



Employment Practices



Navigating Free Speech: A Public Employee's Guide to the First Amendment in the Workplace

Public employees are both servants of the public interest and private citizens entitled to constitutional rights. This training offers a deep dive into the intricacies of the First Amendment as it applies to public employees, exploring the evolving legal landscape, practical applications, and policy considerations. Participants will learn how courts have balanced government interests with employee rights, how these principles apply to modern platforms like social media, and how to craft legally sound policies that protect rights while ensuring organizational integrity.

Module 1: Understanding the First Amendment

Key Focus: Overview of the First Amendment and its guarantees.

Learning Objectives:

- Identify the core protections provided by the First Amendment.
- Distinguish between public and private sector First Amendment rights.

Module 2: The Public Employee Freedom of Speech Test

Key Focus: The Pickering Test and subsequent refinements.

Learning Objectives:

- Analyze the factors courts use to balance employee speech rights and employer interests.
- Understand the implications of decisions like *Pickering v. Board of Education* and *Connick v. Myers*.

Module 3: Real-Life Applications

Key Focus: Case studies from across the United States.

Learning Objectives:

- Examine landmark cases such as *Garcetti v. Ceballos* and their outcomes.

DATE

February 25th
9:00 AM- 11:30 AM

LOCATION

Virtual

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PRESENTER

Eric Atstupenas currently serves as the General Counsel for the Massachusetts Chiefs of Police Association. He is licensed to practice law in Massachusetts, Rhode Island, and Connecticut.

Coming from a law enforcement family, Eric has a deep-rooted passion for advancing the law enforcement profession and supporting those who serve within it.

[FULL BIO](#)

- Discuss implications of court rulings for employee speech both in and out of the workplace.

Module 4: The Social Media Frontier

Key Focus: Applying First Amendment principles to online platforms.

Learning Objectives:

- Explore how social media has transformed public employee speech issues.
- Apply the Pickering Test to real-world social media scenarios.

Module 5: Policy Implications and Best Practices

Key Focus: Drafting policies that align with First Amendment jurisprudence.

Learning Objectives:

- Recognize the hallmarks of legally sound workplace policies.
- Create policies that balance employee expression with organizational needs.

Module 6: Conclusion and Takeaways

Key Focus: Summarizing key learnings and practical tools.

Discussion Points:

- Recap of First Amendment essentials for public employees.
- Strategies for navigating potential conflicts proactively.