

"At Will" Firing Shouldn't Lack a Reason

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How am I supposed to reconcile "at will" employment with all of the actual constraints and limitations imposed upon employers? Many people who've heard of the concept of at-will employment don't understand exactly how it works in practice. Managers often ask why they need to document problems with employees or give second chances, warnings or other forms of progressive discipline if they can truly terminate an employee for any reason or even no reason at all.

The problem is that although Oregon is an employment-at-will state, there are many exceptions to the rule. Because there are so many different protected classes, there is always the threat of a terminated employee fitting into one of those classes and assuming he or she was fired for that status. Then the issue becomes not why you terminated the employee but whether you can prove that you didn't terminate for an unlawful reason. That is when documentation pays off.

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