



LABOR & EMPLOYMENT CERTIFICATION EXAMINATION SPECIFICATIONS



1. Purpose of Examination

The Labor & Employment Certification Examination consists of a combination of essay, short answer, and multiple-choice questions. It is intended to test whether an applicant possesses the knowledge, skills, abilities, ethics, and judgments that are common to specialists in Labor & Employment law and is also intended to be a valid and reliable measurement to justify the representation of special competence and professionalism that distinguishes a “Florida Bar Board Certified Lawyer.”

2. Examination Content

Topics that may be covered on the Labor & Employment examination include:

1. Traditional Labor (Approximately 25%)

- 1.1 FLSA
- 1.2 Public Sector Collective Bargaining/Career Service
- 1.3 NLRA
- 1.4 Federal Arbitration Act, Florida Arbitration Code, and Enforceability of Arbitration Agreements

2. Equal Employment Opportunity (Approximately 25%)

- 2.1 Title VII/FCRA
- 2.2 ADA
- 2.3 ADEA (and related statutes)
- 2.4 GINA

3. Hybrid Labor and Employment (Approximately 25%)

- 3.1 ERISA, COBRA, ACA, HIPAA
- 3.2 FMLA
- 3.3 OSHA
- 3.4 USERRA
- 3.5 State Military Leave Laws (including Chapter 115 and 250)

4. Miscellaneous Statutes/Individual Rights (Approximately 25%)

- 4.1 Reconstruction Era Civil Rights Statutes (1981, 1983, 1985)
- 4.2 WARN
- 4.3 Drug Testing
- 4.4 Employment Torts
- 4.5 Equal Pay Act
- 4.6 Domestic Violence Leave (Fla. Stat. § 741.313)

- 4.7 Preservation and Protection of the Right to Keep and Bear Arms in Motor Vehicle Act of 2008 (Fla. Stat. § 790.251)
- 4.8 Federal and state whistleblower protection laws (including but not limited to Sarbanes-Oxley, 18 U.S.C. § 1514A, Dodd-Frank Wall Street Reform and Consumer Protection Act, 15 U.S.C. § 78a et seq., Fla. Stat. §§ 112.3187, 448.101-105)
- 4.9 Florida's prohibition on Workers' Compensation retaliation
- 4.10 Fair Credit Reporting Act
- 4.11 Non-compete agreements, Florida Uniform Trade Secrets Act (Chapter 688), and Defend Trade Secrets Act (18 U.S.C. § 1836 et seq.)
- 4.12 Employee Polygraph Protection Act
- 4.13 Florida Statutes §§ 448.01-448.09 and 725.07
- 4.14 31 U.S. Code § 3730(h)
- 4.15 Florida Statutes §68.088 (Florida False Claims Act Anti Retaliation Provision)

NOTE: The examination will include ethical issues arising in the practice of labor and employment law.

The exam will consist of fifty multiple-choice questions worth 1 point each, twenty short answer questions worth 5 points each and four essays worth 60 points each.