

Education Law



GIARMARCO, MULLINS & HORTON, P.C.

ATTORNEYS AND COUNSELORS AT LAW

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Giarmarco, Mullins & Horton Education Law Practice Group has extensive experience, serving public school districts, charter schools, intermediate school districts, independent schools, and universities on legal issues which impact all facets of school operations.

Education Law Group Areas of Expertise:

General School Law Compliance

- Board Policies & Administrative Guidelines
- Board Governance
- Public School Legislation and Laws
- Michigan Revised School Code
- Freedom of Information Act
- Open Meetings Act
- Robert's Rules of Order
- Family Educational Rights and Privacy Act
- Health Insurance Portability and Accountability Act
- Conflicts of Interest and Compatibility of Offices
- Fingerprinting and Criminal Background Checks
- School Election Laws
- Crisis Management and Response
- Safety and Security

School Business

- Purchasing and Competitive Bidding
- School Construction and related professional services contracts
- Real Estate Issues
- Leasing
- Land Use Regulation
- Cell Tower Leasing
- Telecommunications
- Retirement and Employee Benefits
- Technology
- School Election Laws
- Contract Drafting
- Outsourcing of Non-Instructional Services
- Pupil Transportation
- Food Services
- Facility Operations and Management, including Custodial, Grounds and Facility
- Maintenance
- Intellectual Property
- Environmental Regulations
- Educational Foundations & Charitable Giving

Tenure

- Compliance with the Michigan Teachers' Tenure Act
- Filing of Teacher Tenure Charges
- Representation before the Michigan Teacher Tenure Commission

Timothy J. Mullins *Board of Directors, Chair, Litigation, Schools and Education*

Mr. Mullins has been successfully representing Michigan public school districts for more than 30 years. Mr. Mullin's representation of public school districts includes: employment discrimination, constitutional litigation, general education, special education, personal injury, serious school bus accidents, workers' compensation and more.

Kenneth B. Chapie *Labor and Employment*

Mr. Chapie practices in the area of general litigation with a focus on municipal law and business and liability claims. He has successfully represented clients at all levels of the litigation process including trial and appeals. He has represented municipalities and school districts through their insurance carriers on a wide range of issues including employment disputes, discrimination claims, civil rights actions, education law matters, police liability claims, and general liability claims.

John L. Miller *Labor and Employment*

Mr. Miller is an associate in the firm's Litigation Group. He received the highest Bar Exam Score in the State of Michigan, July 2008. He graduated summa cum laude from Michigan State University College of Law. While in law school, he received National Jurisprudence Awards in Criminal Law, Evidence, Professional Responsibility, Securities Litigation, and Research, Writing, and Advocacy.

Marsha M. Woods *Workers' Compensation*

Ms. Woods has extensive experience in the governmental and regulatory field, having served as an Assistant Attorney General for the State of Michigan, as a member of the Workers Compensation Appeal Board and as an Administrative Law Judge for the Bureau of Workers Disability Compensation. Ms. Woods concentrates her practice in the area of workers' compensation matters. She handles negotiations, trials and appeals regarding work related employment injuries and has been a speaker for various professional organizations. Included among her clients are insurance carriers, self-insured employers, and third-party administrators.

Daniel J. Kelly *Board of Directors, Chair, Municipal and Government Law Section*

Mr. Kelly concentrates his practice in the areas of municipal and school law. He has successfully defended numerous municipalities, school districts, police agencies, police officers, employers, and insurers at all levels of the litigation process in front of the state, federal, and appellate courts. With his extensive trial experience, Mr. Kelly has been asked to serve as a court-appointed mediator and lecturer on numerous issues involving governmental entities, risk management, and liability exposure.

John C. Clark *Co-Chair, Labor and Employment Law Section*

Mr. Clark concentrates his practice in the areas of labor and employment law, servicing clients in both the public and private sector. He has been a member of the firm since 1995. In addition, he is a certified employment arbitrator through the American Arbitration Association overseeing complicated employment matters litigated by both public and private sector claimants.

Stephen L. Hitchcock *Municipal*

Mr. Hitchcock concentrates in the areas of municipal law litigation, employee benefits, and business transactions. He has extensive experience in municipal matters over the past 26 years, handling municipal government and school board issues. He also represents a number of insurance companies in litigation defense, fringe benefits, disability and other employment related litigation.

Adam Levitsky *Workers' Compensation*

Mr. Levitsky concentrates his practice in the areas of municipal law and insurance defense litigation. He has successfully represented cities and municipalities at all levels of the litigation process. He has done city prosecution work for numerous cities. He also practices in the areas of workers' compensation defense, subrogation, general civil liability and criminal defense.

J. Travis Mihelick *Litigation, Municipal, Employment and Labor*

Mr. Mihelick has practiced in general criminal and civil litigation, concentrating his practice in the areas of municipal litigation and labor & employment law. He also has civil litigation experience in civil rights litigation, whistleblower claims, discrimination, negligence and wrongful death cases.

Labor Law

- Collective Bargaining
- Administration of Collective Bargaining Agreements
- Grievance Arbitrations
- Mediation & Fact Finding
- Unfair Labor Practice Charges
- Union Campaigns & Elections

Employment Advice

- Federal and State Equal Employment Opportunity Laws
- Employee Handbooks and Personnel Policy Manuals
- Employment Contracts
- Severance Agreements
- Employment Counseling and Training
- Family & Medical Leave Act
- Disability Accommodations
- Criminal Background Checks
- Fair Labor Standards Act

- State Wage & Hour Laws
- Social Media
- Unemployment Compensation
- Teacher and Staff Evaluations
- Employee Discipline
- Harassment/Bullying
- Freedom to Work
- Weapons in Schools
- First Amendment and Establishment Clause
- Occupational Safety & Health Investigations
- Employee Discipline & Investigations

Employment Defense/Education Law Litigation

- Whistleblowers' Protection Act
- Civil Rights Litigation under Federal and State Civil Rights Laws, including alleged discrimination based on race, color, age, sex, national origin, disability, religion, pregnancy, marital status, height and weight
- Compliance Audits by the Office of Civil Rights
- Wage and Hour Laws Administrative Proceedings
- Michigan Employment Relations Commission
- Equal Employment Opportunity Commission
- Michigan Department of Civil Rights
- Teacher Tenure Commission
- Michigan Wage/Hour Division
- U.S. Department of Labor
- Occupational Safety & Health Administration
- U.S. Department of Education

Employment Benefits & Compensation

- Patient Protection and Affordable Care Act Compliance
- Public Acts 54 and 152 of 2011
- 403(b) Plans
- Section 125 Cafeteria Plan Compliance