

“At Will” Employment So Why Worry?

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Texas Law

For well over a century, the general rule in this State, as in most American jurisdictions, has been that absent a specific agreement to the contrary, employment may be terminated by the employer or the employee at will, for good cause, bad cause, or no cause at all.

Employment At Will

- ▶ Good reason,
- ▶ Bad reason, or
- ▶ No reason at all.

BUT, not an illegal reason.

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Common Statutory Restrictions

- Title VII
- ADA, ADAAA
- ADEA
- GINA
- FMLA, FLSA
- Equal Pay Act
- National Labor Relations Act
- Pregnancy Discrimination Act
- State Human Rights Laws

Anti-discrimination laws can apply to third parties such as contractors and vendors.

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Thresholds for Application

LAW	EMPLOYEES
Equal Pay Act, ERISA, FCRA, FICA, FLSA, IRCA, NLRA, USERRA	1
ADA, ADAAA, GINA, Lilly Ledbetter Fair Pay Act, PDA, Title VII	15
ADEA, OWBPA	20
FMLA	50
WARN	100

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Individual	Contracts Implied	CBA
Statutes		
Title VII whistleblower	TCHRA ADEA ADA § 451 retaliation	
Public Policy		
Sabine Pilot		
Torts		
Defamation Privacy IIED	Assault & Battery False Imprisonment Negligence	

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"Texas is an "At Will" State... So Why Worry?"