FLORIDA NELA

2025 ANNUAL CONFERENCE

August 22nd &
August 23rd, 2025

Don Cesar Hotel
St. Pete Beach, FL.

REGISTER TODAY!
FloridaNELA.org

HOLLIFIELD MEDIATION CENTRE
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Friday, August 22nd, 2025

11:55 am - 12:00 pm: *Lunch & Welcomes!*

12:00 pm - 12:50 pm:
Kathi Piscitelli: *USERRA*

Legislation enacted this year made significant amendments to the Uniformed Services Employment and Reemployment Rights Act (USERRA), expanding employee protections and strengthening available remedies for violations. This session will provide a comprehensive overview of the new provisions and their practical implications. It will also address key enforcement and litigation challenges, including jurisdictional issues involving state defendants, the enforceability of releases, and the application of the laches defense.

Kathryn Piscitelli is an employee advocate based in Orlando, Florida, and is board certified by the Florida Bar in labor and employment law. She serves as Of Counsel to the Sass Law Firm in Tampa, Florida. Ms. Piscitelli is a former member and Chair of the Florida Bar's Labor and Employment Law Certification Committee. An active member of the national and Florida chapters of NELA, she has also served on the executive board of Florida NELA and authored for NELA congressional testimony on legislation and comments on proposed federal regulations. Ms. Piscitelli is the co-author (with Edward Still) of *The USERRA Manual: Uniformed Services Employment & Reemployment Rights* (Thomson Reuters), a treatise cited in at least 16 federal court decisions, including published decisions of the Fifth and Ninth Circuits. She has spoken frequently on USERRA, including at NELA, Florida Bar, ABA, and AAJ seminars, and has advised members of Congress and NELA on USERRA issues. Ms. Piscitelli has been listed as a *Super Lawyer* in the Florida Edition of Super Lawyers magazine from 2012 through 2025.

1:00 pm - 1:50 pm:
Evangeline Hawthorne: *Religious Discrimination and the Workplace*

This presentation provides an overview of religious discrimination under Title VII of the Civil Rights Act, focusing on the legal obligations of employers to support workers with religious accommodation needs, absent undue hardship. Attendees will learn about various types of religious accommodations – such as modified or flexible work schedules, dress and grooming practices, and prayer breaks. The session will also cover the interactive process and best practices to foster a respectful and compliant workplace

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2:00 pm - 2:50 pm:
Gabe Roberts: *Medical Marijuana in Employment Law*

With the continued expansion of use of medical marijuana, this presentation reviews the current legal framework for medical marijuana use in Florida, its overlap with employment law and workplace policies, and what rights employees have in this area, if any. The presentation will discuss currently pending litigation and include a discussion on the professional responsibility considerations for attorneys representing individuals in these claims.

Gabe Roberts is a Partner at Scott Law Team where he began working in 2021. Prior to that, he was an assistant state attorney. Gabe received his bachelor's, master's, and juris-doctor degrees from the University of Florida, graduating from law school in 2019. Gabe lives in Jacksonville with his dog Artemis. He enjoys listening to podcasts and pretending that he is an amateur carpenter.

3:00 pm - 3:50 pm:
James Poindexter: *Florida's CHOICE Act and the State of Non competes*

Florida's new CHOICE Act dramatically changes the landscape of the state's non-compete laws. This seminar will focus on how the Act expands the enforceability of covered agreements, and how garden leave agreements establish a framework for potentially balancing employer interests in protecting confidential information with employee financial security during transition periods. The seminar will also involve strategies for drafting, negotiating, and litigating non-compete agreements covered by the CHOICE Act as well as those that fall outside of the Act.

James Poindexter, a member of the Florida Bar Labor & Employment Section's Executive Council has practiced labor and employment law in Jacksonville, Florida since 2015 where he is a shareholder at Delegal Poindexter & Underkofler, P.A. James currently serves on the Board of Governors of the Jacksonville Bar Association ("JBA") and is the President of the Board of Directors of Jacksonville Area Legal Aid. James formerly served as President of the National Employment Lawyers Association, Florida Chapter.

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Friday, August 22nd, 2025

4:00 pm - 4:50 pm:
Judge Michael Baggé-Hernández:
AI & Lawyers: Don't Let the Terminator Kill Your Ethics

This presentation will explore the rise of artificial intelligence and its growing impact on the legal field. Judge Michael Bagge-Hernandez will introduce attendees to various types of AI tools that can help lawyers enhance efficiency and productivity. He will also address the risks and ethical challenges associated with AI, equipping practitioners with a comprehensive understanding of its evolving role in legal practice.

The Honorable Judge Michael Bagge-Hernandez currently serves as a County Court Judge in Hillsborough County, Florida. Appointed in 2019 and elected without opposition in 2022, he previously spent ten years as an Assistant United States Attorney—five in Puerto Rico and five in the Middle District of Florida—prosecuting a wide range of federal crimes, including organized crime, narcotics, immigration violations, white-collar offenses, and child exploitation. He also litigated civil and criminal asset forfeiture cases and represented the U.S. in federal appellate court. In 2018, Judge Bagge-Hernandez was selected by the DOJ's Organized Crime and Gang Section for a pioneering assignment as Resident Legal Advisor to the U.S. Embassy in San Salvador, El Salvador. A native Spanish speaker, he has worked extensively with the DOJ's Office of Overseas Prosecutorial Development, Assistance, and Training (OPDAT) and the American Bar Association's Rule of Law Initiative, training legal professionals across Latin America during transitions to accusatorial legal systems. He has delivered lectures on a wide range of legal topics to judges, law enforcement, law students, and practitioners both domestically and abroad.

Judge Bagge-Hernandez earned his undergraduate degree in International Affairs and Spanish from Florida State University in 2003 and his Juris Doctor from Stetson University College of Law in 2007.

4:50 pm: ***Closing Remarks***

6:00 pm: ***Happy Hour!***

7:00 pm: ***Dinner and a Word from Sponsor Hollifield Mediation Centre***.

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Saturday, August 23rd, 2025

8:00 am: *Breakfast*

8:45 am - 9:00 am: *Welcome Remarks*

9:00 am - 9:50 am:
Mark Berkowitz: *Labor Arbitration*

This presentation will guide practitioners through the stages of labor arbitration. Attendees will learn distinctions between traditional arbitration and labor arbitration, including the differing standards for representing union and non-union clients as well as public and private employees in front of the National Labor Relations Board.

Mark J. Berkowitz represents clients in all phases of cases, involving employment discrimination, including sexual harassment, retaliation, and wrongful termination. As an experienced labor and employment lawyer, the relevant experience of this practitioner includes wage and hour claims, for unpaid overtime, as well as claims for long term disability benefits and pension, under ERISA. For over thirty years, Mr. Berkowitz has assisted clients throughout Florida, with labor and employment law matters. He has litigated issues ranging from age discrimination and sexual harassment cases; to non- competition agreements, as well as mass-lay off litigation. Mr. Berkowitz focuses his practice on arbitration cases, in both union and non-union contexts, the defense of unfair representation claims, employee representation matters, pertaining to employment discrimination claims, before state and federal courts; as well as before various administrative agencies, such as the Equal Employment Opportunity Commission, the Florida Commission on Human Relations, the National Labor Relations Board, and the Merit System Protection Board. These litigation matters involve claims focusing on race discrimination, national origin discrimination, discrimination based on pregnancy and sexual harassment, as well as claims based on age and disability. Mr. Berkowitz has also represented numerous federal employees, before the Equal Employment Opportunity Commission, the Merit System Protection Board, and the Federal Labor Relations Authority; and he has also represented state employees before the Florida Commission on Human Relations, the Florida Division of Administrative Hearings, and the Florida Public Employees Relations Commission.

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Saturday, August 23rd, 2025

10:00 am - 10:50 am:
Rick Johnson: *Hot Topics in Employment Law*

This presentation will address hot topics in employment law, including recent developments in both state and federal court, as well as newly enacted and pending legislation at both the state and federal levels.

Richard E. Johnson (who prefers Rick Johnson) is a Board-Certified Labor & Employment Law attorney, rated AV by Martindale-Hubbell, who represents plaintiffs in sexual harassment, rape, discrimination and whistleblower matters and in cases involving state and federal constitutional rights, as the principal of a firm in Tallahassee, Florida. He is an honors graduate of the Florida State University College of Law (J.D.), who also holds a B.A. and an M.A. from FSU. He has a perfect 10.0 “Superb” rating on Avvo, has been selected a "Super-Lawyer" for many years, and is a member of Florida Trend's "Legal elite." Rick is a co-founder and past president of the Florida Chapter, National Employment Lawyers Association (NELA). He serves as amicus coordinator for the Florida Chapter and has overseen the authorization, assignment, and production of 40 amicus briefs, many of which he has written himself. He frequently makes presentations at lawyer conferences, the FSU College of Law, and lay organizations.

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Saturday, August 23rd, 2025

11:00 am - 11:50 am:
Brian Calciano and Mike Pierro: *Reputational Risks in Employment Litigation*

This practical and timely session will explore the often-overlooked reputational consequences employees may face when suing their employer. The presenters will examine key distinctions between public, non-public, and quasi-public legal processes—including the visibility of lawsuits versus administrative proceedings like EEOC, FCHR, and DOL investigations—and discuss implications for both public and private sector employees. Attendees will learn about attorneys' ethical duties to inform clients of the broader impacts of litigation, including future employment risks and the limitations of legal protections regarding post-suit discrimination and reference checks. The session will also offer tactical advice on online reputation management, working with PR professionals, and legal tools for protecting sensitive information during litigation.

R. Michael Pierro, Jr. ("Mike") is an attorney practicing primarily in labor and employment law in which he is Florida Bar Board Certified. He is based in St. Petersburg, Florida where he is a member of the law firm of Calciano Pierro, PLLC. For more information regarding Mike & his practice, please visit **flemploymentlaw.com** or email him at **mike-at-flemploymentlaw.com**.

Brian Calciano joined Florida NELA before his admission to the bar in 2014 and has actively handled all aspects of employment litigation from intake through the appellate process ever since. Coming to believe that the best remedy to at-will employment is self-employment, he began to develop the business-law side of his practice around 2017, focusing on professionals and small businesses. His favorite out-of-office activities include long bike rides with his daughter, Ada, and radical electric skateboard shred sessions with Mike Pierro.

12:00 pm: *Lunch & Goodbyes*

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