

OVERVIEW OF EMPLOYMENT LAW
in the
PUBLIC SECTOR
OUTLINE

by

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*Employees always think they have more rights than they really do...
and employers always think they have less.*

- I. CONSTITUTIONAL RIGHTS IN GENERAL**
 - A. First Amendment: Freedom of Religion, Press, Expression**
 - B. Fifth and Fourteenth Amendments: Procedural Due Process**
 - C. Fourth Amendment: Search and Seizure**
 - D. Fourteenth Amendment: Equal Protection and Privacy**
- II. FAIR LABOR STANDARDS ACT AND THE SALARY TEST EXEMPTION FOR PUBLIC SECTOR**
 - A. Salary Test In General**
 - B. Public Sector Employees' Exemption To The Salary Test**
- III. "GARRITY" RIGHTS**

IV. “LOUDERMILL” RIGHTS

A. Coverage

B. Preferred Process

V. EMPLOYEE DUTY OF LOYALTY & FREEDOM OF SPEECH... “KINDA”

A. Free Speech, Employees and the Duty of Loyalty OFF THE JOB

B. Free Speech, Employees and the Duty of Loyalty ON THE JOB

VI. THE HATCH ACT

VII. 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**



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CEO Magazine's 2008 Human Resources "Superstar"

Nationally Certified Emotional Intelligence Counselor

2008, 2007, 2006 and 2003 SHRM National Diversity Conference Presenter

Scott Trains Managers and Employees ON-SITE in over 40 topics

Scott uses his unique background of **LAW** and **HUMAN RESOURCES** to help organizations avoid legal pitfalls while also helping them improve their employee relations and communication skills.

Scott travels the country presenting his revolutionary "**Emotional Intelligence, Tolerance & Diversity for White Guys ... And Other Human Beings: FINALLY A Program For Everyone.**" This one of a kind **SKILL-BASED** program creates an atmosphere of open communication so we are better able to resolve all kinds of conflicts in our organizations.

Scott's unique program is the ONLY Diversity/Tolerance Program in the country approved by HRCI-SHRM for STRATEGIC SPHR Credit because unlike most other EI/Diversity/Tolerance Programs, this program goes right to YOUR BOTTOM-LINE.

Scott's clients include Adena Health Systems, St. Rita's Hospital, Ohio Department of Administrative Services, the Office of Housing and Urban Development, the Bayer Corporation, The Ohio State University, Area Agency on Aging, the Nebraska Army/National Guard, Heinz Frozen Foods, Boeing, EBMC, Honeywell, MTD Products (Cub Cadet, Troy-Bilt & Bolens Lawn Products, etc.

Scott's academic background and awards include:

- Capital University College of Law (Class Valedictorian (1st out of 233))
- Master of Labor and Human Resources and B.A. in Organizational Communication: The Ohio State University
- The Human Resource Association of Central Ohio's Linda Kerns Award for Outstanding Creativity in the Field of Human Resource Management and the Ohio State Human Resource Council's David Prize for Creativity in Human Resource Management

Solving Employee Problems BEFORE They Happen!