

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

August 2024

© 2024 JACKSON WALKER LLP

1

## Presented by

**Jamila M. Brinson**

**Jackson Walker LLP**

Partner, Houston  
Labor & Employment  
713.752.4356  
jbrinson@jw.com



\* Connie Cornell of Cornell Smith Mierl Brutocao Burton has kindly granted permission to use her content as the basis of this presentation.



2

# 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?

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

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](https://utcle.org/elibrary)

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

Also available as part of the eCourse

[2024 Essential Employment Law eConference](#)

First appeared as part of the conference materials for the  
2024 Essential Employment Law: A Practical Course in the Basics session  
"Texas is an "At Will" State... So Why Worry?"