
FIRST AMENDMENT

EMPLOYEE RETALIATION CLAIMS UNDER PICKERING V. BOARD OF EDUCATION, 391 US 563 (1968)

1

PLAINTIFF SPOKE AS A CITIZEN & SPEECH INVOLVED A MATTER OF PUBLIC CONCERN

FIRST INQUIRY: "WHETHER GOV'T EMPLOYEE'S SPEECH RELATES TO HIS OR HER JOB AS OPPOSED TO AN ISSUE OF PUBLIC CONCERN"

2

PLAINTIFF'S INTEREST IN SPEAKING OUTWEIGHED THE GOVERNMENT'S LEGITIMATE INTEREST IN EFFICIENT PUBLIC SERVICE

3

THE SPEECH PLAYED A SUBSTANTIAL PART IN THE GOVERNMENT'S CHALLENGED EMPLOYMENT DECISION

4

GOVERNMENT'S BURDEN TO SHOW: IT WOULD HAVE MADE THE SAME EMPLOYMENT DECISION IN THE ABSENCE OF THE SPEECH

SECOND PART OF FOUR-PART TEST

BALANCING OF INTERESTS



WHETHER SPEECH AT ISSUE IMPEDES GOV'T FUNCTIONS

THE MANNER, TIME AND PLACE OF THE SPEECH

THE CONTEXT WITHIN WHICH THE SPEECH WAS MADE
