

Public employment law

Law



Public employment law Public employment law The Pickering v. Board of Education of Township case was heard on the 27th of March, 1968. The final decision for the case was in 3rd June the same year. In this case, the Board of Education was the appellee while Pickering Marvin, a teacher was the appellant. The issue at hand was the dismissal of the teacher on account of a letter written by him to a newspaper criticizing the criterion used by the board in school funds allocation between the athletic programs and educational activities. Further, Pickering expressed discontent in the methods used by the superintendent in informing or misinforming the districts taxpayers in the school of the reasons for not seeking additional revenue in the form of tax (Haynes, 2003).

The boards' position on the issue was that the contents of the letter were fabricated thus leading to the dismissal of Mr. Pickering from the teaching staff. The teacher appealed the decision on the basis of a violation of his rights as represented in the first and the fourteenth amendments that gave the teacher the right to speak out as a loyal citizen on any issue of public interest. Both the Will County Circuit Court and the Illinois Supreme Court after analyzing the issue affirmed the Board's decision to dismiss the teacher. Only the U. S Supreme court found reasonable ground to overturn the dismissal based on a violation of the freedom of speech as made possible by the First Amendment (Haynes, 2003).

A keen analysis of the issues surrounding this case reveals various flaws and rationality depending on the perspective one views it. For instance, if it were considered from the aspect that Mr. Pickering was a citizen of the United States, then, he was acting within his legal limits by commenting on the conduct of the Educational Board. Such issues as he rose are by all means of <https://assignbuster.com/public-employment-law/>

great public interests since they constitute mismanagement of funds.

However, the most logical way to view this issue is perhaps that of the First Amendment. Mr. Pickering was justified in claiming that his right of expression was maybe violated. He has reasonable grounds to argue so since, after all, all citizens are protected in their speech. What Mr. Pickering did not consider was probably the facts also enshrined in the First Amendment under which this freedom of speech is not guaranteed and which it can actually be regarded as an abuse of the rights bestowed on an individual. This is the view that the law holds in as far as employment law is concerned (Haynes, 2003).

While the constitution protects Mr. Pickering as a citizen, the same protection is withdrawn since the employee, Mr. Pickering, was under pursuant of his employer, the Board of Education. The constitution is quite clear that any privileges of the freedom of speech are withdrawn under such circumstances surrounding the case of Pickering v. Board of Education of Township.

Further, an inquiry into the allegations by the Board to look into the truth or falsity of the allegations made by Mr. Pickering found these to be false. This is another ground as stated in the First Amendment under which the freedom of speech of an individual is not protected by the constitution. Lack of any reasonable evidence apart from allegations that are not admissible in a court of law by Mr. Pickering further made it hard for him to justify his case. While the U. S Supreme Court may have sided with Mr. Pickering, there are still lingering feelings that perhaps, the decision by the Board, the Will County Circuit Court and the Illinois Supreme Court to dismiss Mr. Pickering under the employment law was perhaps a fair judgment (Haynes, 2003).

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Reference

Haynes, C. (2003). *The First Amendment in schools: a guide from the First Amendment Center*.

Alexandria: ASCD.