

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

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1

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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?

3

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3

## Exceptions to the At-Will Doctrine for Texas Employers

Exceptions may stem from:

- Contract
- Statute
- Tort
- Public Policy



4

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4

# 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.

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

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