to reflect the rebranding of ‘Workforce Services’ as CareerSource throughout Florida.

The Commission had a very successful year defending its final orders in Florida district courts of appeal. RAAC prevailed in 99.2% (234 of 236) of its appeals, most on per curium affirmances or dismissals. The Commission also released 44 new precedential orders, which are among 288 precedential orders published for the first time ever on the Commission’s new website ([www.raac.myflorida.com](http://www.raac.myflorida.com)) implemented in 2015.

As we look ahead to 2016, RAAC has recently expanded its outreach initiatives, including giving presentations for interested bar organizations for no charge. These presentations are suitable for CLE credit as well as Labor and Employment Law Certification credit. We can tailor these presentations to the specific interest of an organization. Please contact our coordinator Lesley Blanton at [lesley.blanton@raac.myflorida.com](mailto:lesley.blanton@raac.myflorida.com) if you are interested in arranging a presentation. Also, RAAC and DEO Office of Appeals are participating in a CLE of the Florida Bar’s Labor & Employment Section, *Practice Before the State Labor & Employment Law Agencies*. The CLE is on April 1, 2016, in Tallahassee. For more information see the [brochure](#) in this newsletter or contact the CLE’s co-chair Amanda Neff at [amanda.neff@raac.myflorida.com](mailto:amanda.neff@raac.myflorida.com).

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# Miscellaneous Orders

## [R.A.A.C. Order No. 15-00054 \(July 17, 2015\)](#)

The claimant, a school board employee, was accused of improper sexual conduct with a minor. A prior remand order instructed the referee to determine whether the claimant had failed to preserve his employment, and thus constructively resigned, when he failed to appear before the school board to contest his proposed suspension and his proposed discharge. The referee concluded that by failing to pursue these avenues prior to his termination, the claimant effectively resigned his position under *Glenn v. Unemployment Appeals Commission*, 516 So. 2d 88 (Fla. 3rd DCA 1987). The Commission remanded the case a second time, allowing the claimant to present additional evidence regarding his post-termination grievance of the separation pursuant to the terms of a collective bargaining agreement. The Commission concluded that any timely and proper election of a grievance proceeding to address a suspension and separation constitutes a proper effort by the claimant to preserve his employment under *Glenn*, even if the claimant elected to not appear before the school board prior to the suspension and discharge.

The Commission reiterated that persons who invoke a Fifth Amendment privilege against self-incrimination must be reminded that their testimony cannot be used against them in a later criminal proceeding other than for perjury in the hearing. See § 443.171(8), F.S. Moreover, a party must be advised that any refusal to answer ques-

tions during the hearing can adversely affect the party's case through the drawing of inferences. The Commission also stated that because the issue listed on the hearing notice was overly narrow, the parties may have been misled as to the scope of the issues, and the parties must be given an opportunity to fully present their evidence. Finally, the Commission noted that certified transcripts of testimony presented during a *Williams* rule proceeding in circuit court may be admissible under the "former testimony" hearsay exception found in § 90.803(22), F.S., and under the "residual" hearsay exception found in § 443.151(4)(b)5.c.(I)-(II), F.S.

## [R.A.A.C. Order No. 15-01214 \(October 30, 2015\)](#)

This case emphasizes the necessity of an employer proving a violation of its rule as written. The claimant, the director of a disability services program, engaged in what started as an apparently consensual relationship with a subordinate who was also receiving services through her agency. After the relationship ended, the other party filed an internal sexual harassment complaint. The employer concluded that the claimant had engaged in sexual harassment because the other party contended that he was a reluctant participant in the relationship and was concerned about the repercussions if he failed to go along. However, he never explicitly rejected the advances.

The Commission concluded that the employer had not established a violation of its sexual harassment policy because the policy, which duplicated the language of the EEOC regulation, did not define "unwelcome" in solely subjective terms, whereas Title VII case law has applied an objective test. However, the employer did prove that the claimant had violated the portion of its policy which prohibited favoritism

towards a paramour by providing benefits to him that were not in compliance with employer policy. Thus, the Commission affirmed the disqualification.

## [R.A.A.C. Order No. 15-02076 \(September 25, 2015\)](#)

In this case, the Commission reiterated its interpretation of the "fair enforcement" defense to subparagraph (e) rule violation cases in the situation where a violation is inadvertent or negligent. The claimant worked as a telephone customer service representative for the financing department of a car dealership. After he completed preparation of an electronic loan application for a customer, she changed her mind about submitting it. While the claimant was processing multiple other applications for other customers, he accidentally submitted the loan application for the original customer. This incident constituted a technical violation of the Fair Credit Reporting Act.

The employer discharged the claimant for violation of its policy prohibiting submission of an application without customer consent. The Commission held the claimant not disqualified. In 2013, the Commission concluded that the "fair enforcement" defense could be applied to inadvertent or negligent violations of a rule in certain circumstances. The Commission developed a test which requires the referee to balance the degree of the claimant's culpability as compared to the nature and purpose of the rule, with emphasis on the harm the rule was intended to prevent, and the impact on the employer, coworkers, customers or the public of the violation. The lower the negligence or other fault of the employee, the more significant the risk of harm must be for the rule to have been fairly enforced.

In this case, the Commission held that

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# Miscellaneous Orders *Continued*

the claimant, who the evidence established was very busy at the time of the incident, had established that disqualification was a disproportionate result in this case, and reversed the underlying disqualification.

## [R.A.A.C. Order No. 14-04961 \(January 27, 2015\)](#)

In another case involving an inadvertent violation of a rule, the Commission reversed the referee's decision and held that the claimant had committed misconduct when he left his service revolver in a restroom in violation of an employer safety policy that required it to be in his possession at all times. The weapon was found by another person and turned in.

## [R.A.A.C. Order No. 14-06006 \(April 27, 2015\)](#)

Subparagraph (a) has two separate requirements. The employer must establish a conscious disregard of its interests, and a deliberate violation or disregard of the reasonable standards of behavior which the employer expects of his or her employees. This case addressed the proper application of this provision to determine whether misconduct occurred.

The claimant in this case was a public safety officer for a municipality. The claimant was ordered to prepare a report regarding a call she went on where a death was declared. She made a call to the other officer involved, but when she did not hear back immediately, took no further action. A second and then a third request from each of her two supervisors followed. Only after the third request from one of her supervisors, did she take the steps necessary to complete the report, 42 days after the incident. The employer had a procedure that such reports generally should be prepared by the end of the

duty shift. At the time these events occurred, the claimant was on probation after a prior instance of failure to obey orders.

The Commission affirmed the referee's decision disqualifying the claimant. The Commission analyzed each prong of subparagraph (a) and concluded that the claimant's failure to make completion of the report a priority was a conscious disregard of the employer's interests, and that the existence of multiple requests that were not properly complied with as well as a general standard of same-shift reporting demonstrated reasonable standards of behavior the claimant disregarded.

## [R.A.A.C. Order No. 15-00807 \(August 27, 2015\)](#)

Poor performance cases remain one of the most difficult type of cases to resolve. Longstanding law holds that unsatisfactory, inefficient or even incompetent performance is not misconduct per se. Poor performance only becomes misconduct when it is caused by a disregard of or indifference to the employer's interests. In short, the employee's effort, rather than his success, is what matters.

This case involved an x-ray technician who made a number of mistakes during his work, as well as an incident in which he allegedly misused a company vehicle. The Commission agreed with the referee that the case turned on the claimant's ongoing performance issues, but remanded the case for the referee to con-



sider them under standards outlined by the Commission. The Commission discussed the longstanding rule in light of the 2011 amendments to the statute, and established guidance for analyzing such cases with a list of factors that the parties and referee should explore. [Commission Order No. 15-03683 \(November 9, 2015\)](#) similarly addressed this issue.

## [R.A.A.C. Order No. 15-01385 \(August 28, 2015\)](#)

The Commission continues to receive a number of cases where employees quit contending they were not paid properly for their work or for overtime. These cases often require the Commission to determine whether the employer materially violated the FLSA.

This case involved a floor manager/server for a restaurant. The claimant contended that she worked many hours of overtime for which she was not paid. The employer did not contend that she was exempt; instead, it contended that she did not work the hours, or, if she did, the employer did not authorize them and was not aware of them.

The referee held that the claimant had good cause to quit, finding that she had not been paid overtime. The Commission vacated the case and remanded it to the referee for additional record development and findings as to a number of issues. In particular, this case raised the issue of whether any overtime was "suffered or permitted" by the employer. The Commission observed that despite the claimant's contention that she worked overtime, she reported overtime rarely on her time sheets. Moreover, her pay records reflected that she had been paid overtime on occasion. The Commission instructed the referee to revisit the decision after analyzing such issues and making additional findings.

# Miscellaneous Orders *Continued*

## [R.A.A.C. Order No. 15-02700](#) [\(September 30, 2015\)](#)

In a similar case, the claimant quit because her employment status was changed from salaried to hourly. The claimant contended that the change impacted her compensation. The referee found that the employer had changed the agreement of hire, and held that she quit with good cause attributable to the employer.

The Commission vacated and remanded the case for additional findings regarding how the change in status affected her overall compensation. The Commission's order pointed out that an employer's change in classification of employees may be dictated by law, and it is not the status, but the relative comparability in compensation, that is at issue.

## [R.A.A.C. Order No. 14-04136](#) [\(February 27, 2015\)](#)

In another case involving a change in compensation structure, the claimant quit when a new employer provided different compensation than she had originally received while performing the same work for a prior employer. The claimant worked for a federal contractor covered by the Service Contract Act. Her original employer paid employees both the designated prevailing wage and the prevailing benefits amount in cash, which she used to buy her own insurance. When the original employer lost the contract, the claimant and other employees were hired by the new company. In a transition meeting, the new employer announced that it would be providing insurance in lieu of cash and explained its benefit program. The claimant agreed to join the new employer at that time. When the employer launched its benefit program, it offered the employees either participation in its health plan, or a contribution into a 401(k) in lieu thereof. The employer also advised the employees as required by the Affordable Care Act that if they did not participate

in employer-sponsored health insurance, they would have to obtain their own and provide proof to the employer. The claimant quit because she did not want to participate in the employer-sponsored plan, but payment of her own policy resulted in a net loss of disposable cash income to her.

The Commission affirmed the referee's decision that the claimant did not establish good cause attributable to the employer. The claimant failed to establish that the employer did not comply with the law, and while the employer's compensation plan differed from that which her prior employer offered, she accepted employment having been made aware of the differences in structure.

## [R.A.A.C. Order No. 14-06037](#) [\(July 16, 2015\)](#)

Under the reemployment assistance law, an employee will not be disqualified for voluntarily resigning if s/he has good cause to separate due to "illness or disability requiring separation from the work." §443.101(1)(a)1., Fla. Stat. This case addressed the standards of evidence and proof required to establish that such a separation is "required."

The claimant worked as a store manager for a boutique retailer. She had a disagreement with her area manager over application of a commission policy for her staff and other issues. She was asked to meet with her manager and the two owners to discuss them. The claimant was not feeling well, but attended the meeting on a Friday morning. During the contentious meeting the employer discussed the claimant's failure to follow the policy and gave her a warning. They advised her that her practice of distributing commissions without regard to who earned them was "communistic" and effectively stole commissions from the employees who had earned them. They told her she must comply with the policy, or step down to a different

position at no loss of pay if she wanted. When the meeting ended, the claimant went to her store and left her keys. The claimant went to the emergency room over the weekend due to acute stress symptoms and nausea. While she was there, her husband emailed the employer and advised them that she was quitting due to "continued harassment."

In affirming the referee's decision, the Commission concluded that the claimant had not presented sufficient medical evidence that her health "required" separation from employment because she presented no documentary medical evidence that suggested that she could not continue in the position. The Commission also noted that she did not attempt to address the acute symptoms by taking time off, or taking up the employer's offer to move to a less demanding position. The Commission followed recent case law from other jurisdictions requiring some attempt to preserve employment in health cases prior to resignation.

## [R.A.A.C. Order No. 15-02275](#) [\(December 7, 2015\)](#)

Resignations due to workers' compensation settlements are a common scenario in cases before the Commission. In this case, the Commission laid out issues and standards the referee must consider in deciding whether such separations are disqualifying or not.

The claimant in this case had a permanent injury that was still limiting her use of an arm. She received a recommendation from one physician, but not her primary, to receive a particular type of injections to attempt to strengthen her arm. Her primary phy-



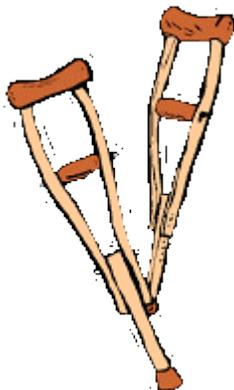
# Miscellaneous Orders *Continued*

sician did not authorize the treatment, stating that they were experimental in nature. The claimant filed a petition for benefits to which the employer/carrier objected. The claimant settled the case with an agreement to resign, which the employer required as a condition of settlement.

The claimant contended on appeal to the Commission that she had good cause attributable to the employer because the employer wrongfully denied payment of the medical benefits claim. The Commission rejected the idea that a workers' compensation benefits decision that is subject to resolution before the Judges of Compensation Claims can be collaterally challenged in the reemployment assistance process. Because the supported findings indicated that the employer had offered the claimant work consistent with her position and her limitations, she had the option of continuing work and litigating her benefits claim to resolution. Her choice to resign in order to settle remained disqualifying under court precedent.

## [R.A.A.C. Order No. 14-06192 \(February 24, 2015\)](#)

This case addressed the issue of whether a claimant was able and available for work. Under the law, the claimant must be "able and available," a standard that requires the claimant to actively look for work in jobs consistent with his or her work skills, and be without unreasonable occupational restrictions. The claimant in this case had suffered a serious injury and was physically limited. The referee held that the claimant's limitations precluded him from being able within the meaning of the statute.



The Commission vacated and remanded the case for additional consideration. While significantly limited, the claimant could potentially perform some types of sedentary work. The Commission observed that individuals recovering from such injuries might need to set new career paths, and the regulations should not be applied in such a way as to preclude their eligibility for benefits if they would be qualified for, and properly sought, work in appropriate job classes.

## [R.A.A.C. Order No. 15-01055 \(June 9, 2015\)](#)

This case addressed the issue of whether an individual was eligible for benefits, as totally or partially unemployed, due to the nature of his work. The claimant performed as an actor for theme parks. Due to the nature of his work, his assignments were often temporary, and he had periods of unemployment due to the seasonal nature of the industry. The referee applied the 1987 decision in [Palm Beach County School Board v. Unemployment Appeals Commission, 504 So. 2d 505 \(Fla. 4th DCA 1987\)](#) to conclude that the occasional nature of the claimant's work precluded him from being "unemployed." The Commission reversed, concluding that [Palm Beach County School Board](#) was no longer good law because it had been based on statutory and regulatory provisions that had been removed or amended. The Commission directed the Department to determine whether he was able and available, the proper test for determining whether an individual not working is sufficiently attached to the workforce.

## [R.A.A.C. Order No. 14-03507 \(February 27, 2015\)](#)

The majority of courts in Florida have held that administrative collateral estoppel does not apply. However, the Commission has applied judicial collateral estoppel from decisions in court

to resolve disputed issues of fact. This case is a recent example.

The claimant, a police officer, was fired for allegedly violating two employer rules. His case was heard by a local civil service board and the termination affirmed. The claimant appealed that decision to the circuit court under certiorari review. The claimant also filed for reemployment assistance benefits. The referee found on a prior remand that the employer did not prove the contents of its rule in order to establish a violation of subparagraph (e) and the employer appealed. After the referee's decision was issued, the circuit judge issued an opinion affirming the civil service board, which specifically held that the employer had proved the rule violations. The Commission gave notice of intent to take administrative notice of the order and issued an order to show cause as to why it should not conclude that the issued was collaterally resolved. After consideration of responses, the Commission held that the claimant was collaterally estopped from contending he did not violate the rules. The Commission then remanded the case for consideration of the affirmative defenses.

[R.A.A.C. Order No. 15-02331 \(July 10, 2015\)](#) was one of several in which the Commission discussed the types of hearsay evidence and their use in reemployment assistance hearings. Hearsay evidence that is admissible under the Florida Evidence Code hearsay exceptions or the statutory "residual" exception in Section 443.151(4)(b)5.c.(I)-(II), Florida Statutes is considered "competent" hearsay because it is sufficient by itself to support a material finding of fact. Hearsay evidence that is not otherwise admissible under an exception is "corroborative" hearsay which may be used to support, supplement or explain other evidence, but may not alter it, and is not sufficient by itself to support a finding of fact.

# New Office of Appeals Bureau Chief



Emily Eineman has been named the Chief of Appeals and started in January 2016. Emily graduated with honors from The Florida State University, majoring in Political Science and International Affairs. She completed her formal education with a J.D. from The College of William and Mary in Williamsburg, Virginia. After practicing with a litigation firm in Washington, D.C., she returned to Tallahassee several years ago. Her professional experience includes working as Assistant General Counsel and Director of Open Government for Governor Rick Scott, Associate General Counsel for The Florida State University, as well as a previous stint in DEO's own Office of the General Counsel. Emily is excited to take on the challenges of running the Office of Appeals and is looking forward to meeting everyone across the state. In her free time, Emily enjoys playing tennis, traveling, and reading.

## A New Addition to the NAUIAP Board

Last summer RAAC Deputy General Counsel and Clerk, Amanda Hunter, was elected to the Board of the National Association of Unemployment Insurance Appeals Professionals (NAUIAP). She will be a representative of the Commission, the DEO, and the State of Florida. The NAUIAP is committed to continuous improvement of the unemployment insurance appellate process by providing continuous education, sharing best practices, and assuring due process in all aspects of appellate review. Congratulations, Amanda! We know you will continue to make the Commission proud with your hard work.



## Visit RAAC Online at [raac.myflorida.com](http://raac.myflorida.com)!



The Reemployment Assistance Appeals Commission's website is the place to go for all your reemployment appeals questions. Interested parties can learn more about how to appeal a notice/determination, how to appeal a referee's decisions, and how to contact the District Courts of Appeal. Visitors to our site can also learn more about the Commission and our commissioners, find answers to frequently asked questions, and browse previous issues of *Appeals Quarterly*.

Perhaps the most useful aspect of the website is the searchable database of precedential RAAC orders. Our website currently hosts 288 orders spanning 72 different topics of reemployment appeals law, with new orders added periodically.



The Florida Bar Continuing Legal Education Committee and the Labor and Employment Law Section present

# Practicing Before State Labor and Employment Agencies

COURSE CLASSIFICATION: INTERMEDIATE LEVEL

One Location: Friday, April 1, 2016

University Center Club at Florida State University  
 FSU Doak Campbell Stadium • University Center, Building B  
 Tallahassee, FL 32306 • (850) 644-8528



Course No. 2042R

Join this April 1st conference hosted by The Florida Bar Labor and Employment Law Section involving the Florida Commission on Human Relations (FCHR), Florida Ethics Commission, Division of Administrative Hearings (DOAH), Florida Public Employees Relations Commission (PERC), Florida Department of Economic Opportunity (DEO), the Reemployment Assistance Appeals Commission (RAAC), and the First District Court of Appeal.

8:30 a.m. – 8:50 a.m.

**Late Registration**

8:50 a.m. – 9:00 a.m.

**Welcome and Introductions**

*Robert J. Sniffen, Program Co-Chair, Sniffen & Spellman P.A., Tallahassee*  
*Amanda Neff, Program Co-Chair, Reemployment Assistance Appeals Commission, Tallahassee*

9:00 a.m. – 9:50 a.m.

**FCHR – The Investigative Process**

*Moderator: Robert J. Sniffen, Program Co-Chair, Sniffen & Spellman P.A., Tallahassee*

**FCHR Panelists:**

*Cheyenne Costilla, General Counsel, Florida Commission on Human Relations, Tallahassee*  
*David Organes, Assistant General Counsel, Florida Commission on Human Relations, Tallahassee*  
*Emily Davis, Employment Investigations Manager, Florida Commission on Human Relations, Tallahassee*  
*Brooke Yurgel, Employment Investigations Manager, Florida Commission on Human Relations, Tallahassee*

9:50 a.m. – 10:20 a.m.

**FCHR – Review of Recommended Orders**

*Moderator: Robert J. Sniffen, Program Co-Chair, Sniffen & Spellman P.A., Tallahassee*

**FCHR Panelists:**

*James H. Mallue, Senior Attorney, Florida Commission on Human Relations, Tallahassee*

Commissioners TBD

10:20 a.m. – 10:30 a.m. **Break**

10:30 a.m. – 12:00 noon

**Trying Employment Cases Before DOAH**

*Moderator: Richard E. Johnson, Tallahassee*

**DOAH Panelists:**

*Chief Judge Robert Cohen, Division of Administrative Hearings, Tallahassee*  
*Judge Mary Li Creasy, Division of Administrative Hearings, Tallahassee*  
*Judge John Newton, Division of Administrative Hearings, Tallahassee*  
*Judge Suzanne Van Wyk, Division of Administrative Hearings, Tallahassee*

12:00 noon – 1:00 p.m.

**Lunch** (Included in registration fee)

*Virindia Doss, Executive Director of the Florida Ethics Commission, Tallahassee*

1:00 p.m. – 1:30 p.m.

**PERC – Jurisdiction & Pre-hearing Process**

*Moderator: Robert Edward Larkin, III, Allen, Norton & Blue P.A., Tallahassee*

**PERC Panelists:**

*Gregg Morton, Hearing Officer, Public Employees Relations Commission, Tallahassee*  
*Bill Salmon, Hearing Officer Public Employees Relations Commission, Tallahassee*  
*Cameron Leslie, Deputy Clerk, Public Employees Relations Commission, Tallahassee*

1:30 p.m. – 2:30 p.m.

**PERC – Evidentiary Hearing & Appeals to the Commission**

*Moderator: Robert Edward Larkin, III, Allen, Norton & Blue P.A., Tallahassee*

**PERC Panelists:**

*Donna M. Poole, Chairwoman, Public Employees Relations Commission, Tallahassee*  
*Gregg Morton, Hearing Officer, Public Employees Relations Commission, Tallahassee*  
*Bill Salmon, Hearing Officer Public Employees Relations Commission, Tallahassee*  
*Cameron Leslie, Deputy Clerk, Public Employees Relations Commission, Tallahassee*

2:30 p.m. – 3:30 p.m.

**DEO – Trying the Reemployment Assistance Case**

*Moderator: Eric J. Holshouser, Buchanan Ingersoll & Rooney, Jacksonville*

**RAAC Panelists:**

*Magnus D. Hines, III, Deputy Director for RA Services, Tallahassee*  
*Emily Eineman, Chief of RA Appeals, Tallahassee*  
*Sondra Timpson, OMC Manager, Tallahassee*  
*Monica Jackson, Administrator, RA Appeals Office, Tallahassee*

3:30 p.m. – 3:45 p.m. **Break**

3:45 p.m. – 4:15 p.m.

**RAAC – Review of Referee Decisions**

*Moderator: Eric J. Holshouser, Buchanan Ingersoll & Rooney, Jacksonville*

**RAAC Panelists:**

*Frank E. Brown, Chairman, Reemployment Assistance Appeals Commission, Tallahassee*  
*John W. Kunberger, Deputy General Counsel, Reemployment Assistance Appeals Commission, Tallahassee*  
*Amanda Hunter, Clerk, Reemployment Assistance Appeals Commission, Tallahassee*

4:15 p.m. – 5:00 p.m.

**DCA Appeals of Agency Final Orders in Employment & Labor Cases**

*Michael P. Spellman, Sniffen & Spellman P.A., Tallahassee*

**Panelists:**

*Hon. Joseph Lewis, Jr., First District Court of Appeal, Tallahassee*  
*Hon. Stephanie W. Ray, First District Court of Appeal, Tallahassee*  
*Hon. T. Kent Wetherell, II, First District Court of Appeal, Tallahassee*

5:00 p.m. – 6:00 p.m.

**Reception Honoring New PERC Commissioners** (included in registration fee)

## CLE CREDITS

### CLER PROGRAM

(Max. Credit: 8.0 hours)

General: 8.0 hours  
 Ethics: 1.0 hour

### CERTIFICATION PROGRAM

(Max. Credit: 8.0 hours)

Administrative Law: 8.0 hours  
 Labor & Employment Law: 8.0 hours

Seminar credit may be applied to satisfy CLER / Certification requirements in the amounts specified above, not to exceed the maximum credit. See the CLE link at [www.floridabar.org](http://www.floridabar.org) for more information.

Prior to your CLER reporting date (located on the mailing label of your Florida Bar News or available in your CLE record on-line) you will be sent a Reporting Affidavit if you have not completed your required hours (must be returned by your CLER reporting date).

**TO REGISTER****ON-LINE:**

www.floridabar.org/CLE

**MAIL:**

Completed form with check

**FAX:**

Completed form to 850/561-9413

**REFUND POLICY:** A \$25 service fee applies to all requests for refunds. Requests must be in writing and postmarked no later than two business days following the live course presentation or receipt of product. Registration fees are non-transferrable, unless transferred to a colleague registering at the same price paid. Registrants who do not notify The Florida Bar by 5:00 p.m., March 24, 2016 that they will be unable to attend the seminar, will have an additional \$100 retained. Persons attending under the policy of fee waivers will be required to pay \$100.

## Register me for the "Practicing Before State Labor and Employment Agencies" Seminar

**ONE LOCATION: (003) UNIVERSITY CENTER CLUB, TALLAHASSEE, FL (FRIDAY, April 1, 2016)**

TO REGISTER OR ORDER AUDIO CD, DVD, OR COURSE BOOKS BY MAIL, SEND THIS FORM TO The Florida Bar, Order Entry Department, 651 E. Jefferson Street, Tallahassee, FL 32399-2300 with a check in the appropriate amount payable to The Florida Bar or credit card information filled in below. If you have questions, call 850/561-5831. ON-SITE REGISTRATION, ADD \$25.00. **On-site registration is by check only.**

Name \_\_\_\_\_ Florida Bar # \_\_\_\_\_

Address \_\_\_\_\_ Phone: ( ) \_\_\_\_\_

City/State/Zip \_\_\_\_\_ E-mail\* \_\_\_\_\_

*\*E-mail address is required to receive electronic course material and will only be used for this order.*

**ABF: Course No. 2042R**

**ELECTRONIC COURSE MATERIAL NOTICE:** Florida Bar CLE Courses feature electronic course materials for all live presentations, live webcasts, webinars, teleseminars, audio CDs and video DVDs. This searchable electronic material can be downloaded and printed and is available via e-mail several days in advance of the live presentation or thereafter for purchased products. Effective July 1, 2010.

### REGISTRATION FEE (CHECK ONE):

- Member of the Labor and Employment Law, Administrative Law or Government Lawyer Sections: \$255  
 Non-section member: \$295  
 Full-time law college faculty or full-time law student: \$198  
 Persons attending under the policy of fee waivers: \$100

*Members of The Florida Bar who are Supreme Court, Federal, DCA, circuit judges, county judges, magistrates, judges of compensation claims, full-time administrative law judges, and court appointed hearing officers, or full-time legal aid attorneys for programs directly related to their client practice are eligible upon written request and personal use only, complimentary admission to any live CLE Committee sponsored course. Not applicable to webcast. (We reserve the right to verify employment.)*

### METHOD OF PAYMENT (CHECK ONE):

- Check enclosed made payable to The Florida Bar  
 Credit Card (Fax to 850/561-9413; Email to registrations@flabar.org)  
 MASTERCARD  VISA  DISCOVER  AMEX Exp. Date: \_\_\_\_/\_\_\_\_ (MO./YR.)

Signature: \_\_\_\_\_

Name on Card: \_\_\_\_\_ Billing Zip Code: \_\_\_\_\_

Card No. \_\_\_\_\_



Please check here if you have a disability that may require special attention or services. To ensure availability of appropriate accommodations, attach a general description of your needs. We will contact you for further coordination.

Enclosed is my separate check in the amount of \$40 to join the Labor and Employment Law Section. Membership expires June 30, 2016.

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