

1 State of Arkansas  
2 83rd General Assembly  
3 Regular Session, 2001

HR 1053

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5 By: Representative Thomas  
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## 8 **HOUSE RESOLUTION**

9 PROVIDING FOR AN INTERIM STUDY OF REPLACING THE  
10 EMPLOYMENT-AT-WILL DOCTRINE IN ARKANSAS WITH THE  
11 ARKANSAS WRONGFUL EMPLOYMENT TERMINATION ACT  
12 PRINTED IN THIS RESOLUTION.  
13

### 14 **Subtitle**

15 PROVIDING FOR AN INTERIM STUDY OF  
16 REPLACING THE EMPLOYMENT-AT-WILL  
17 DOCTRINE IN ARKANSAS WITH THE ARKANSAS  
18 WRONGFUL EMPLOYMENT TERMINATION ACT  
19 PRINTED IN THIS RESOLUTION.  
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22 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE EIGHTY-THIRD GENERAL  
23 ASSEMBLY OF THE STATE OF ARKANSAS:  
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25 That the Legislative Council, or an interim committee designated by the  
26 Legislative Council, study replacing the employment-at-will doctrine in  
27 Arkansas with the Arkansas Wrongful Employment Termination Act to read as  
28 follows:

29 "SECTION 1. (a) This act shall be known and may be cited as The  
30 Arkansas Wrongful Employment Termination Act. The common law doctrine of  
31 employment-at-will no longer applies to any employment contract, arrangement,  
32 agreement, or circumstance, within the State of Arkansas nor to any situation  
33 wherein the law of Arkansas applies, unless that employment contract,  
34 arrangement, agreement, or circumstance has been expressly exempted or  
35 excepted by act of the Arkansas State Legislature.

36 (b) Within any and all situations of employment, which are not

1 specifically exempted nor excepted by express legislative enactment of the  
2 Arkansas General Assembly, any discharge from employment of an employee by  
3 that employee's employer, must meet, comport and comply with fundamental  
4 notions and standards of fairness, justice, reason, rationale, justification,  
5 even-handedness, non-discrimination, and non-disparate treatment.

6 (c) The breach of this act shall ipso facto give rise to causes of  
7 action in law, equity, declaratory proceedings, and court directives,  
8 including restraining orders and injunctive relief. A cause may be brought  
9 by any aggrieved and non-exempt employee, the authorized agent or  
10 representative of such employee, or by an employer on behalf of a  
11 recalcitrant or reluctant employee. Where the ends of substantial justice  
12 require, a cause of action hereunder may be brought by a municipality, by the  
13 State of Arkansas, or a department or agency thereof, by an agency or a  
14 department of the United States, or by the United States.

15 (d) Punitive damages shall be awardable within appropriate cases  
16 wherein the conduct of the employer has been egregious. By "egregious" is  
17 meant that the employer acted with malice, or with wantonness, or with  
18 reckless disregard of the rights of the employee. The punitive damages, if  
19 appropriate to the case, shall be in addition to the just and reasonable  
20 recompense to the aggrieved and injured employee.

21 (e) Within its sound judicial discretion, a court of competent  
22 jurisdiction may award a just and reasonable attorney's fee to an aggrieved  
23 employee who prevails in a cause of action brought under this act.

24 (f) Any claimed, purported, attempted, or alleged waiver of the terms  
25 or of the application of this act, whether written, expressed, or implied,  
26 shall not be afforded either force nor effect by a court of competent  
27 jurisdiction."