

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



CONNIE CORNELL
1607 West Avenue
Austin, Texas 78701
@cornellsmith.com
(512) 328-1540



1

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?



2

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.



5

Most Common Tort Exceptions

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



6

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? (REPLAY)

First appeared as part of the conference materials for the
2023 Essential Employment Law "Nuts and Bolts" (Live Webcast Replay) session
"Texas is an "At Will" State... So Why Worry? (REPLAY)"