

Texas Supreme Court bolsters employment-at-will doctrine

By Ajay Choudhary

Many people think that an employer cannot fire an employee unless the employee did something wrong or unless the employer has a good reason to fire the employee. However, most employees in Texas are employees-at-will, which means that they can be fired for any reason, except a discriminatory reason (such as age, race, disability, religion, or gender). This is known as the employment-at-will doctrine.

For example, an employer can lawfully fire an employee-at-will on the ground that the employer does not like the employee's personality.

A recent case called Matagorda County Hospital District v. Burwell illustrates how difficult it is for an employee to overcome the employment-at-will doctrine. In that case, Christine Burwell sued Matagorda County Hospital District for breach of contract because she was fired without cause.

Matagorda County Hospital District's policy manual states: "Employees may be dismissed for cause such as insubordination, serious misconduct, or for inability to perform the duties of their job satisfactorily." A jury ruled in favor of Burwell on her breach of contract claim.

The Texas Supreme Court reversed the jury's verdict. The Texas Supreme Court stated 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."

The Texas Supreme Court explained that, although Matagorda County Hospital

District's policy manual states that employees "may be dismissed for cause," the policy manual does not state that employees may be dismissed *only* for cause. Therefore, the Texas Supreme Court ruled that Burwell was an employee-at-will, which means that Matagorda County Hospital District did not need to have "cause" to fire Burwell.

The Texas Supreme Court's decision is a reminder that unless an employee is fired for a discriminatory reason, such as age, race, disability, religion, or gender, it will be difficult for an employee to sue an employer for wrongful termination.

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