

# WHAT IS DIFFERENT ABOUT PUBLIC SECTOR LAW?

by

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**HIGHLIGHTED AREAS HAVE BEEN NEWLY UPDATED**

- I. FREE SPEECH, EMPLOYEES AND DUTY OF LOYALTY AS A PRIVATE CITIZEN
- II. FREEDOM OF SPEECH UNDER THE FIRST AMENDMENT AS A PRIVATE CITIZEN DURING WORK HOURS
- III. INTENTIONALLY OR RECKLESSLY FALSE STATEMENTS MADE AS A PRIVATE CITIZEN ARE NOT PROTECTED BY THE FIRST AMENDMENT  

if the subject matter of Westmoreland's speech involved a matter of public concern, the speech itself cannot be considered a matter of public concern because it is false.
- IV. SELF-INTEREST IN SPEECH DOES NOT PRECLUDE FIRST AMENDMENT RETALIATION CLAIMS
- V. FREE SPEECH, EMPLOYEES AND THE DUTY OF LOYALTY NOT AS A PRIVATE CITIZEN (ON THE JOB)
- VI. TRUTHFUL REPORTS MADE NOT AS A PRIVATE CITIZEN (ON THE JOB)
- VII. TRUTHFUL REPORTS MADE UNDER SUBPOENA
- VIII. NO FIRST AMENDMENT PROTECTION FOR WHISTLEBLOWER
- IX. FREEDOM OF SPEECH UNDER THE FIRST AMENDMENT: PICKERING BALANCING TEST
  - A. Facts
  - B. Pickering Balancing Test

**C. Matter of Public Concern**

**X. NO PUBLIC POLCY CLAIM FOR FIRST AMENDMENT FREE SPEECH**

**XI. THE HATCH ACT**

**XII. EMPLOYEE CONSTITUTIONAL RIGHTS ... “KINDA”**

**A. Fifth and Fourteenth Amendments:**

**B. “LOUDERMILL” RIGHTS**

**C. Preferred Process**

**D. “GARRITY” RIGHTS: SELF INCRIMINATION**

**E. Fourth Amendment: Search and Seizure**

**F. Fourteenth Amendment: Equal Protection and Privacy**

**XIII. STATE SOVEREIGN IMMUNITY**

**A. U.S. SUPREME COURT: Age Discrimination in Employment Act**

**B. U.S. SUPREME COURT: Americans With Disabilities Act**

**C. Family and Medical Leave Act**

**D. State's Acceptance Of Federal Funds Under The Rehabilitation Act Waives Its 11th Amendment Immunity To A Claim For Damages**

**XIV. DOL FINALIZES PAID SICK TIME RULE FOR FEDERAL CONTRACTORS AND SUBCONTRACTORS**

**A. Rule Overview**

**B. Accrual Requirements**

**C. Leave Use**



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***Business First's 20 People To Know In HR***

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**Scott Warrick** combines the areas of law and human resources to assist organizations in **“Solving Employee Problems BEFORE They Happen.”** Scott uses his unique background of **LAW** and **HUMAN RESOURCES** to help organizations get where they want to go, which includes coaching and training managers and employees in his own unique, practical and entertaining style.

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Scott's **[“Employment Law Videos”](#)** on the ADA, FMLA, FLSA and Harassment.

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**Scott's academic background and awards include:**

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