



# Legal Compliance

Courtesy of The Reschini Group

## Q

**Am I required to give an at-will employee a reason for his or her termination? Does employment at-will protect me from a wrongful termination claim?**

## A

The employment at-will doctrine means that the employment relationship can be ended by either party (employer or employee), at any time, for any reason or for no reason at all, and with or without notice. Most private-sector employers subscribe to this doctrine.

Montana is the only state that is exempt. A Montana-based employer is required to have just cause for terminating the employment relationship after an employee has completed his or her probationary period.

The doctrine does not prohibit employers from adopting a practice of informing employees of the reasons for termination. If done appropriately, providing reasons may ease the termination process and reduce the likelihood of wrongful termination claims filed by former employees.

The employment at-will doctrine does not change the fact that federal employment laws prohibit employers from terminating employees on the basis of certain protected classifications and activities. In general, an employer cannot terminate an employee due to race, gender, age, disability, pregnancy, national origin and religion. An employer is also prohibited from terminating an employee in retaliation for the employee exercising his or her federally protected rights.

Subscribing to the employment at-will doctrine does not mean that an employer cannot be accused of wrongful termination. However, an employer can protect itself from wrongful termination claims and increase the likelihood of prevailing in court by maintaining relevant documents and records which support all actions related to employment decisions.



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