



## **Terms and Conditions for Forms, Checklists, and Procedures**

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## **When it is Inappropriate to Terminate an Employee**

- ❖ Discharging an employee based on race, color, sex, national origin, or disability (Title VII of the Civil Rights Act of 1964, as amended and Americans with Disabilities Act of 1990, as amended).
- ❖ Discharging in retaliation for filing discrimination charges (Title VII of the Civil Rights Act of 1964, as amended).
- ❖ Discharging an employee for testifying against the company at Equal Employment Opportunity Commission hearings (Title VII of the Civil Rights Act of 1964, as amended).
- ❖ Discharging an employee for helping other employees who have been discriminated against by the company to exercise their legal rights (Title VII of the Civil Rights Act of 1964, as amended).
- ❖ Discharging an older employee, 40 years of age or more, because of age (The Age Discrimination in Employment Act of 1967, as amended).
- ❖ Forcing retirement or permanent layoff of an older employee (The Age Discrimination in Employment Act of 1967, as amended).
- ❖ Discharging an older employee in a permanent layoff using standards that are not applied universally to all affected employees (The Age Discrimination in Employment Act of 1967, as amended).
- ❖ Discharging an employee because she is pregnant (The Pregnancy Discrimination Act of 1978, as amended).
- ❖ Discharging an employee in retaliation for filing an OSHA complaint (The Occupational Safety and Health Act of 1970, as amended).
- ❖ Discharging an employee in retaliation for requesting a state or federal inspection of unsafe working conditions (The Occupational Safety and Health Act of 1970, as amended).

- ❖ Discharging an employee in retaliation for testifying against the company in an OSHA-related court action (The Occupational Safety and Health Act of 1970, as amended).
- ❖ Discharging a handicapped employee because of the handicap (Americans with Disabilities Act of 1990, as amended).
- ❖ Discharging a Vietnam-era veteran during his or her first year of reemployment without “good cause” (The Vietnam-Era Readjustment Assistance Act of 1974, as amended).
- ❖ Discharging an employee to avoid paying pension or benefit plan such as group health insurance plans (The Employee Retirement Income Security Act of 1974, as amended).
- ❖ Discharging an employee because of his or her obligation to perform jury service. ❖  
Discharging for performing duties as a member of the National Guard.
- ❖ Discharging in retaliation for refusal to perform an illegal act on behalf of the employer.
- ❖ Discharge in retaliation for whistle-blowing concerning the illegal acts of the employer such as making false statements (may be limited to public employers in some states).
- ❖ Discharging an employee who is exercising a legal right such as filing for workers’ compensation.
- ❖ Discharging for participation in union activities or union-organized efforts.