

Employment at Will

Employees in private industry that have no individual or union employment contract, or other job "tenure" protection have no specified right to continue their employment for any period of time into the future. Under this rule of law, known as the "employment-at-will" doctrine, employees without contractual or other tenure protection are employed at the will of their employer, and may be fired for any reason, or even no reason at all, as long as the real reason is not an illegal one (discrimination, for example). The law is often justified by its reciprocal nature. It also protects employees from legal consequences for leaving work for any or no reason.

The argument has some surface appeal in those instances in which an employee and employer share more or less equal bargaining power regarding the employment. In the majority of employment relationships, however, the employer's position is significantly superior to that of the employee, and the reciprocity justification isn't very convincing.

Even if an employee believes that his/her termination is unfair and/or unjustified, they cannot sue their former employer for "wrongful termination," except in a very limited number of situations. The only time that an "at-will" employee can sue his/her employer for his/her termination, is when the employee is terminated for some reason that offends an important societal public policy. For example, an employer can't legally fire an employee for being absent from work to serve on jury duty, because that offends the public policy of encouraging and fostering that civic duty.

There is also no obligation for an employer to tell an at-will employee the reason for his/her termination unless, for example, the employer intends to oppose the employee's claim for unemployment compensation benefits.

Keith Kendall has handled more than 100 unemployment compensation cases, and is ready, willing and able to assist you in navigating through this complicated area of the law. For more detailed information, and/or for expert representation during unemployment proceedings, contact Scaringi & Scaringi, PC. Please contact us for a consultation at 1-877-LAW-2555.

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