

Supreme Court of Virginia Reaffirms Employment-At-Will Doctrine

In a recent employment law matter, a divided Supreme Court of Virginia struck an apparent blow in favor of the employment-at-will doctrine. The case is County of Giles v. Wines, and the opinion was issued June 8, 2001. The Supreme Court granted a petition for appeal after a jury verdict in favor of the plaintiff.

The underlying facts were as follows. After a change in the composition of the Giles County Board of Supervisors, the plaintiff was terminated as manager of the Castle Rock Recreation Area. No cause was given for the termination at the time that the action was taken, and the plaintiff was later told that he was a victim of “poor judgments and personality conflicts.” The Board of Supervisors denied the plaintiff the opportunity to be heard on the issue of his termination, and denied any post-termination procedures to review the decision.

At trial, to rebut the presumption of employment-at-will, the plaintiff offered a provision in the Giles County Personnel Policy: “An employee may be discharged for inefficiency, insubordination, misconduct, or other just cause.” The Circuit Court allowed the issue of whether the plaintiff’s employment was at-will to go to the jury. The jury rendered a verdict in favor of the plaintiff and against the employer.

On appeal, even construing the facts in the light most favorable to the plaintiff, as the prevailing party at trial, the Supreme Court held in a 4-3 opinion that on these facts, the plaintiff’s evidence was insufficient to rebut the presumption of employment-at-will. Specifically, the Court noted:

This sentence does not state that an employee shall only be discharged for inefficiency, insubordination, misconduct, or other just cause; nor does it state that an employee will not be discharged without just cause. We hold that the personnel policy at issue in this case is not sufficient to rebut the strong presumption in favor of the at-will employment relationship in this Commonwealth.

The dissent pointed out other provisions of the Personnel Policy that supported the plaintiff’s position, and pointed out that under Virginia law, where there is conflicting evidence on the employment-at-will issue, the question of whether the employment is at-will or for a definite term is one of fact for the jury.

Given that this was a 4-3 ruling with a strongly-worded dissent, it remains important for employers to maintain consistently the employment-at-will status and not to adopt policies that conflict with it.