

SNIFFEN & SPELLMAN, P.A.

EDUCATION LAW ALERT December 2017

Governor Scott Issues Executive Order Regarding Sexual Harassment in State Agencies

On December 12, 2017, Governor Rick Scott issued Executive Order Number 17-319 (Preventing Sexual Harassment in State Agencies), effective immediately. The Order directs all agencies headed by an official serving at the pleasure of the Governor, and encourages all other state agencies and components of state and local government, to adopt and implement certain practices regarding sexual harassment. The Order requires adoption and implementation of practices in the following areas: training, both for new employees and all employees in a supervisory or management position; procedures for investigation and resolving complaints; as well as notification to employees of the agency's procedures for investigating and resolving complaints of sexual harassment.

Read more [here](#).

Paid College Athletes: Not if NLRB General Counsel Has a Say

Newly minted National Labor Relations Board General Counsel, Peter Robb, acted quickly to rescind guidance that college football players at private universities are employees under the National Labor Relations Act pursuant to Memorandum GC-17-01. Memorandum GC-17-01 stated that college football players at private universities are employees and therefore entitled to seek pay for their contributions and to request improved working conditions. Under the current composition of the National Labor Relations Board it is highly unlikely that student-athletes will be granted the right to collectively bargain or the right to file unfair labor practice charges.

Read more [here](#).

The Interplay Between the Contract Clause and Tenure in the Seventh Circuit

A tenured teacher in Indiana, who was laid off, brought suit against his employer, claiming that legislation which amended the rights of tenured teachers in layoffs violated the Constitution when applied to him. The trial court ruled in his favor and awarded him back pay under 42 U.S.C. Section 1983 and attorney fees under Section 1988. The issue on appeal was whether the new legislation violated the Contract Clause rights of a teacher who had achieved tenure before the law took effect. The Seventh Circuit affirmed finding the legislation, as applied, substantially impaired the teacher's tenure contract.

Read more [here](#).

Legal Marijuana Not Welcome on College Campuses

Although some states have removed criminal penalties for marijuana, and many others have legalized it for medical and/or recreational use, the drug remains forbidden at colleges in such

states. Last year, California, Massachusetts, Nevada and Maine all voted to legalize marijuana joining Colorado, Oregon, Alaska, Washington and the District of Columbia; however, college administrators in these states worry about violating federal law, specifically the Drug-Free Schools and Communities Act of 1989.

Read more [here](#).

Additional Funds to Support Schools Impacted by Hurricanes

The United States Department of Education announced \$10.4 million in additional funds to assist students at more than 900 schools affected by the recent natural disasters. The Federal Work-Study (FWS) Program funds will be distributed to schools located in Federal Management Areas declared major disaster areas impacted by hurricanes Harvey, Irma, and Maria, as well as schools across the nation that have enrolled a significant number of students from the impacted areas. Legislation passed in the wake of these storms, the Hurricanes Harvey, Irma, and Maria Education Relief Act of 2017, provided the flexibility for the Department to award the supplemental funds.

Read more [here](#).

From the Lighter Side: Men Arrested with Marijuana and Heroin After Parking in Police Chief's Spot

Two Wisconsin men were arrested after they pulled into a police department's parking lot; specifically the space reserved for the police chief, and proceeded to smoke marijuana. The two men had arrived and were preparing in their own manner for a municipal court hearing. A city employee noticed the smell of marijuana and notified officers. The officers who approached the vehicle observed marijuana and heroin on the center console and took the two men into custody.

Read more [here](#).

Firm News

We are pleased to announce that **Elmer C. Ignacio** has joined the Firm as an associate attorney. Prior to joining the Firm, Elmer was an Assistant Attorney General in the Employment Litigation Bureau for the State of Florida. Elmer has significant employment litigation experience and will represent employers in state and federal court and administrative forums. Elmer is a graduate of the University of Florida and the Florida State University College of Law.

Robert J. Sniffen's article "How to Steer Clear of Improper Interview Questions" was published in the FSAE *Association SOURCE* magazine.

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