

# Employee Policies Instant Handbook

Comprehensive, Employee Friendly, Fast & Easy

## YOUR RIGHTS UNDER “Employment At-Will”

Technically, under current law, most states operate under the doctrine of "employment at-will". This means that the hiring of a person does not constitute a guarantee of permanent employment. An employee can quit at any time or may be terminated at any time for any reason or for no reason, with or without notice.

It should be noted here that "any reason" does **not** include **illegal** reasons. You may be subject to a lawsuit if you fire a person because of their race, sex, national origin, religion, age 40 and over, or disability -- i.e., all of the groups that are specifically protected by federal law from discrimination on that basis.

We are also finding that, in practice, an employer's right to fire "at-will" is eroding. A number of states are proposing laws requiring valid, legitimate business reasons for terminating an employee.

Also, during the past decade, the courts have also been limiting employers' rights in this regard. Employees have been able to successfully pursue claims against their employers for what is called "unjust dismissal", "wrongful discharge", or "wrongful termination".

These claims can succeed for either of two reasons:

1. There was not a fair and valid business reason for the termination.
2. There was an "implied contract" of long-term employment.

When hiring, an employer should be very careful not to make any offhand remarks that could be interpreted as implied guarantees, such as "As long as you do your work properly, you can be assured of a job here

We strongly recommend that, regardless of the technicalities of the law, any and all terminations should be based strictly on legitimate, valid business needs. In

addition to protecting you from possible litigation, this is obviously the right and fair way to treat people and the most effective way to run a business.

You should have written statements in your Employee Handbook and in your “Employee Acknowledgement Form” to clarify your policies and protect your position in this regard, while at the same time reassuring employees that you are committed to treating them fairly.

If it does become necessary to terminate an employee, be sure you do it in a professional, courteous, and dignified manner -- and do it privately. Never lose your temper or do or say anything that could be considered abusive, insulting, or degrading to the employee. Employees can seek punitive damages for defamation, slander, or intentional infliction of emotional distress. Certainly, you would want to treat your employees with dignity and respect in any case, but it is important to remind all of your managers that if you violate the rules of human decency, you may also be violating the law!

This report is excerpted from “Employee Policies Instant Handbook” – a comprehensive program of employee policies on critical management issues all businesses need to address. Plus explanations of every issues and the laws that apply.

You can order the complete program from...

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