

THE FOWLER LAW FIRM PC



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THE FOWLER LAW FIRM NEWSLETTER

Spring Fever Personnel Pointers

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Submitted by Laura S. Fowler, Attorney at Law with The Fowler Law Firm PC

Dear Readers:

As your thoughts turn towards Spring Break, it is not a moment too soon to begin considering all of the things you ought to do to make personnel issues less risky next academic year. Planning right now will reward you in many ways you might not yet realize. The following is a brief overlook of the most compelling personnel issues in Texas law today. What you see below may surprise you, and the most common mistakes - ones that public school districts and junior colleges make over and over again - are the most costly to remedy. Each of these topics are inspired by actual and fairly serious mistakes made by Texas public school and junior college administrators and trustees that could have been avoided had they been made aware of these points. The names are omitted for obvious reasons.

- **Never give up the power state law gives the Board of Trustees to govern and decide employee disputes.**

The Fowler Law Firm Newsletter, The Man Who Knew Too Much, January 25, 2008.

<http://www.thefowlerlawfirm.com/newsletter/schools/012508.htm>

- **Understand fully the unique privacy rights all public school, junior college and Texas government employees enjoy... and know what powerful rights they hold if they are publicly discussed in a damaging way.**

Texas Government Code Section 552.102, Public Information Act.

<http://law.onecle.com/texas/government/552.102.00.html>

- **Master your public school or junior college's website and its customized Policies and Employees Handbook related to Personnel, and follow them *to the letter*.**

The Fowler Law Firm Newsletter, How to Avoid Getting Sued, Grieved or Indicted, February 25, 2008.

<http://www.thefowlerlawfirm.com/newsletter/schools/022508.htm>

- **Try and have every employee grievance resolved at a level below the Public School Board hearing level.**

Most public school and junior college policies permit and encourage this. The higher up the review protocol the employee dispute goes, the harder and more expensive it will be to resolve it in a way that allows the employee to continue to serve in the same position successfully.

- **Understand the powerful penalties in the *Texas Medical Privacy Act* and companion state and federal statutes.**

Texas Senate Bill 11

www.thefowlerlawfirm.com/newsletter/schools/SB11.pdf

Texas Health and Safety Code Chapter 181: Medical Records Privacy

www.thefowlerlawfirm.com/newsletter/schools/HSC_MedicalPrivacy.pdf

- **Political Action Committees can help you or destroy you... know where to get help before you act.**

Running on a campaign to clean up personnel problems can result in that campaign platform being used in a personnel suit to impeach you or your public school district or junior college.

Texas Secretary of State, *Frequently Asked Questions: Open Meetings*

<http://www.sos.state.tx.us/open/omhelp.shtml>

Texas Election Code Section 254.031: *General Contents of Reports*

<http://tlo2.tlc.state.tx.us/statutes/docs/EL/content/htm/el.015.00.000254.00.htm#254.031.00>

- **The media: *Win-win or Lose-lose?***

When it comes to personnel issues in a junior college or public school district, **nothing** is more *delicious* to report on than a well-known or popular employee, coach or administrator. Expect more publicity than if the same thing happened at the county hospital or Wal-Mart. Knowing this and getting accustomed to **never** commenting at Rotary, church or the grocery store will go a long way toward preparing you for inquiries by the media.

Those of you who have been through this know that they call you at home even if your phone is unlisted. They approach you as you are walking into church or leaving the board meeting. They find you on the one day when you forgot to comb your hair or wore a tie with a stain right on the front. That is the media and there is not a thing you can do to change it.

But if in these encounters you have mastered the laws contained above, when that reporter starts to try and pry sensitive information out of you, you gently remind him that the rights of every employee of a junior college or public school district in Texas **include** the right to be treated with sensitivity and the same rights of privacy that someone in the private sector enjoys, you may well shock and silence all but the most brazen media hounds. Never say the lawyers told you not to talk; that just sounds like you have something to hide. Instead, always know and emphasize the right of any employee to have his or her privacy respected and your duty as an elected official to uphold the law including not **ever** discussing a personnel issue before it is resolved.

Most viewers or readers are well aware that judges never comment on a pending case. Most viewers or readers have a **lot** more respect for an elected official of a governing board than they do for the media. If you always return to the law as your reason to not comment, you will find your interests and those of your district are **much** better served than by any other course.

In your every professional adventure we wish you the very best.

Laura Fowler and THE FOWLER LAW FIRM P.C. are so grateful to so many of you who have helped to make our firm a success. The Fowler Law Firm P.C. is a full service law firm whose attorneys have many years of experience in the handling of education institution issues, both public and private, non-profit associations, real estate, family law, probate and estate, business formation and taxation and all aspects of copyright, trademarks and patents. We never charge a client a fee or incur any expense until the client understands and agrees. In addition, we often counsel with your clients and friends and give them the information they need at no charge when we cannot truly be of service. For more information or to refer a matter to us please contact us at (512) 441-1411 or visit our website at www.thefowlerlawfirm.com.

This information is provided by Laura S. Fowler JD, Attorney at Law with The Fowler Law Firm PC. It is not intended as a substitute for careful review by legal counsel of your choosing. We would be most honored to assist you in your every real legal need.

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As with any legal issues, please consult your attorney with questions.