

# Texas At-Will Employment Doctrine, Its Exceptions and Other Common Law Claims



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## Texas At-Will Employment Doctrine

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.

So why are there so many employment lawsuits?



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# Exceptions to the At-Will Doctrine for Texas Employers

Exceptions may stem from:

- Contract
- Statute
- Tort
- Public Policy

## Common Contract Exceptions

- Oral
- Written
- Implied
  - \*Promissory estoppel: (1) a promise, (2) foreseeability of reliance thereon, and (3) substantial reliance by the promisee to his detriment.
- Collective Bargaining Agreement

# Most Common Statutory Exceptions

Title VII	Workers' Compensation Act
TCHRA	FMLA
ADEA	WARN
ADA	USERRA
Section 1981	Texas Whistleblower Act
	Etc.



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# Most Common Tort Exceptions

- Defamation
- Privacy
- Negligence
- Assault / Battery
- Intentional Infliction of Emotional Distress
- False Imprisonment



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