

SNIFFEN & SPELLMAN, P.A.

LABOR AND EMPLOYMENT LAW ALERT September 2024

Supreme Court Takes Up Firefighter's ADA Suit Over Future Benefits

The U.S. Supreme Court next term will hear an appeal from a disabled retired firefighter whose discrimination lawsuit against the city of Sanford, Florida, was thrown out because she had left her job and taken disability.

The question the high court has agreed to resolve is whether employees lose their right to sue for discriminatory benefits policies under the ADA when they leave their jobs.

Petitioner Karyn Stanley, a military veteran, says she worked for nearly 20 years as a Sanford firefighter before leaving the job due to Parkinson's disease. She has alleged a city policy change that only allowed her two years of free health insurance after leaving her job, instead of longer-term coverage, was biased against disabled workers in violation of the ADA.

A district court, invoking precedent of the U.S. Court of Appeals for the Eleventh Circuit, said former employees are not "qualified individuals" under the law. That decision was later affirmed by the Eleventh Circuit in a ruling Stanley's lawyers say contributed to a split among the federal circuit courts.

A decision in favor of Stanley could dissuade employers from offering post-employment benefits to workers with disabilities. If former workers are granted the right to sue, employers could be hit with expensive litigation over those benefits and find it more difficult to change the terms of their programs without risking the appearance of discriminatory treatment.

To read more, please refer [here](#).

Eleventh Circuit Partially Revives Religious Worker's Accommodation Suit

The United States Court of Appeals for the Eleventh Circuit partially revived Fernando Staple's lawsuit against the Broward County School Board. As a member of the Seventh-Day Adventist Church, Staple's religion forbids him from working during Sabbath hours, which run from sunset on Fridays to sunset on Saturdays.

The Eleventh Circuit held the lower court was wrong to throw out Staple's case on the ground that he had to claim he was discharged or disciplined for failing to work during Sabbath hours. The Supreme Court ruled earlier this year that workers only need to show some harm to sue for alleged discrimination under Title VII of the 1964 Civil Rights Act.

The decision is an early indicator of the impact of the Supreme Court's April ruling in *Muldrow v. City of St. Louis*, which lowered the bar for what type of adverse employment action is necessary to support a Title VII bias claim.

While the Eleventh Circuit revived Staple's religious accommodation claim, it affirmed the lower court's decision to toss his allegation that the county school board violated the Florida Religious Freedom Restoration Act. That state law bars a state government entity from substantially burdening a person's exercise of religion. The school board allowed Staple to use time off to observe Sabbath hours, which is inconvenient, the appeals court said. "But the inconvenience of less sick and vacation time, without more, isn't enough under the Act."

To read more please refer [here](#).

Florida Teachers Union Files Suit Over Rights to Arbitrate Employment Disputes

A union representing public university professors and its chapters at Florida State University and the University of Florida filed a federal lawsuit on August 7, 2024, against the state law banning arbitration of their employment disputes.

The complaint from the United Faculty of Florida (UFF), which ropes in the state's largest universities and Florida Board of Governors, alleges that UF fired a tenured professor while on medical leave in January. When the UF union chapter tried to intervene, a university official said the decision wasn't up for arbitration and was final.

At issue is a provision in SB 266, a law Gov. Ron DeSantis signed in 2023, which gives politically appointed university presidents final decision-making authority over discipline, termination and other personnel matters relating to Florida university faculty. The bill bans independent arbitration by a neutral third party, depriving faculty of meaningful review designed to protect academic freedom and employment rights.

The arbitration ban was included in a broader package that also prohibited state institutions from spending money on diversity, equity, and inclusion (DEI) programs. When DeSantis signed the arbitration ban he issued a statement saying, "Florida has ranked number one in higher education for seven years in a row, and by signing this legislation we are ensuring that Florida's institutions encourage diversity of thought, civil discourse, and the pursuit of truth for generations to come."

The UFF, and its branches at Florida State University and University of Florida, cited a series of federal and United States Supreme Court precedents arguing the "emphatic federal policy in favor of arbitral dispute resolution."

Federal Judge Rules Against Florida's Transgender Health Care Ban

On August 1, 2024, Chief U.S. District Judge Mark Walker ruled that Florida's ban violated Title VII of the Civil Rights Act of 1964, which protects employees and job applicants from employment discrimination based on race, color, religion, sex and national origin.

The federal judge stated that the health plan unlawfully discriminated against transgender individuals by excluding coverage for medically necessary gender-affirming care.

The lawsuit was filed in 2020 by three current and former state employees against the Florida Department of Management Services. The employees had challenged the denial of medically necessary treatment for their gender dysphoria under the state's categorical exclusion of coverage for "gender reassignment or modification services or supplies."

The United States Supreme Court's 2020 decision in *Bostock v. Clayton County*, partially controlled the case, the court stated. There, the top court held that employment "discrimination based on homosexuality or transgender status necessarily entails discrimination based on sex; the first cannot happen without the second."

Walker wrote in his ruling that health and pension benefits frequently represent a crucial component of an employee's compensation, so the practical effect of denying or reducing such benefits on the basis of sex is to deny the employee an employment opportunity on the basis of sex. Walker found that the treatment of all medical conditions, including gender dysphoria, should be based on the unique needs of the patient rather than blanket exclusions.

The court will schedule a trial to determine the amount of plaintiffs' damages.

Firm News

We are pleased to announce the inclusion of nine attorneys in the 2024 edition of Florida Super Lawyers. Each year, no more than five percent of the lawyers in the state are selected by the research team at Super Lawyers to receive a Super Lawyers honor and no more than 2.5 percent of the lawyers in the state are selected to receive a Rising Star honor. This year's honorees includes:

Super Lawyers:

-[Matthew Carson](#): Schools & Education, Civil Litigation, Civil Rights

-[John Eubanks, Jr.](#): Land Use and Zoning, Business Litigation, Civil Litigation

-[Terry Harmon](#): Schools & Education, Employment & Labor, Administrative Law, General Litigation

-[Rob Hauser](#): Appellate, Civil Litigation - Defense

-[Robert Sniffen](#): Employment & Labor, Civil Litigation, Schools & Education

-[Michael Spellman](#): Civil Rights, Employment Litigation: Defense, Civil Litigation: Defense, Constitutional Law

-[Dawn Whitehurst](#): Civil Rights, Employment Litigation, Personal Injury

Rising Stars:

-[Kristen Diot](#): Schools & Education

-[Jeffrey Slanker](#): Employment & Labor, Appellate, Civil Rights

Sniffen & Spellman is proud to have seven attorneys recognized by Best Lawyers® in 2025 in America, including:

- Matt Carson: Litigation – Education Law and Litigation - Labor and Employment in Tallahassee
- Terry Harmon: Education Law in Tallahassee
- Robert “Rob” Hauser: Appellate Practice in West Palm Beach
- [Mark Logan](#): Administrative / Regulatory Law in Tallahassee
- Michael Spellman: Employment Law – Management, Labor Law – Management, Litigation - Labor and Employment and Civil Rights Law in Tallahassee
- Robert Sniffen: Employment Law – Management, Labor Law – Management, and Litigation – Labor and Employment in Tallahassee
- Dawn Whitehurst: Civil Rights Law and Personal Injury Litigation – Defendants in Tallahassee

Rob Hauser has been recertified as a specialist in Appellate Practice until May 31, 2029.

Past Issues of the Labor and Employment Law Alert Available on Website

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