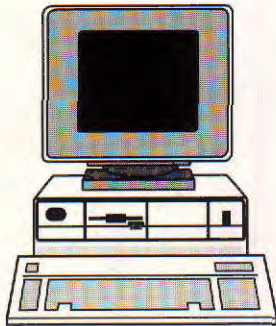


EMPLOYER ADVOCATE

516 NORTH ADAMS STREET • P.O. BOX 784 • TALLAHASSEE, FL 32302 • PHONE (904) 224-7173 • FAX: (904) 224-6532

VOLUME 1 NUMBER 1 NOVEMBER 1991



ANNOUNCING The Government Information System of The Florida Business Network

A computerized governmental information system specifically designed to enable the business community to track Florida government.

Developed by AIF to provide quick, easy access to timely and accurate information about

- *Government Officials*
- *Voting Records*
- *Analytical Summaries/Articles*
- *Bill Histories*
- *Daily Schedules*
- *And More...*

For additional information contact Mr. Steve Trickey, Director, Governmental Information System at (904) 224-7173.



Getting Down to Business



1953 Annual Meeting, Associated Industries of Florida

From the Roaring Twenties to a kinder gentler nation. The last seventy years have transformed Florida and the world. Prohibition, the Great Depression, a World War of massive proportions. The Space Age took us to the moon and beyond. In Europe, a Cold War began and ended. It continues across the Florida Straits.

In 1920, a group of Jacksonville businessmen formed an association to represent employers through the changing times. The organization incorporated as Associated Industries of Florida (AIF) ten years later.

AIF's 1930 Charter of Incorporation commits the association to "encourage and support the Business and Industrial Enterprises of Florida and afford a medium for their cooperation in support of constructive public policies relating to all matters affecting them and for their protection against unjust action from any source."

Since the beginning, AIF has pursued a unified, well-defined legislative agenda for

business. When a bill is proposed, AIF's legislative experts review it to ascertain its impact on the marketplace. Does the bill present a solution to a problem? Is it a workable solution? Does it represent unnecessary intrusion by government into the work place?

Excessive governmental regulation is bad for business and the public as a whole. AIF has been particularly successful in halting the passage of restrictive regulation.

As evidence, we point to recent defeats of a state minimum wage bill and comparable worth legislation. A statewide minimum wage would have done nothing for Florida but inflate wages and paperwork. Comparable worth is a doctrine that lets the state decide the wage value of innumerable professions and trades. It removes the market forces of supply and demand from employee compensation decisions. Blocking passage of these misguided ideas has saved billions for employers and consumers alike.

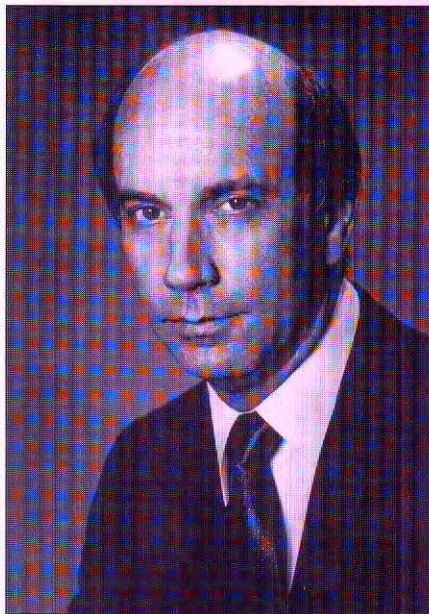
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President's Message

Leaders and Leadership

by Jon L. Shebel



Jon L. Shebel

There is little doubt that everyone admires, respects and probably even envies those who are regarded as leaders. We may not always agree with everything they do, but we respect them nonetheless.

I think it's safe to say, one of their most admirable characteristics is a willingness to take risks. Sometimes this can mean jeopardizing one's political career, business venture, or life itself. And isn't it even more admirable when his sole motivation is the well-being of others?

On occasion we call them heroes. Haven't we all had one? Perhaps it was a friend, a relative, a colleague, — maybe a national hero.

Several men come to mind. President George Bush — no mad man was going to plunder and ravage a weaker border country. Vice President Hubert Humphrey — too liberal for the nation to be elected President, but loved and admired by liberals and conservatives alike on both a personal and humanitarian basis. Boris Yeltsin — jumped up on a tank and told armed Russian soldiers to "stop" their advances on fellow citizens. Not only did he save the lives of his fellow citizens, but possibly the future of his country. Mikhail Gorbachev — changed the direction of the USSR and saw his life, as well as the life of his family, almost extinguished because of his leadership.

On a more personal note, my favorite leader of all time was Second Lieutenant Terry Graves, USMC. On an incredibly hot afternoon in February 1969, while engaged in hostile action in the Republic of Vietnam, he loaded his men, most of whom were wounded, into a helicopter and ordered the pilot to take off. Lieutenant Graves remained behind to provide covering fire to enhance the safety of his men and flight crew. Several years later, President Lyndon Johnson awarded Terry's parents a posthumous medal of honor.

As I reflect upon the actions of these leaders and those before them, it seems they all share a common trait. Their primary actions are guided by what they believe is in the best interest of others and not necessarily themselves.

This brings us to Florida's Governor, Lawton Chiles.

Governor Chiles is engaged in a battle to make Florida's government work. He is embroiled in numerous battles with entrenched bureaucracies and their private sector support groups.

It is probably to the Governor's political detriment, at least in the short-term, to do battle with these bureaucracies. And yet, he continues putting himself on the line. For who? For you and I. For us. The taxpayers.

He is simply saying that government should do more and do it better. That government should be more efficient in carrying out its functions. Haven't we all been asking the same thing for a long time?

Florida now has a leader who is trying to accomplish just that. I think he deserves a little vocal support from those of us who have complained for so long.

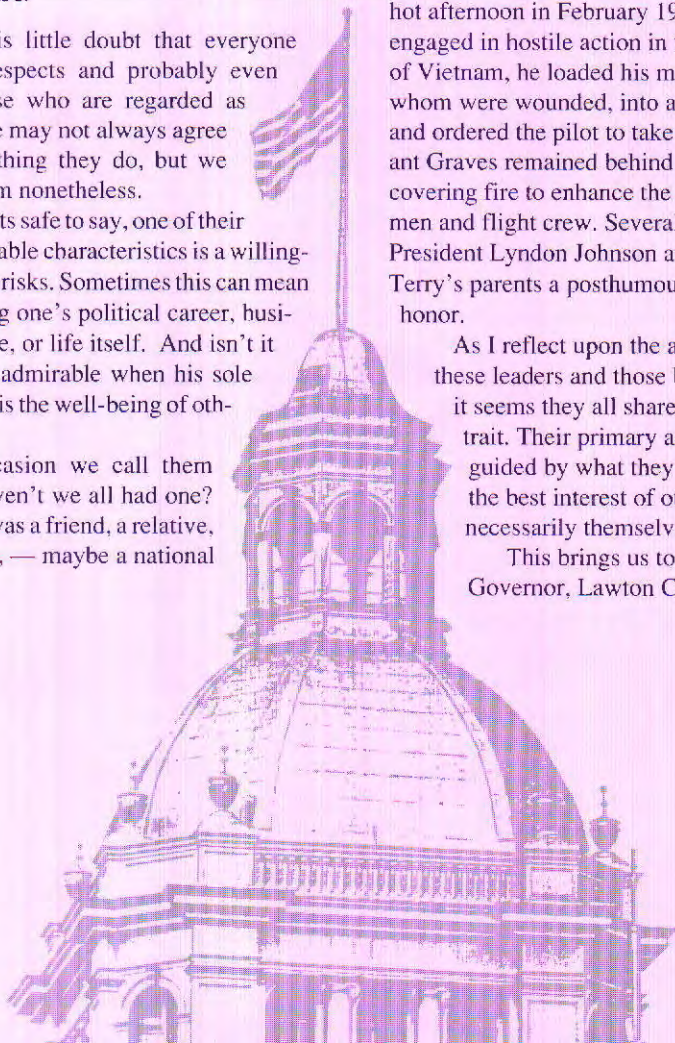
GETTING DOWN TO BUSINESS

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When it comes to major business cost items, AIF has truly led the way. Years ago, AIF helped draft the state's unemployment compensation taxing structure. We monitor it to this day. The result is a healthy U.C. trust fund and some of the lowest unemployment taxes in the country. AIF is the major force behind suppression of repeated efforts to index the state maximum weekly benefit amount.

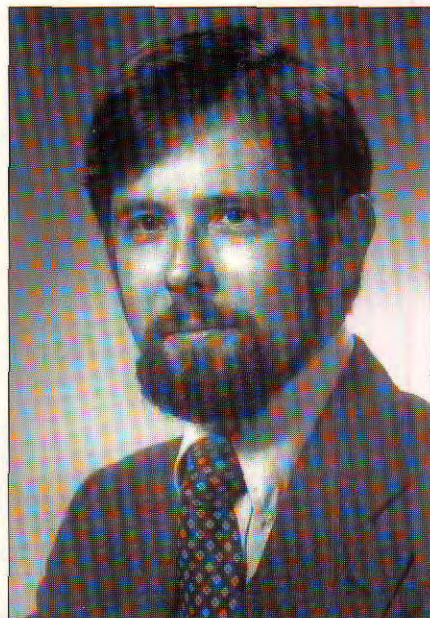
On the other hand, none of us are happy with the state of workers' compensation. The system's legitimate purpose is to supply employers with a method to compensate workers injured on the job. Over the years, it has become a method to compensate lawyers and medical providers. The fight over workers' compensation is one of the toughest faced by employers. AIF has taken it to rate hearings to contest unjustified increases sought by insurance carriers and to endorse rate increases when justified. AIF has battled and prevailed in the Supreme Court. When required, AIF has presented its challenge to administrative rules, medical reimbursement schedules and attorney's fees.

Wages, taxation, unemployment compensation, and workers' compensation are just some of the issues that AIF confronts for employers. Over the years employers have enjoyed many victories engineered by Associ-



NEGLIGENT EMPLOYMENT CLAIMS:

Employers Should Be Cautious In Hiring and Managing Employees



John-Edward Alley, Esq.

*by John-Edward Alley, Esq.,
Alley & Alley Chartered, Tampa, Florida*

Negligent employment claims are becoming increasingly popular with plaintiff's attorneys. Negligent employment claims are based upon the negligent acts of the employer in hiring, retaining, promoting, and supervising employees, rather than the acts of the employee. The typical scenario in these claims involves the victim of an allegedly incompetent, penniless employee, whose violent and/or criminal act results in suit against the deep-pocket employer and insurance carrier.

In general, this theory of liability imposes upon the employer a duty to hire and retain only safe and competent employees. An employer fulfills this duty, and thus avoids liability, by making: (1) an "adequate investigation" into an applicant's fitness for the job before hiring, and

(2) by taking appropriate action if it discovers that an employee may be "incompetent" for the job held or promotion sought. Unfortunately, from the employer's perspective, juries usually decide, after the fact, whether the employer conducted an "adequate investigation" or took appropriate action. Therefore, given the nature of present-day juries, a large monetary award, including punitive damages, is often a distinct possibility.

It is very important for employers, and their managers and supervisors, to implement policies that help limit their exposure to negligent employment lawsuits. With this in mind, in the next issue of the newsletter we will discuss various personnel policies that will help an employer reduce its exposure to liability for such claims.

GETTING DOWN TO BUSINESS

continued from page 2

ated Industries of Florida. The successes we've gained are made possible in large part by the number of companies who stand behind us and are willing to make their voices heard in the halls of the legislature.

This issue inaugurates *Employer Advocate*, the bi-monthly newsletter for association members. Its purpose is to give you insight on issues and the proposed solutions. It will also let you know about new services. Each issue will contain a guest column by assorted experts from the public and private sectors.

Associated Industries of Florida was created to confront new challenges to business. Seven decades later, the challenges continue and multiply. We hope that *Employer Advocate* will be one more tool to advance a pro-business attitude in Florida government. Your comments, ideas and suggestions for articles are welcome.

Five Quick Safety Tips For Employees

Never run up or down stairs

Use the hand railing

Don't carry anything that blocks your vision when using stairs

Don't block any part of stairs with obstructions

Always keep one hand free for support or to break a fall

AIF Committee Connection

AIF's committee structure offers membership an opportunity to become seriously involved in policymaking. Members do not simply vote on a package presented to them but instead brainstorm to derive their own packages of solutions to the State's complex problems. Listed below are the four currently functioning committees. Other ad hoc committees, such as the Tort Reform Committee, are set up from time to time to address particular pressing issues. Again, AIF welcomes your involvement.

Environmental Committee

Chairman: Mr. Robert Coker, U.S. Sugar Corporation

AIF Staff: Ms. Jodi Chase, Staff Attorney

Technical support: Ms. Martha Edenfield, Esquire, Oertel, Hoffman, Fernandez and Cole.

Health Care Committee

Chairman: Mr. Mike Hightower, Blue Cross/Blue Shield of Florida

AIF Staff: Mr. Dick Davis, Senior Vice President & General Counsel; Ms. Jodi Chase, Staff Attorney

Workers' Compensation Committee

Chairman: Ms. Mary Ann Stiles, Esquire, Stiles & Taylor, P.A.

Taxation Committee

Chairman: Randy Miller, Tax Consultant to AIF and former Executive Director of the Florida Department of Revenue.

Tort Reform Committee

The Tort Reform Committee has not been fully activated since 1986 but is likely to be reconstituted prior to the 1992 Session. This committee does not currently have a chairman. However, AIF Senior Vice President & General Counsel Dick Davis has been designated as support staff. The committee's main purpose in 1992 will be to choreograph the passage of a package of several proposals previously drafted by AIF. Included are topics such as abolishment of joint and several liability, elimination of vicarious liability for punitive damages, reducing the statute of repose in product liability cases, etc.

Consultation Services for Florida Businesses



Mr. H.T. "Bert" Garrido,
Director, Division of Safety

While Florida businesses are as varied as the local mom and pop grocery store to Fortune 500 companies, we all share a common concern — safety in the workplace.

Last year the Division of Safety was created under the Florida Department of Labor & Employment Security. Our mission is to assist Florida employers in reducing the number of work-related injuries. In that effort, I am pleased to

have this opportunity to re-familiarize Florida employers with the 7(C1) Consultation Services program.

The State of Florida has implemented a program of free, on-site consultation services for those companies in Florida concerned with the safety and health of their employees. Supported largely by federal funds, this program nevertheless allows the Division of Safety to maintain a confidential relationship with client companies. This free service is independent of any OSHA enforcement activity.

The effect of this service is that Florida employers have an opportunity to achieve voluntarily an "in-compliance" status in regard to OSHA regulations and standards. The ultimate benefits include not only avoiding possible noncompliance and fines, but also reducing the potential for employee injury and illness, boosting morale and efficiency, decreasing insurance and other operating costs, and increasing profits for business and industrial firms in Florida.

Any Florida employer can take advantage of this free, on-site consultation service at any time. However, priority is given to small businesses, to hazardous operations, and to employers who are seriously seeking to attain "in-compliance" safety and health status voluntarily.

The scope of a consultation visit

depends entirely upon the employer's request. It may range from providing assistance on a very specific safety and health problem identified by the employer, to an in-depth safety and health audit of an entire company operation. After an employer has requested the service, identified the type of consultation needed, and given certain basic information about the company, a trained safety or health consultant from the Division of Safety staff will visit the plant or business site. The consultant will prepare a written report of findings and recommendations, referenced to appropriate safety and health standards. The only time an employer is obligated to act on recommendations is in the event that the consultant identifies and reports hazardous conditions that may cause death or serious physical harm to employees.

The sole purpose of this service is to assist the employer in achieving a safe, healthy and efficient work environment for employees, thereby reducing costs. The fact that an employer seeks assistance from the state of Florida is evidence of an employers interest in safety and health.

I encourage you to take advantage of this highly successful program.

For additional information about this program or any of our other services, please call (904) 488-3044 or 1-800-367-4378.

Associated Industries of Florida

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