

TERMINATION OF EMPLOYMENT

DM
(LEGAL)

AT-WILL EMPLOYEES	Employment for an indefinite term may be terminated at will and without cause, except as otherwise provided by law. <u>Garcia v. Reeves County, Texas</u> , 32 F.3d 200 (5th Cir. 1994); <u>Irby v. Sullivan</u> , 737 F.2d 1418 (5th Cir. 1984); <u>Winters v. Houston Chronicle Pub. Co.</u> , 795 S.W.2d 723 (Tex. 1990)
EXCEPTION	An at-will employee cannot be discharged if the sole reason for the discharge was that the employee refused to perform an illegal act. <u>Sabine Pilot Serv., Inc. v. Hauck</u> , 687 S.W.2d 733 (Tex. 1985) [See DG, DGA, DGB for other exceptions]
DISMISSAL PROCEDURE	An at-will employment relationship, standing alone without benefit of recognized exception, triggers no due process requirement or right. <u>Mott v. Montgomery County, Tex.</u> , 882 S.W.2d 635 (Tex. App.—Beaumont, 1994) Termination of employment is a condition of work that is a proper subject for the grievance process. <u>Fibreboard Paper Products Corp. v. Nat'l Labor Relations Bd.</u> , 379 U.S. 203 (1964); <u>Sayre v. Mullins</u> , 681 S.W.2d 25 (Tex. 1984) [See DGBA]
FALSIFICATION OF MILITARY RECORD	An employer, including a college district, may discharge an employee, regardless of whether the employee is employed under an employment contract with the employer, if the employer determines, based on a reasonable factual basis, that the employee, in obtaining the employee's employment or any benefit relating to the employee's employment, falsified or otherwise misrepresented any information regarding the employee's military record in a manner that would constitute an offense under Penal Code 32.54. "Military record" means an enlistment record, occupation specialty, medal, award, decoration, or certification obtained by a person through the person's service in the armed forces of the United States or the state military forces. An employment contract entered into by an employer with an employee discharged by the employer under this section is void and unenforceable as against public policy. <i>Labor Code 105.001(3), .002; Penal Code 32.54(a)(1)</i>
VETERAN'S PREFERENCE APPLICABLE TO REDUCTION IN WORKFORCE	An individual entitled to a hiring or appointment preference under Government Code Chapter 657 is also entitled to a preference in retaining employment if the state agency that employs or appoints the individual reduces its workforce. The preference applies only to the extent that a reduction in workforce by an employing state agency involves other employees of a similar type or classification. [See DC] <i>Gov't Code 657.007</i>