

# Bond Case Briefs

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## **PUBLIC EMPLOYMENT - INDIANA**

### **Sweet v. Town of Bargersville**

**United States Court of Appeals, Seventh Circuit - November 17, 2021 - 18 F.4th 273 - 2021 IER Cases 440,722**

Former town employee, a customer-service representative in clerk-treasurer's office, brought § 1983 action against town and clerk-treasurer alleging retaliation in violation of First Amendment right to free speech arising from employee's termination five months after she criticized clerk-treasurer for reconnecting utility service of a wealthy delinquent customer.

The United States District Court granted summary judgment for town and clerk-treasurer. Former employee appealed.

The Court of Appeals held that:

- Employee's criticism of clerk-treasurer was not protected speech;
- Gap of five months between employee's criticism and her firing was too great to support an inference of retaliatory motive; and
- Purportedly shifting explanations for the firing did not establish retaliatory motive.

Town employee's criticism of elected town clerk-treasurer for reconnecting utility service of a wealthy delinquent customer amounted to a complaint about possible misconduct in employee's official area of responsibility, and thus the criticism was not constitutionally protected speech, where employee's job duties as customer-service representative in clerk-treasurer's office included handling utility disconnections, despite argument that it was not employee's job as a low-level employee to confront a high-ranking elected official about questions of policy.