THE PENNSYLVANIA STATE UNIVERSITY
SCHREYER HONORS COLLEGE

SCHOOL OF LABOR AND EMPLOYMENT RELATIONS

THE PERCEPTIONS OF EMPLOYMENT AT-WILL OF THE MILLENNIAL GENERATION

CAILIN HAYES
SPRING 2015

A thesis
submitted in partial fulfillment
of the requirements
for a baccalaureate degree
in Labor and Employment Relations
with honors in Labor and Employment Relations

Reviewed and approved* by the following:

Paul Whitehead
Professor of Practice, Labor and Employment Relations
Thesis Supervisor

Alan Derickson
Professor, Labor and Employment Relations
Honors Adviser

* Signatures are on file in the Schreyer Honors College.

ABSTRACT

Employment at will is the idea that employment relationships are terminable at the will of either party. Hence, an employee may be fired by his or her employer for a good reason, a bad reason, or no reason at all with no notice. This is the governing rule in the United States and has been classified in numerous court rulings as a common law practice. However, at-will "has been both refined and eroded over the years by statute and judicial case law" (Jeweler, 1994). Protections have been carved out, ranging from protection from discrimination on the basis of certain classifications to "just cause" clauses negotiated into collective bargaining agreements with unions. Many scholars see this practice as archaic and outdated; they argue that there is an imbalance of power between employees and employers, and push for reform towards a system of universal just-cause dismissal, similar to the system in place in New Zealand and other industrialized nations (Harcourt, 2012). This thesis involved conducting primary survey research and consulting secondary research to explore perceptions of this employment practice of Americans, particularly members of the Millennial generation. This study explored two areas: their understanding of employee rights under this doctrine and their perception of its fairness. Since the target respondents of this research are individuals who make up the incoming generation of workers in the United States, the implications of this research could either confirm or deny the views of scholars, and possibly argue that there is room for reform of current United States employment practices.

TABLE OF CONTENTS

LIST OF TABLES

ACKNOWLEDGEMENTS

I would like to thank the Schreyer Honors College for the enriched education experience I have had while at Penn State. I would especially like to thank the many advisers who guided me throughout the years and professors who have challenged me to strive in my academics and research abilities through Honors classes and activities.

I would also like to thank the School of Labor and Employment Relations, whose faculty and staff have been an integral part of my Penn State experience. Because of the hard work of all who made this program possible, I have been given great opportunities through internships and have gained a number of role models in the field of labor relations.

I would also like to thank Paul Whitehead and Alan Derickson for their assistance and guidance through the process of creating this thesis. I would also like to thank my family for their support and encouragement, especially during my time at Penn State.

Chapter 1

Introduction

In 2013, the court decision of Nelson v. Knight, 2013 Iowa Sup. LEXIS 84 (Iowa Sup. Ct.), made headlines with the peculiar termination story of a dental assistant, Melissa Nelson. On January 4, 2010, Melissa Nelson went into work at the dental office of James Knight thinking that it would be a usual day and unsuspecting of the events that would unfold. At the end of her shift, she was called into Dr. Knight's office to be greeted by Dr. Knight, his wife, and his pastor. Dr. Knight explained that Melissa had become detrimental to his marriage and work environment, and that after careful consideration, he had to fire her from the practice because "he feared he would try to have an affair with her down the road if he did not fire her" (2013). Although Melissa had occasionally texted her boss outside of work hours, it was never with adulterous intentions, for she was also happily married. This story quickly became national news, as Americans who heard this story about a woman who was fired for being too attractive and tempting to the boss were outraged. Dr. Knight and Melissa were not engaged in any intimate affair and did not act inappropriately in the office, so how could the Iowa Supreme Court decide that the termination was legal? Although there was discussion that this termination may not be legal due to sexual discrimination, it was determined by the courts that this case was not one of sexual harassment or discrimination, and they instead decided that this had to do with the practice of termination in the United States known as employment at-will. At-will means an employer generally does not need to provide reasoning or justification for firing an employee, not matter how trivial the termination may be. Melissa Nelson was unable to receive any relief for the termination, such as reinstatement into her former position or repayment for lost wages.

This United States practice of at-will is an anomaly compared to other countries of similar economic and social development. Other countries rely on a practice of just-cause termination. Just-cause termination requires employers to provide justification for termination, such as records of poor job performance and discussions with the employee on problems that would justify termination. At-will has existed in the United States for many years. Although it has been hotly debated by scholars, there has been little discourse on whether or not this practice should change from a legislative or judicial perspective. It seems that instead of discussing the implications of at-will on employee welfare, workers have arguably had to adapt to the demands of this employment practice since it is considered a necessary aspect of employment that a worker must face. There has not been a catalyst for this change, as workers have seemed to comply with this practice with the understanding that this is how employment operates, and one has to either comply or not be employed.

However, there is a significant change in the composition of the labor force, as older workers with certain generational characteristics are leaving the workforce and another large generation enters: the Millennials, born from 1980 to around 1996. This change is proving to be significant in many ways, ranging from how Millennials take responsibility for their actions, require praise, and handle working with others from older generations. Something that has not been considered yet is how this generation may react to the seemingly unfair employment practices that exist, such as at-will. This study is intended to explore the concerns of understanding and fairness of at-will, particularly with Millennials, and how Millennials would view a change from this system.

Chapter 2

Literature Review

The practice of employment at-will governs many employment relationships in the United States. Employment at-will "confers upon employer and employee an absolute right to terminate the employment relationship without incurring liability to the other party" (Jeweler, 1994). Phrased differently, this doctrine simply means that an employer may fire an employee without notice for a good reason, a bad reason, or no reason at all. This also extends into the employee's ability without notice to quit a job for a good reason, a bad reason, or no reason at all. This rule is reciprocal and seemingly even-handed; however, beginning in the 20th century, this practice has come into question in the United States. Through increased legislation and judicial review, such as the Civil Rights Act of 1964 and other laws that govern employee protection, employment at-will has transformed from a clear right to a more complex and intricate issue facing employers and employees alike. There is a debate between those in support of employment at-will and those against the practice, and it is now becoming an issue for the new generation of workers, the Millennial generation, to consider. This literature review will explore and discuss the three themes of this thesis: general employment at-will, American perceptions of at-will, and the patterns of the Millennial generation.

Employment At-Will

A creature of the common law in 49 of the 50 states, the practice of employment at-will is a highly contested issue between scholars, businesses, and citizens who have become aware of it. Those in favor of at-will, such as Richard Epstein, argue that it gives citizens their basic right to contract and believe that "The desire to make one's own choices about employment may be as strong as it is in respect

to marriage or participation in religious activities, and it is doubtless more pervasive than the desire to participate in political activity" (Epstein, 1984). Epstein concedes that at-will may not always be in favor of the employee, but that changing policy to increase protection over workers' rights will strip citizens of their right to contract, a right that Epstein believes is highly important to all citizens.

Many opposed to at-will note that the United States is "the only major industrial power that maintains a general employment at-will rule" and that "the employer's prerogative to dismiss workers at will is regularly abused" (Weiler, 1990). One state, Montana, has already attempted to address this concern by adopting state-based legislation that requires an employer to have a good cause for termination (Walsh, 2013). Some argue that the United States should adopt a uniform, national approach similar to what is in place in Great Britain, Canada, Italy, Japan, Sweden, and France, which would legally require employers to "show good cause before discharging employees" (Batten, 2010). This system, known as "just-cause dismissal," has been analyzed by many scholars as an alternative to at-will, specifically because of the negative effects at-will can have on the employment relationship. These impacts include, but are not limited to, the moral, economic, psychological, and political implications of employment at-will.

Moral Impact

There is a large debate about the morality and fairness of employment at-will. Those in favor of the doctrine argue that this does not infringe upon moral issues because it is inherently reciprocal and equal; however, many scholars look into these moral issues and contend that employment at-will is unbalanced and generally in favor of employers. To this point, Joseph Des Jardins argues that "this inequality justifies granting employees a right to due process," such as judicial review or arbitration (1985). However, because the employer typically holds greater power, Des Jardins believes that "Corporations cannot reasonably be said to deserve the equal respect due to human beings" and therefore should not be given protection or due process for employees who quit or leave the company for no reason (1985).

Another aspect examined by scholars is how employment at-will infringes on individual justice. It has been reported that "<1% of wrongful termination suits result in the plaintiff remaining victorious on appeal" (Harcourt et al, 2012). This shows that there is some concern with the United States justice system's ability to protect workers from wrongful termination. Although not all suits are for truly wrongful terminations because some could be legal terminations, this statistic does not accurately depict the number of wrongful terminations that occur since many cases do not reach the courts. Another concern with justice of employment at will is how "Contingent legal fees create a further potential distributive injustice, making it more attractive for lawyers to take cases for richer clients whose previous pay levels portend higher expected rewards" (Harcourt et al., 2012). Because the legal system generally favors those who have more financial resources, employees often are unable to compete with the funds of companies to assert their legal rights. However, as Harcourt and his co-authors noted, this financial inequity can impact employees on an individual level so that lawyers are interested in those clients who have more financial resources, harming the low- to middle-class group of working Americans.

Scholars have discussed ways to address these injustices in wrongful termination cases. Weiler (1990) discusses how many "propose legislative rather than judicial adoption of the just cause standard, and to favor the administration of this standard by labor arbitrators." Arbitration is a process similar to litigation in a sense that two parties meet with a third party and have proceedings to determine which side wins. Unlike the courts, there is no decision given by a judge or jury; instead, decisions are made by certified arbitrators who are trained to remain neutral and make decisions on employment-related issues. These decisions are binding and cannot be appealed unless a party can prove that the manner in which the arbitrator made the decision was procedurally unjust. Weiler (1990) argues that arbitration can easily enforce just-cause provisions and that it may be the best route for the United States.

Des Jardins (1985) believes that "Due process is a fundamental moral requirement that *prima facie* overrides more derivative rights like property." Since there are concerns with the injustice currently faced by employees in the United States, some scholars believe it is time for a change and that there

should be reform, such as just cause protection. Weiler argues that "Most states now agree that discharges for bad reasons – that is, for reasons that contravene public policy – are actionable in tort" (1990). Given that there are states that could support protection for employees from wrongful termination, these changes may be easier to implement than those noted in prior discourse on the matter.

An additional concern that those who are opposed to employment at will bring up is how this practice reduces the respect for and degrades the dignity of employees. Some scholars such as Joseph Des Jardins believe that, "The employment-at-will doctrine treats employees as mere objects, as factors of production that can be disposed of at will." (1985). This objectification treats employees as machines and ignores their human needs, desires, and expectations. Although not many companies may think of their employees this way, with respect to those companies who do, overlooking these needs and expectations can very negatively impact the employment relationship. Harcourt adds to this point when he explains that, "Expectations of fairness, though rarely part of the explicit, written agreement, ordinarily compromise part of the implicit psychological contract between employees and their employers" (2010). If an employer ignores this particular expectation, employees may feel that their employers are breaching the implicit contract established in the relationship.

Another consideration from those opposed to employment at-will draws upon the value that those who are covered by a just-cause clause place on the protection. Just-cause is a highly valued and desired protection that unions often negotiate. Pauline Kim (1997) argues that if it is so valuable to union workers, it would not be unreasonable to argue that it is valuable to all employees. As Kim notes, "pointing to the just-cause provisions found in most collective bargaining agreements and the civil service protections afforded public employees, no justification exists for denying private, non-union employees comparable protections" (1997).

Economic Impact

Beyond the moral issues, opponents of at-will argue that there are significant economic implications of this practice that range from the individual to the corporate level, with possible

consequences for the national economy. Individually, the economic issues of at-will apply to those who were terminated from a position wrongfully or without a reason. This poses a problem, as, "personal economic necessities including food, housing, clothing and health care can all be lost with the loss of a job" (Des Jardins, 1985). These employees have probably not been looking for other positions prior to their termination, so they may be unemployed for months or years and may face serious economic strain.

In cases where an employee is wrongfully discharged because of illegal discrimination, the employee is generally able to file a suit against a company and reclaim any lost wages. However, this kind of protection does not exist for workers who are terminated for no reason or seemingly unethical reasons. According to Harcourt, "fired employees do not have any general right to be compensated in statute or common law for either the way they were fired or for earnings losses suffered after the firing" (2012). Again, this could place employees in a compromising economic position as they are unable to reclaim lost wages and may be unemployed for a long time.

Additionally, many opponents of at-will argue that the impacts on the individual employee outweigh the impacts on the employer. This should be considered while weighing legal rights, as "Employers normally cannot be harmed economically by the loss of an employee in the same degree [as an employee]" (Des Jardins, 1985). Firing an employee is a cost to a company, but companies are able to backfill a position and move on to other candidates fairly easily. Employees who are fired face a much larger predicament, as they face the issue of being terminated, unable to reclaim wages, and have to begin the search for a job. Many argue that, "Since the loss of a job threatens central human goods, but the loss of an employee does not, employees deserve due process protection in the ways employers do not" (Des Jardins, 1985).

Because the unwarranted termination of an employee brings greater economic hardship to the worker than the company, opponents to at-will claim that there ought to be a change to the way termination is handled in the United States. According to Weiler, "A worker's job is the asset about which he cares most in modern life, even more important to him than the various other forms of property which

the law now says that he 'owns'" (1990). As there are currently protections in place for other forms of property, opponents to at-will urge a similar protection be extended to employment.

Opponents also point to economic implications of at-will that impact the companies who are able to fire for no reason or a bad reason. Although these are not as severe as the ones faced by the employee who was fired, these effects can harm the employer's business operation. The first economic consequence is that at-will reduces employee loyalty, which may harm profitability and production. If employees do not value at-will but do know that their employer operates on that basis, they may become detached from the company mission and their assigned tasks. As Pauline Kim noted, "By curbing managerial abuse and increasing employee loyalty, just-cause protections might ultimately result in a net efficiency gain for the firm" (Kim, 1997). By eliminating at-will, employers may see that profitability increases for the firm, as managers are unable to fire people for unethical reasons or without reason, and employees feel that the company sufficiently protects their interest of job security.

Another economic consequence of at-will on corporations is the loss of human capital that occurs when an employee is terminated, particularly in instances where the employee was fired for no reason or for a bad reason. "Employers do not want to fire employees for *no* reason, because to do so would inflict a loss [in human capital] … on the firm itself" (Weiler, 1990). The costs of training and recruiting to find talented employees are fairly large for any corporation. This acquisition of skills and knowledge of the employee increases the overall human and social capital that acts as an asset to the company. Additionally, "The employer… not only incurs the cost of recruiting and training a replacement worker, but also risks raising its overall labor costs as its remaining employees…value their own compensation package less highly and perhaps begin to look elsewhere" (Kim, 1997). If other employees begin to look elsewhere, there could be labor shortages, unsatisfied workers, and possibly poor profit margins. Opponents argue that "Since arbitrary and capricious firings may not be in the best interests of the corporation, due process rights for all employees may protect a corporation's interests from its own agents as well" (Des Jardins, 1985).

Some may argue that a good employer or company would not arbitrarily fire an employee who is performing well, so this should not be a concern. However, the problem does not lie with the overall company, but rather with those who have power to fire their subordinates at any time. An individual supervisor may be able to fire an employee with no consent from the company or without being provoked by the employee because of at-will. If one day a supervisor is in a bad mood and an employee crosses him for a seemingly small issue, he could be fired and would not be able to recover lost wages or be reinstated to his former position. The practice of termination is currently at the whim of one person, not the entire company.

Psychological Impact

In addition to the economic impacts of at-will, there are psychological implications for individuals who are terminated. Des Jardins notes how a termination can be hard on any employee, as "Feelings of failure, questioning one's own competence, alienation from others, and loss of confidence can all accompany the loss of a job. The harm is compounded when the firing was arbitrary" (Des Jardins, 1985). After being terminated without cause, employees can feel that the termination could have been for poor performance or that they are an unlikable person, when the true reason was trivial or that there was insufficient demand for the employee's services. The very fact that at-will requires no reason can encourage employers to provide none, and that can cause even further concern to the employee. This concern arises, as "work is so important to the personal identity and sense of self-worth of the employee. In a real sense… a worker's job is the asset about which he cares most in modern life" (Weiler, 1990).

This psychological impact is also heightened by societal disapproval of unemployment. "A person's standing in the eyes of others can be lowered when it becomes known that he has been fired. More importantly, being fired can have significant implications when one looks for another job" (Des Jardins, 1985). Unemployment can be a humbling experience for any employee, but when the employee has no closure for the reason of his termination, this can be heightened as he looks for a new job and faces criticism for losing his job.

International Comparison:

When attempting to compare the employment practices of the United States to other nations, researchers and academics have difficulty in accurately drawing a comparison to similar nations because, "The United States remains the last major industrialized country without comprehensive just-cause protection against arbitrary dismissal" (Harcourt et al., 2012). According to Donald Dowling (2009), "In almost every other country, the modern 'social contract' is an implicit bargain by which employees offer up their good citizenship and their earnest labor in exchange for a viable package of benefits… that in large part is employer-provided." There are some companies in the United States that voluntarily give these benefits to their employees. However, the United States has not made those benefits a legally guaranteed protection because it rejects the "European approach," claiming it would have consequences on American competition and would "disrupt the traditional labor relationships here at home." Another concern from American politicians is that it would infringe upon a person's right to contract, which was once in American history rooted in the Fifth and Fourteenth Amendments (Jeweler, 1994).

However, international organizations, such as the International Labour Organization (ILO), have policies that are in direct conflict with that of the United States. In 1982, the ILO adopted a so-called convention on international labor standards to solely determine rights of workers in regards to termination. Referenced as C158, the ILO determined that, "Termination of employment should not take place if there is not a valid reason for such termination connected with the capacity or conduct of the worker or based on the operational requirements of the undertaking, establishment or service" (C158 – Termination of Employment Convention, 1982). It should be noted that the ILO is a tripartite organization, with employer representatives making up 25% of its governors. Labor representation makes up another 25% of the ILO, and governments hold 50% of the representation.

A nation that has succeeded under this system of requiring a just cause for dismissal is New Zealand, a country guided by a law called "Section 103A of the 2000 Employment Relations Act" (Harcourt et al., 2012). This act protects employees from wrongful termination, and it forces employers to

provide a legitimate reason and documentation for termination. Although this system has been successful, "The main problem with New Zealand's dismissal system… is the lack of proportionality; the punishment does not always fit the so-called crime" (Harcourt et al., 2012). Another issue with the New Zealand systems of termination is that there seems to be inconsistency in how punishments are distributed, which can influence employees' perceptions of fairness. For example, for similar offenses, employers may receive different punishments.

Not only does the at-will practice make it difficult to compare the United States' practices to other nations, scholars believe this harms the United States in regards to globalization of firms and businesses. According to Dowling (2009), "the market-focused employment at-will doctrine leaves American employers free to deny what elsewhere are considered basic … social protections. Hailing as they do from such an employer-friendly regulatory regime, U.S. businesses emerge onto the world stage unprepared to employ people abroad." This is a major concern, especially considering the push towards globalization of workforces. If American companies are unable to operate by providing these protections to workers, they will inevitably suffer and not be as competitive as other global firms.

Perceptions of "At-Will"

Underlying these arguments for and against at-will relationships are theories and assumptions about the conditions of bargaining and knowledge of the parties engaging in the bargaining process. There can be meaningful bargaining under circumstances of termination; however, it requires the parties entering in to the negotiation, particularly the employee, fully understand the implications of bargaining. Those in favor of an at-will relationship believe that employers and employees enter a relationship with relatively equal knowledge and information. Those against it argue that employers have the advantage in these kinds of relationships and often know more than the employee. The following studies explore what people's perception of at-will are on factors or job security, reciprocity, and appeal.

The Kim Study

In 1998, Pauline Kim investigated one of the major assumptions of these theories: "the assumption that workers understand the legal basis on which they have contracted…" (Kim, 1998). Kim surveyed individuals with prior employment experience to test their knowledge and awareness of the laws and employer practices.

Methodology

To remove interviewer-based bias, Kim distributed a written survey. Her target audience was active job-seekers, as conditions of employment in the current labor market "tend to be defined at the margins, by the worker looking for a new job rather than by the typical long-term employee" (Kim, 1998). The survey was distributed to hundreds of people at a St. Louis unemployment office for three months. "I chose to survey unemployment insurance claimants… [because they] must have *some* level of experience with, and attachment to, the labor market" (Kim, 1998).The survey was split into four different parts, to measure demographics, ability to receive information, and understanding of at-will from two different measures. 337 people took the survey, resulting in an 85% response rate.

Conclusions

To Kim's surprise, respondents who had employment experience were highly unaware of employment at-will, to the point where, "Less than 10% of [respondents] could answer more than half of these questions [about at-will] correctly" (Kim, 1998). Kim found that to be alarming, as she believed she would find some people who were unaware, but not to such an extreme extent. The overall pattern was that, "they consistently *overestimate* the degree of job protection afforded by law, believing that employees have far greater rights not to be fired without good cause than they in fact have" (Kim, 1998). One of the more shocking findings was that 89% believed that the law forbids termination out of personal dislike (Kim, 1998), which is actually legal under at-will.

Kim attempted to figure out what caused such overestimated expectations. She struggled to see how any of the possible reasons impacted the data, as her survey contained a random sample of

respondents. However, what was more important for Kim to analyze were the implications from the protections overestimated by her respondents. Kim found that, "Whatever the cause of these inflated expectations, they prevent employees from recognizing the value of guarantees of job security and, therefore, from seeking to secure such protections by contract" (Kim, 1998). This goes against the economic model that supports at-will, which argues that both parties come into negotiation with equal information and understanding. This clearly was not indicated in the results of Kim's study, because, "It appears at first glance that respondents' ability to apply the at-will rule to specific factual situations was no better than if they were guessing randomly" (Kim, 1998).

Concerns

The findings from Kim's study dispute the validity of the theoretical models in support of at-will. According to Kim, one of the main concerns was that, "These findings conflict with one of the basic assumptions underlying the neoclassical economic defense of the at-will rule – that both employers and employees understand the terms of their bargain" (1998). Based on Kim's findings, even people who have experience in the labor market and are actively seeking work have a limited understanding of at-will, meaning they would go into a negotiation with an employer uninformed about the rules underlying their negotiation and therefore unable to bargain for their true interest. What was even more problematic was that, "This survey *underestimates* rather than overestimates the degree of employee misunderstanding of the law" (Kim, 1998). Since this survey did not include people who are employed or young adults with limited exposure to at-will, the findings do not give an accurate depiction of the true misunderstanding of at-will. As Kim stated in her analysis, "If anything, new entrants are even *less* likely than experienced workers to be aware of and fully understand the applicable legal rules" (1998).

The Rousseau Study

Another focus of at-will study looked at reciprocity within the employment relationship. Denise Rousseau studied this concept of reciprocity in regard to the employment at-will relationship and found that, "In the case of contractual expectations, the promise of reciprocity in exchange for some action or

effort is the basis of the contract" (1990). In essence, this concept means that people have a perception of the relationship that if an employee works hard and benefits the company, the contract holds that they deserve a reciprocally fair treatment from the employer, such as pay and job security. Paul Weiler adds to this point, by calling this reciprocity a "standard expectation in the real world of work… that the employee will keep his job unless he does something wrong" (1990). However, the looming threat of unwarranted termination causes this relationship to be imbalanced, and thus, individuals, especially new hires, view employers more negatively if they disclose that the company operates on an employment at-will basis.

Methodology

To study whether or not individuals' perceptions of companies were influenced by a disclosure of an at-will policy, Rousseau decided to conduct a cross-sectional survey of, "graduating full-time master's students from a major Midwestern U.S management school" (1990). Rousseau narrowed her sample down even further to students who had already accepted a full-time offer after graduation. Although she did not discuss the reason why respondents had to have already accepted an offer, it could be that these students would not be swayed by the idea of an offer and would have more of an objective view on analyzing these offers in relation to their peers without a job. 280 students were selected, and "a total of 224 students returned completed questionnaires." (Rousseau, 1990). The demographics of the sample were 35% female and 9% minority (Rousseau, 1990).

The questionnaire given to students "contained questions regarding their recruiting experiences, their perception of the recruitment/selection process, intentions, and motivations" (Rousseau, 1990). Additionally, the themes of the survey covered careerism, companies, expected tenure, and obligations of the employee.

Conclusions

A significant conclusion given from the survey was that there exists an expectation that "loyalty and continued membership are exchanged for job security" in the eyes of a new hire (Rousseau, 1990).

There was a 0.35 correlation to this finding, with a p-value of < 0.05, making it a significant result. This relates to the discussion of employment at-will because of the concern for reciprocity. Although one may argue that a good company would not fire someone for a bad reason or no reason if the employee is a good performer, there is legal protection for a company to do so. In other words, the current governing law does not give protection to these reciprocal relationships, straining the interaction between employees and employers. Workers clearly value a reciprocal relationship, and the current state of at-will does not align with that valuation.

Concerns

Although there were significant findings with this study, the Rousseau survey did raise some concerns that were worth noting for this research. The sample in this research design was not very representative of the population, as it was comprised of 35% female and 9% minority. This could have presented a skewed result, and these findings may be more or less significant because of that. Also, there was no reasoning provided for why the sample had to consist of individuals who already had a job offer. It would be interesting to see why this was a significant distinction for selecting respondents to take the survey. Lastly, a copy of the survey was not released with the results. Because of that, it is hard to determine whether or not this survey was an accurate measure or had some engrained biases within its design.

McKinney et al. Study

Another study examined perceptions of at-will, but in a more indirect manner. McKinney et al (2011) measured perceptions of a candidate's attraction to an organization based on whether or not the company discloses discharge information. McKinney et al (2011) note that during times where attracting talented candidates is becoming more important, "there is reason to suspect that the way an employer reacts to the erosion of the at-will doctrine may affect the firm's ability to attract employees." They hypothesize that if a company discloses their termination policy of at-will, candidates will not be as attracted to the company because they expect reasonable grounds for termination.

Methodology

To study how disclosure of at-will impacted job acceptance, McKinney created a between-subject study with four groups. The participants were senior-level undergraduate business students, and they were given three acceptance letters with different salary and benefit levels. Among the three was an experimental offer letter that was set to the average starting salary for students of this degree, but it was the only letter to include the at-will provision. McKinney was interested in studying how including the at-will provision in the offer letter affected organizational attraction and psychological contract formation.

Conclusions

McKinney notes how the study was weighted with a large number of female respondents, but that, "no gender differences were found for organizational attraction… [and] psychological contract obligations" (2011). However, McKinney found the disclosure of at-will policies had a strong impact on organizational attractiveness. The mean score for attractiveness for those told about the at-will rule was 4.21. The control group's mean score for attractiveness was 4.78, a significant difference (2011). Thus, in a test of job security promises, organizational attractiveness was higher for those respondents who had the implied promise of job security. However, "mean levels of psychological contract obligations did not differ" between the groups who were given security and those who were not. (McKinney et al., 2011).

Concerns

Employers are beginning to include a declaration of at-will in job offer letters to avoid future legal repercussions; however, as McKinney determined, these statements can impact an organization's ability to recruit top talent, as they reduce organizational attractiveness. Wayland found that, in a similar study, 86.6 percent of respondents found that "inclusion of an employment-at-will statement in the application process is a disagreeable practice" and that "58.7 percent do not believe at-will employment can be legally practiced even if the applicant signs the statement" (1993). McKinney noted, "these results suggest that future job applicants do in fact expect freedom from arbitrary discharge and are suspicious of

violations of the good cause norm, [and these suspicions] might be made manifest through the communication of at-will policies in an offer letter" (2011).

Some concerns with the study were that the respondent population was composed of students. According to McKinney, this reduces generalizability, since it was not representative of the general working population and their opinion of at-will. Using students also forces the opinion of at-will to be restricted to a certain generation, which in this case is likely to be Millennials. McKinney believes future research should be focused on more experienced workers, who may have had exposure to these disclaimers before (2011). There was also a question about the content validity of the study, especially in measuring psychological contract obligations, as it was measured on a three-item scale. Using a small scale to measure means may not show the respondents' true opinions of the at-will disclaimer in job offer letters. Despite some concerns, McKinney and other researchers found significant findings in relation to how at-will disclaimers impact attractiveness to organizations from a younger audience likely composed of Millennials.

Patterns of the Millennial Generation

The Millennial generation has been under much scrutiny, due to its emergence as a tech-savvy and seemingly entitled generation. Employers and society are beginning to welcome this new generation of adults into the workforce, yet there is still concern as to how this generation will be accepted into work culture and adapt to working with older generations. According to Alexander et al. (2011), Millennials are noted for having "a lack of drive, motivation and accountability… [and a] lack of concern for accuracy." Although there may be a slightly negative mindset toward this generation, "understanding and adapting to this new generation's work ethic will be critical to the restored, continued, or future success of American business and industry" (Alexander et al., 2011). There are common themes seen in the literature about Millennials who relate to employment at-will that are discussed below.

Debt

The first notable trend of Millennials that relates to employment at-will is higher education, and in turn, college debt. According to a report in 2013, "Gen Y is the most educated in American history, and they willingly took on their university education debts… because they assumed they would get jobs to pay them off" (Allison, 2013). Employment at-will relates to this because Millennials need stable and secure employment to repay these debts. In general, "Both the working Millennials and those still in college spoke about the high costs of higher education, student loans, and credit card debt. They were also clueless about how to change jobs" (Payment, 2008). If fired at-will for no reason or a bad reason, Millennials may not have the resources to find a new job, and the loans and debt from college can be a burden.

Another way debt impacts Millennials stems from the concern that Millennials have a stronger sense of entitlement and concern for job security. "The two most-mentioned issues for those still in college were a concern about getting jobs that would enable them to repay their student loans, and a concern about being competitive against applicants for the same jobs" (Payment, 2008). Coming into the workforce, Millennials with college debt may feel more entitled to job security, as they have loans and other liabilities to pay.

Employment

With each passing year, more and more Millennials join the workforce. Although some Millennials have been working for a number of years, "by 2020, it is estimated that GenY'ers will comprise nearly half of working Americans and possibly seventy-five percent by 2025" (Miller, 2013). This changing demographic may have a significant impact on the composition and policies of the workforce, as "Gen Y'ers come to the workplace with drastically different expectations and values than the generations before them" (Miller, 2013). These expectations range from immediate feedback at work to having managers and supervisors take the role of mentors and coaches instead of superiors. These

different values also extend into the realm of social media and raise questions whether Millennials value maintaining professionalism on online platforms.

According to recent surveys, "42% of companies took disciplinary action based on their employees' social media activities, compared with 24% in 2009" (Miller, 2013). Many Millennials feel comfortable using online platforms, especially to share online opinions about work or to access these sites while at work (Miller, 2013). Employment at-will begins to factor into this situation, as Gen Y'ers come into the workforce with certain expectations of what is appropriate on social media, and then realizing that there can be severe consequences for this behavior, including termination at-will. If a supervisor catches a glance of a younger worker on social media platforms, he is able to fire that worker and does not even have to have a reason for it. Although this may make sense to the supervisor, from the Millennial's perspective, this was a standard practice that should not be punishable.

Additional issues related to employment of Millennials relate to their ability to prepare for careers and their lack of exposure to corporate settings before working. Although college degrees are crucial to many Millennials' careers, there is sometimes a harsh reality between the expectations of the Millennial and those of an employer. As noted by Maggi Payment, "They [Millennials] do not know what a job is really like before deciding to train for it or trying to get hired… they also do not know the current trends and issues that may make the job obsolete in a few years" (Payment, 2008). This lack of information about employment and long-term inability to support themselves "cripples this potentially vital generation" (Payment, 2008). A part of the information that could be lacking for the Millennials could be information on job security and termination policies relating to at-will.

Chapter 3

Hypotheses

Based on the findings of the literature review, there are some unanswered questions regarding employment at-will, particularly in regards to young adults. Although this topic has not yet been directly addressed, there are some patterns from the behaviors of the Millennial generation and perception of employment at-will studied that indicate certain relationships. These relationships, or the hypotheses of study, are examined below.

Premise 1: Millennials do not understand employment at-will as much as older generations.

This theory comes from Pauline Kim's study on the perceptions of employment at-will. In her study, she emphasized her reasoning for not including young adults was that "new entrants are even *less* likely than experienced workers to be aware of and fully understand the applicable legal rules" (Kim, 1997). Since most Millennials are just entering the workforce and have limited exposure to employment in general, they will neither be aware of nor understand the rules of employment at-will.

Hypothesis 1a: There is a positive relationship between age and degree of understanding of employment at-will.

Although Kim's findings argue that experienced workers have a poor understanding of employment at-will, she assumes that the Millennials' understanding of at-will will be even less than the understanding of workers who have employment experience. As a person's age increases, there could be a positive relationship between age and knowledge of at-will, even if it is not particularly strong.

Premise 2: Young adults who are informed about at-will will not view it as a fair practice.

Given the evidence from Alexander (2011), Millennials are more likely to feel entitled to just-cause protection than other generations. This sense of entitlement will make them feel that they deserve

job security, especially given the rates of college debt present in this generation. Because of these factors, Millennials will be less likely to view employment at-will as a favorable practice and will think it is unfair.

Hypothesis 2a: There is a negative relationship between understanding of employment at-will and opinion of at-will.

Hypothesis 2b: There is a negative relationship between education level of Millennials and opinion of at-will.

Based on the research of McKinney (2011), Millennials would find the practice of employment at-will unfair once realizing the implications of it. Since this could possibly impact the Millennial generation's sense of entitlement to job security, Millennials may have unfavorable opinions to at-will. Another point considered by Allison (2013) and Payment (2008) was that of college debt. Since Millennials are more likely to attend college and have higher student debt than other generations, they may value the security of their jobs to repay that debt. If Millennials are pursuing advanced degrees that require even more tuition expenses and possibly more debt, they may feel even more entitled to job security. Because of this, there may also be a positive relationship between the education level of Millennials and perception of fairness.

Premise 3: Millennials who are informed of at-will would favor a just-cause system of termination.

Given that Millennials may view employment at-will as an unfavorable system, they will support a change to just-cause to guarantee job security.

Hypothesis 3a: There is a positive relationship between Millennials' understanding of employment at-will and their supporting change to a system of just-cause.

Chapter 4

Methodology

To study the perception of employment at-will of young adults, I created a survey intended to be taken electronically and distributed online. This survey was divided into three different parts to test and gather insight into this relationship. The survey was intended to be distributed for at least two weeks, or until there were 30 complete responses.

Target Audience

Given the nature of the topic, the true target audience is young adults and those who have either just started or are about to start their career. Ideally, this group of people would be 18 to 24 years old. Since this group of individuals will be very likely to be starting their careers in an at-will relationship and would likely not have a strong understanding of the protections surrounding their termination, it would be interesting to test what their opinion is on the issue of just-cause. Another reason why this age group is so useful to study was because of the patterns of their generation, the Millennials. Given that Millennials on average have a higher level of education than other generations and have a tendency to feel entitled, it would be worthwhile to see if they have an understanding or opinion of the rules regarding their termination, particularly when it is not in favor of the employee.

Another audience characteristic I am hoping to target is education level, particularly those who are in the process of receiving a college degree or have already received a degree. This is to measure if having a degree impacts a person's perception of at-will or sense of entitlement to job security more than someone who did not receive a degree. Another reason why this was a characteristic of interest was

because of college debt. As discussed in the literature review, those who are in college debt generally have a sense that getting a job with job security will help them reduce that debt. By studying those who went through college and spent a significant amount of money for an enhanced degree, I am interested to see if there is any difference in perceptions of the at-will rule.

Although young adults and those who went to college were the target audience of the survey, I was interested in collecting responses from individuals of other generations and education levels to see if there was any difference in the results or points of comparison. Because of that, the survey was opened to respondents of all ages and education levels in order to gather a well-rounded data basis.

Means of Communication

I chose to distribute the survey online for convenience for respondents. Additionally, using online platforms proved to be useful in the process. With the large network already on Facebook, it was clear that this would be the best resource to use to collect responses. Although this is convenience sampling, which is a form of non-probability sampling, the large audience on Facebook can still provide a representative sample and not show a large bias in the data.

Measurements

This is a cross-sectional survey, as it is measuring respondents' perceptions at one point in time and does not study perceptions of respondents in the future. The survey has 19 questions that intend to measure a person's understanding of at-will and their perception on whether or not it is a fair or good practice. The kinds of measurements used in the survey are short answer questions, multiple choice, Likert scales, and yes or no options. These intend to measure the target questions and individual characteristics of the respondents.

Chapter 5

Findings

54 respondents completed the survey, with a completion rate of 88%. Tables 1 – 3 summarize the demographics of the respondents.

Table 1 Age of Respondents

	Number of Respondents	Percentage
Under 18	0	0%
18 - 26	40	74%
27 - 34	4	7%
35 - 42	2	4%
43 - 50	2	4%
51 and older	6	11%
TOTAL	54	100%

As seen in Table 1, the most common age range was 18 – 26, making up 74% of the respondents. The next most common age group was individuals who were 51 years old and older, who made up 11% of the sample. There were no respondents under the age of 18 in this survey sample. This lack of age variation may pose as an issue of bias, as this is not representative of the United States' population.

Table 2 Respondent Generation Distribution

	Number of Respondents	Percentage
Silent Generation	0	0%
Baby Boomers	7	13%
Generation X	3	6%
Generation Y	41	76%
Generation Z	3	6%
TOTAL	54	100%

Table 2 shows the generational distribution of respondents. Similar to the results of Table 1, the majority of respondents indicated that they were a member of Generation Y, or the Millennial generation. This aligns with the results of Table 1 well, as Millennials should be in the age range of 18 – 26. An

interesting finding from this table was that there were no members of the Silent Generation, even though 11% of the respondents were over 51 years old. This means that all of the respondents who were over 51 were part of the Baby Boomers generation.

There are some discrepancies between the two tables though. The age ranges were established to align with the years of the generations. However, there seems to be some conflicting numbers between the two tables when they were originally created to match. These discrepancies could be related to the respondents' different understanding of the generational years, as there are conflicting numbers in the research. This could also be due to how a respondent associates with one generation over another. For example, a member who is technically part of Generation Y may be more aligned with the values and members of Generation X and self-reported that they were in Generation X because they associate with it more. Errors could have also occurred from respondent error or misunderstanding of the questions.

Table 3 Education Level of Respondents

	Number of Respondents	Percentage
High School Degree	0	0%
Some College	25	46%
Undergraduate Degree	22	41%
Graduate Degree	6	11%
Doctorate Degree	1	2%
Other	0	0%
TOTAL	54	100%

Table 3 summarizes the education levels of respondents. The largest group of respondents (46%) indicated that they have completed "some college," meaning they are still college students or have taken some courses and never completed an undergraduate degree. The next largest group of respondents (41%) indicated that they have completed their undergraduate degree. 11% of respondents indicated that they have completed a graduate degree, and 2% have received a doctorate degree. No respondents had a high school degree as their highest level of education. This raises some concerns related to the validity of the sample. This shows that the sample of respondents is not representative of the United States adult population because many people have a high school degree as their highest level of education. Another

concern is that it will be hard to determine whether Millennials with a college degree are more entitled. I originally hypothesized that Millennials would likely be more educated, which wasn't indicated in the results. This may show some bias in the final analysis.

Table 4 Employment Status of Respondents

	Number of Respondents	Percentage
Full Time Employee	17	31%
Part Time or Seasonal Employee	19	35%
Self Employed	3	6%
Intern	5	9%
Unemployed	10	19%
No Job Experience	0	0%
TOTAL	54	100%

Table 4 summarizes the employment status of survey respondents. The largest group of respondents (35%) indicated that they were a part time or seasonal employee, which aligns well with the fact that most respondents are still enrolled in college. The next most common type of employment for respondents was as a fullitime employee (31%). 19% of respondents indicated that they were unemployed, 9% held an internship position, and 6% were self-employed. Every respondent indicated that they had job experience, which once again indicates that the sample size is not representative of the United States population. However, if anything, this would increase the likelihood that the results overestimate respondents' understanding of employment at-will.

Table 5 Whether Past Employers Disclosed Termination Policies

	Number of Respondents	Percentage
Yes	36	67%
No	15	28%
I Don't Know	3	6%
TOTAL	54	100%

Table 5 examines the respondent's exposure and awareness of a past or present employer's termination policy. I was interested to see if it was a common practice, and if so, how much people noticed this disclosure statement. This question was aligned with the findings of the McKinney (2011) study, which determined that companies which disclosed their at-will termination policies were viewed as

unfavorable places of employment. 67% of respondents indicated that they have had an employer who has disclosed a termination policy, which was very surprising. This seemed quite high, considering how unfavorable releasing at-will termination policies may be. Because these policies are unfavorable to employees, there is a chance that those who have been aware of this knew of a termination policy that was not at-will, such as progressive discipline measures or the employer listing actions worthy of immediate termination. Because this question did not ask whether an employer disclosed their at-will termination, it is likely that respondents believed that statements related to termination were the employer's policy, when in fact the employer ultimately fell under the jurisdiction of at-will. Another consideration for this data which may argue that this number is too low is that respondents may have answered "No," when in fact an employer may have disclosed their termination policy.

Table 6 Familiarity of At-Will

	Millennial		Overall	
Very Unfamiliar	8	21%	13	24%
Unfamiliar	16	41%	22	41%
Neutral	4	10%	4	7%
Familiar	8	21%	11	20%
Very Familiar	3	8%	4	7%
TOTAL	39	100%	54	100%

Table 6 shows the distribution of respondents' self-reported familiarity with the at-will practice. Table 6 shows the breakdown of the familiarity of the Millennial respondents and then the overall breakdown from all respondents.

Table 7 Responses on Legal Protections (Overall)

	Lawful		Unlawful		Don't Know	
Question 1 - *Lawful*	13	24%	37	69%	4	7%
Question 2 - *Lawful*	53	98%	0	0%	1	2%
Question 3 - *Lawful*	7	13%	46	85%	1	2%
Question 4 - *Lawful*	19	35%	20	37%	15	28%
Question 5 - *Lawful*	13	24%	31	57%	10	19%
Question 6 - *Lawful*	14	26%	32	59%	8	15%
Question 7 - *Unlawful*	3	6%	48	89%	3	6%

Table 7 introduces the second part of the survey, which tested respondents' true knowledge of employment at-will. This section asked the respondents whether or not the termination described was lawful or unlawful in seven scenarios. These scenarios were intended to be thought-provoking and were designed to truly test one's understanding of what "bad reasons" may entail under at-will. The table above indicates in the far left column what the correct answer was for each question. This section of the survey emulated the survey Pauline Kim distributed. Her study indicated that the general population did not have a strong understanding of at-will, and I hypothesized that this would be true for my survey as well.

Question 1 asked whether an employee being terminated for speaking too loudly in the office was lawful or unlawful. The answer was that the termination was lawful, which 24% of the respondents answered correctly. 7% indicated that they did not know, and 69% indicated it was unlawful. This was a surprising number of incorrect responses, but what was interesting to note was that those who responded that it was unlawful were sure of their answer, especially since they were given the option to choose "I don't know." Not only was this group of respondents incorrect about their answer, but they indicate a level of certainty that it was unlawful. This shows that there is a large misunderstanding of at-will, even in a sample that has a high education level and would be more likely to know about it.

Question 2 asked respondents if firing an employee for poor job performance was lawful, and 98% of respondent correctly answered that it was. No respondent believed it could be unlawful, and one respondent indicated that he did not know. This was not surprising, as most people with work experience understand the implications of poor job performance and do not question the legality of firing a worker for poor job performance. Because every respondent had a job experience, this group's accuracy may exceed the general population's understanding.

Question 3 asked respondents if firing an employee for dating and then breaking up with the boss's daughter was lawful or unlawful. Because of at-will, this kind of termination is lawful, which 13% of respondents believed was true. 2% of respondents were unsure, and 85% of respondents indicated that it was unlawful. Similar to question 1, this was noteworthy because it was such a large group of

respondents who did not know the answer, and it was a large group of respondents who were sure they had answered correctly.

Question 4 asked whether it was legal to fire an employee to hire another person for a lower salary, which is lawful. 35% of respondents believed it was lawful, 28% were unsure, and 37% believed it was unlawful. This was a balanced distribution of answers. What was noteworthy about these results was that this was the highest number of respondents who indicated that they did not know. A possible reason for why this was an equal distribution was that respondents were truly unsure about this question. This could be because this question draws upon the discrepancy between ethics and the law. Many would agree that firing someone to hire someone else for a lower salary is a seemingly unethical act; however, it is still legal. Respondents may have been unsure as to the legality of the issue due to its ethically compromising nature.

Question 5 asked if firing an employee for lying when the company knows he did not lie was lawful. Because of at-will, this kind of termination is lawful. 24% of respondents indicated that it was lawful, 19% were unsure, and 57% believed it was unlawful. Although this distribution was not as skewed as questions 1 and 3, there was still a large number of respondents who answered incorrectly and were sure of their answer.

Question 6 asked respondents if it was lawful to terminate someone for refusing to participate in activities they considered unethical. 26% believed this was lawful, 15% were unsure, and 59% believe it was unlawful. Again, the majority of respondents were incorrect.

The last question asked if it was lawful to terminate an employee for refusing to lie under oath in favor of the company. This is considered to be unlawful, as it tampers with the process of justice and outweighs the protection of at-will to employers. 89% correctly answered that it was unlawful, 6% believed it was lawful, and another 6% were unsure. This question had the second highest accuracy rate out of all the questions.

Table 8 Responses on Legal Protections (Millennials)

	Lawful		Unlawful		Don't Know	
Question 1 - *Lawful*	9	23%	27	69%	3	8%
Question 2 - *Lawful*	38	97%	0	0%	1	3%
Question 3 - *Lawful*	4	10%	35	90%	0	0%
Question 4 - *Lawful*	14	36%	15	38%	10	26%
Question 5 - *Lawful*	9	23%	25	64%	5	13%
Question 6 - *Lawful*	9	23%	25	64%	5	13%
Question 7 - *Unlawful*	3	8%	35	90%	1	3%

Table 8 summarizes the results of Millennials for the seven scenarios discussed above. The responses of the Millennials versus the overall respondents for every question was similar, with an average overall discrepancy of only 2-3%. The overall average correct answers from older generations was 44.3% and the average from Millennials was 44.4%. From my first premise, I expected the understanding of at-will among the Millennial generation to be worse than the overall population. This non-support of the hypothesis could have resulted because the respondent pool was skewed since most respondents were Millennials or because there was an overall misunderstanding of what employment at-will is across all generations. This lines up with the findings of Pauline Kim in her 1998 study. Kim concluded that US citizens answered these questions at the same rate as if they were guessing on each question. This was also not taking young adult's perceptions into consideration.

Table 7 and Table 8 show some other trends that were noteworthy in my findings. With both tables, questions 2 and 7 were answered correctly at the first and second highest rates of accuracy. These questions handled the issues of poor job performance and refusing to lie while under oath. There is a question as to whether respondents understood the legal justifications of these situations, or if they were tapping into their personal experiences or the experiences of people around them. Essentially, it is debatable whether these questions actually test respondents' true knowledge of at-will, or if people answered from what they thought was true based on previous experience with no consideration to the

rulings of at-will. Although they ultimately answered correctly, it was not because they knew what at-will was, it was a hunch on what the legal premise was from previous experience. If this is the case, this would make the overall understanding of at-will from the respondents (44%) higher than it actually is.

Table 9 Opinion of At-Will

	Millennial		Older Generations		Overall	
Strongly Disagree	5	13%	0	0%	5	10%
Disagree	15	39%	6	50%	21	42%
Neither Agree Nor Disagree	11	29%	3	25%	14	28%
Agree	7	18%	3	25%	10	20%
Strongly Agree	0	0%	0	0%	0	0%
TOTAL (n =)	38	100%	12	100%	50	100%

Table 9 summarizes the opinions of at-will of the respondents after reading its legal definition. From the Millennial population, 52% of respondents indicated that they either disagreed or strongly disagreed with at-will. However, the Millennial population was the only group to answer that they strongly disagree with at-will, showing that older generations may not have as strong of an opinion against it. This confirms premise 2, which argued that informed Millennials would view employment at-will more unfavorably than other generations. Conversely, 25% of older generations indicated that they agreed with at-will, a higher proportion than Millennials. Roughly 20% of Millennials indicated that they agreed with at-will, and no respondent from any age group indicated that he strongly agreed with at-will. Text responses explaining respondents' opinions are shown in Appendix B.

Table 10 Change to Just Cause

	Millennial		Older Generations		Overall	
Strongly Disagree	1	3%	0	0%	1	2%
Disagree	4	11%	4	31%	8	16%
Neither Agree Nor Disagree	7	18%	1	8%	8	16%
Agree	14	37%	7	54%	21	41%
Strongly Agree	12	32%	1	8%	13	25%
TOTAL (n =)	38	100%	13	100%	51	100%

Table 10 shows respondent's desire to change to a just-cause system, similar to what is in place in many other industrialized countries. A notable finding from this table was that the only person to strongly disagree with just cause was a Millennial. Millennials and the overall respondent pool otherwise lined up with their views of just cause. The only differences noted in the data were between those who agree and

those who strongly agree. Millennials were more likely to strongly agree with changing to just cause over older generations. However, 69% of Millennials and 62% of the older respondent pool fall into the agree or strongly agree categories.

Table 11 Correlation Table (Overall)

	Age	*Familiarity*	*Initial Understanding*	*Opinion*	*Change to Just-Cause*
Age	1.0000				
Familiarity	-0.1150	1.0000			
Initial Understanding	0.0565	0.3917**	1.0000		
Opinion	0.0989	0.1432	0.3132*	1.0000	
Change to Just-Cause	-0.1918	-0.1400	-0.5335**	-0.6441**	1.0000

** $p < 0.01$

* $p < 0.05$

Table 11 summarizes the correlation relationships from the overall data. The first significant finding in this chart is seen in the age column, where there are no strong or significant correlations to the other variables. This indicates that age bore no relationship to variation in any of the results and that the poor understanding of at-will was applicable for all ages. This could have been skewed by the respondent pool which was mostly Millennial, but it is interesting to see that the other respondents from older generations did not change this data, as it seems there was no variation of age on these factors.

An interesting finding from this table was that people who had a higher understanding of at-will prior to taking this survey viewed at-will more favorably, with a correlation of 0.3132 and a p-value of 0.05, which makes this correlation both a strong and significant value. My hypothesis 2a is shown to be incorrect, as those who understood at-will actually viewed at-will more favorably. After further consideration, this does not seem surprising, as those who have had exposure to at-will are likely to be familiar and not feel an initial shock to learning about it, making them more accustomed to the practice. Additionally, this suggests that those who did not have a strong understanding prior to taking the survey were likely to have an unfavorable opinion of at-will. Considering most people did not have a strong understanding of at-will, as seen above in tables 7 and 8, this is an important finding for the study. Richard Epstein's research claimed that restrictions should not be put in place because people know what

at-will is prior to engaging with employers over the employment contract and that they accept it. Although the findings here suggest he was partially right, the findings of this study also indicate that most people do not know what at-will is.

Another finding which is similar to the one above was that those who had a higher initial understanding prior to the explanation of at-will were less likely to want to change to a system of just-cause, with a correlational value of -0.5335 and a p-value of 0.01. This is not shocking, as the prior finding noted that those with higher initial understanding viewed at-will more favorably. Naturally, if they viewed at-will favorably, they would not like a change to a just cause system. However, the correlation for this relationship was much stronger, meaning people felt even more opposed to changing to just cause than they felt about employment at-will.

Table 12 Correlation Table (Millennials)

	Familiarity	*Initial Understanding*	*Opinion*	*Just-Cause*
Familiarity	1.0000			
Initial Understanding	0.4381**	1.0000		
Opinion	0.0620	0.1775	1.0000	
Just-Cause	-0.1014	-0.4143**	-0.5754**	1.0000

** $p < 0.01$
* $p < 0.05$

Table 12 summarizes the same correlations from Table 11, but limits the data set to the Millennial population. Many of the correlations are similar in terms of their significance and strength. However, there are some subtle differences between the two respondent groups. The first difference between the two tables was for the relationship between self-reported familiarity and initial understanding. The overall respondent pool's correlation for this relationship was 0.3917. For Millennials, this correlation is higher, at .4381 and a p-value of under 0.01. Overall, this correlation indicates that Millennials were more likely to accurately score their understanding based on their self-reported familiarity. A representation of this correlation was that the Millennials who indicated a lower familiarity with at-will had a lower score on the portion that tested understanding. Considering 62% indicated being very unfamiliar or unfamiliar, this shows that a majority of Millennials likely scored very poorly on their understanding of at-will.

Another significant difference between the correlations of Millennials versus the overall respondent pool is seen in the relationship between initial understanding and opinion of at-will. The overall respondent pool shows a correlation of this two factors of 0.3132 with a p-value under 0.05. However, when the Millennial data is analyzed, the correlation is much weaker (.1775) and is not significant. This shows that Millennials' score of understanding did not significantly correlate to how they viewed at-will. The correlation for all respondents shows that those who scored higher in the understanding portion generally had a higher opinion of at-will. However, when we look at the Millennial data, this is not the case. In the above analysis on Table 11, I theorized that the relationship for the overall data may be because older generations display complacency with the practice, as they may be exposed to it more and understand its repercussions. The data for Millennials shows that there is no correlation or predictable trend with Millennials when it comes to their understanding and opinion of at-will.

Another contrast between the two tables relates to the relationship of initial understanding and change to just cause. The correlation of all respondents was -0.5335 and the correlation for Millennials was -0.4143, with the p-values of both under 0.01. The Millennial correlation is weaker, which is to be expected as the correlation for understanding and opinion of at-will for Millennials was also not as strong. However, this was a significant finding. When I analyzed the overall data, it made sense that the relationship between understanding and opinion of at will was strong and positive and that the relationship between understanding and support for just cause was strong and negative. However, it is strange that this relationship between understanding and change to just cause is large and significant, since the relationship between understanding and opinion of at-will was not significant or noteworthy. This correlation for Millennials shows that those who had a lower understanding of at-will favored a change to just cause, while those who scored higher on the understanding portion of the survey generally did not favor a change to just-cause. This correlation is similar to that of the overall respondent pool; however, it is slightly weaker.

Chapter 6

Discussion

Pauline Kim attempted to study the understanding of at-will of workers in the United States, and found that "respondents' ability to apply the at-will rule to specific factual situations was no better than if they were guessing randomly" (Kim, 1998). This was found among people who had already had employment and termination experience. My survey was intended to incorporate another group of individuals, the Millennials, to see how their perceptions of at-will may differ from older generations. Kim hypothesized that younger workers would have even less of an understanding and exposure to at-will, which was not confirmed in the findings of this research as this misunderstanding of at-will exists across all generations almost 20 years after Kim's survey was distributed. My respondent pool likely overestimates true understanding of at-will because of education level, age, and employment experience, yet they still scored poorly overall. This means that the understanding of at-will from the generally population is likely not as high as the understanding of the respondents of this study.

The results of this study challenge the assumptions in favor of at-will that argue it is fair since parties enter into the employment relationship with equal knowledge and understanding of the terms of employment. Although employers may understand what at-will means for the employment relationship, numerous studies find that this is not true for the employees who have to represent themselves. Not only does this show an imbalance with the negotiations, it also indicates that people not only do not understand what they are bargaining for, they are sure that some kinds of protections are given to them that do not actually exist.

In addition to studying respondents' ability to correctly identify legal protections, I asked respondents to reflect on their opinion of at-will after they were given a definition of the limited termination protections under it. There were themes in the results of the survey that would suggest that although there was limited initial understanding of at-will across all generations, differences between the Millennial and older generations still existed in their perception of fairness and perhaps sense of entitlement to these protections. With respect to Millennials' opinion of at-will, Millennials had a stronger unfavorable opinion of at-will. This was also present in the text responses survey respondents were asked to provide to explain their opinion. 28 Millennials wrote a written explanation for their opinion. Of the 28 who responded, 18 viewed at-will negatively, 6 wrote that they were neutral or believed in limited protections, and 4 were in favor of at-will. Their comments can be found in Appendix B. Those who were opposed to at-will wrote comments such as, "'At will' rules can be a facade for discrimination based on gender, sexual orientation, etc. For example, a gay employee could be fired for allegedly not sharing a company's values, when in actuality, they are being fired for being gay." Another comment from a Millennial opposed to at-will was that "it doesn't seem fair. A person should be fired if they don't do their job or do it well, not because of these other subjective reasons."

Millennials in favor of at-will wrote that, "Employment is not a 'right' that Americans' have. Employees have the right to quit their job at any time and employers should also have the right to fire at any time." Another comment from a Millennial in favor of at-will commented on the business value of at-will, arguing "If the business is being put at risk, or the relation between the employer/employee is compromised, I agree in termination." Although those in favor of at-will brought up valid points, there is no question that a majority of Millennial responses were opposed to at-will, with the most common reason that at-will is an unfair practice.

Older generations responses were split between not favoring at-will and being neutral or in favor of at-will. This distribution of responses is different compared to the Millennials, as Millennials demonstrated a stronger response in opposing at-will. The text responses of the older generations

demonstrate this distribution of opinions, as there was an even split between those who favored at-will and those who did not. Those who were in favor of at-will noted that at-will is a part of employment that one must live with, as "Every game has its rules. If the position is employment at will, then those are the rules. If someone wants greater protection from losing his job, then go work somewhere else or become self-employed." This sentiment was reflected in a number of responses of those in favor, which may reflect that those respondents understand that there are some drawbacks from living in an at-will society but it is something you have to live with.

Many comments from the older generations who were opposed to at-will reflected the sentiments of the Millennials in the sense that it was unfair and that employers should have a reason to fire. However, one comment from someone opposed to at-will brought up an example of how a relative was treated under the system:

> "I have personal experience with a cousin who was ordered by his nurse manager to lie. She suspended him until he would apologize and he resigned rather than eventually be fired. Something is deeply wrong with that culture at a work place. Picture."

This was a very important comment because it was an example of the bounds of protection under at-will. It was also noteworthy since it was a comment that would likely not come from a Millennial, since it required experience working and interacting with the at-will protections. This respondent's family member was placed in a situation that would be considered unlikely to many, but he was unable to defend his job for a reason that would arguably be considered a "bad" reason. Although this was a very strong comment in my analysis, the overall depiction of the older generations' view of at-will was that they were neutral and torn on the issue. Some were in favor of it since it is another facet of life you must work around, and others opposed it due to situations where they or their loved ones had felt the impact on that lack of protection.

From reading these comments and reflecting on the findings of this study, it is clear that Millennials do not understand at-will to the same extent as older generations, they feel strongly that at-

will was unfair compared to older generations, and that there should be some change to protect workers from termination for no reason or a bad reason. There are a few remedies for this problem that have been discussed in the literature review. I will explore the most commonly discussed solution, a change to a system of just-cause. This is a very commonplace policy and practice in industrialized countries and could potentially bridge the gaps in employment negotiation.

Just Cause Protection

As discussed, most nations of equivalent economic and social status rely on a system of just cause protection for worker's termination. This form of protection means that employers are obligated to provide a reason for termination, and these kinds of terminations do not come as a surprise to employees. For example, in New Zealand, "A dismissal with notice involves giving the employee forewarning… of a future termination date" (Harcourt, 2012). This termination must also follow a series of notices, particularly if it's related to poor performance or destructive behaviors, that follow progressive discipline and indicate employee understanding of their wrong-doings.

Montana has already begun instituting a similar form of termination protection through the passage of the Montana Wrongful Discharge from Employment Act (WDEA). This law "clearly spelled out rights of employees, but also limited the liability of employers for wrongful discharge and offered incentives to use alternative dispute-resolution procedures" (Walsh, 2013). It defined a good cause of termination as "failure to satisfactorily perform job duties, disruption of the employer's operation, or other legitimate business reasons" (Walsh, 2013). This kind of protection already exists in parts of the United States, so the question then is why the rest of the United States does not follow these practices.

Concerns

There are many concerns about the viability of this system taking root in the United States. Just because it is successful and common in other countries does not mean it will be beneficial for the United States to make this change. One of the most common concerns is how changing to just-cause would disrupt businesses' ability to make profit and flourish. One reason why businesses are attracted to the United States as a country to invest in is that they do not have to worry about the strict rules of employment seen in similar countries. Installing a system of just cause could diminish global companies' desire to heavily invest in the American workforce and resources.

Another concern is that this system may hinder an employee's ability to freely leave positions as they desire. One respondent in the survey answered that, because of at-will, "It means I can also quit or leave at any time. If a company doesn't value its employees or fires people for silly reasons, it's not a company I would want to work for." Although just-cause leaves employees free to quit, there is a concern from those who do not have a great understanding of the practice that the idea of reciprocity in terms of leaving an organization will be eliminated. Although there are some notable concerns about making a change to just cause, it still seems to be a strong option for balancing the employment spectrum. Other alternative solutions to consider would be to increase education and awareness of employment by creating legislation that would force companies to be transparent about termination policies or be more aggressive about employment at-will education. Another modest proposal would be that the United States keep at-will, but that the employer gives notice or pay in lieu of notice.

A large implication to changing to a system of just cause would be how the courts would adapt to the influx of wrongful termination claims. By making employers provide reasons for termination, there will likely be an increase in the number of cases of people claiming they were wrongfully terminated. The current court systems would likely not grant relief to people who were wrongfully terminated. Even if the courts made the unlikely decision to reinstate the employee into his former position or to give lost wages,

this would take months or years to complete. One way to eliminate this problem of flooding the courts would be to bring this disputes to mediation or arbitration. These alternative dispute resolution methods would grant relief within a few months and would be a final decision that could not be reversed unless there is proof that the arbitrator was biased or bought in his analysis of the facts.

Although this may seem to be an easy fix to the problem, there are concerns as to the legitimacy of arbitration to handle these disputes. As arbitration cases are decided by one individual, there is some concern that the interests of the employee will not be honored. As one critic of the practice wrote, "Even though third-party mediators or arbitrators appear neutral, their impartiality is often in doubt because they are generally hired, fired and compensated by the employer" (Harcourt, 2013). This concern is not as prevalent in labor arbitration when there is union representation that has a similar level of experience in these issues as the employer. However, the individual employee may still not have equal say with these disputes going to arbitration. Although they may have representation, the company will be more familiar with the process and potentially the arbitrator selected.

Another concern about arbitration relates to how the company may react if an arbitrator decides they should be reinstated in their position. This is already seen in discrimination cases that go to arbitration, as "parties engage in 'slash and burn' tactics with few incentives to behave in the longer term interests of the employees. If the employee 'wins' the arbitration and gets reinstated to his or her previous position, s/he goes back to the job alone" (Cohen, 1998). The concern expressed by Cohen is that the tumultuous process of arbitration may sour the relationship between an employee and his employer. Even if the employee wins and gets reinstated, this does not prevent future problems between the two parties.

The last concern with arbitration is the secrecy of the process. Arbitrators are not obligated to release decisions or make wrongful terminations worthy of outcry a public issue. Unlike the courts, companies that continuously terminate employees wrongfully for very unreasonable or bad reasons may never face public criticism that those companies would otherwise face if they had to go to court.

Despite these concerns, arbitration stands as a possible solution since it would help resolve these disputes quickly and generally with the input of an expert on the field of labor and employment relations. Instead of these decisions being made by a judge who may have limited exposure to termination claims, both parties can be sure that the arbitrator will understand the true nature of the law. Arbitration is also a very cost-effective solution for both parties. Employment issues for an individual employee may not be able to come to a judge at all since the financial demands of representation and going to court may be burdensome on the employee. Additionally, arbitration results in very clear and comprehensive decisions. Not only does the arbitrator have a say in who wins, but he or she is able to recommend solutions to the company so that these situations would not occur again.

Limitations and Future Research

Although the results of this study are significant, there are some large limitations that should be taken into consideration while analyzing the data. These limitations do not conflict with the overall findings of the study; however, they may diminish or heighten the overall effect. The first major limitation of the study was the representativeness of the respondent pool. The pool consisted of individuals who have at least a college degree and working experience. Both of these characteristics are unlikely to be representative of the whole population, as many American adults have below a college degree or have not had working experience. As discussed in the findings section, this could have caused a number of data points to be skewed, such as familiarity and understanding of at-will.

Another limitation to the research was that the survey was taken from an online convenience sample. Instead of randomly sampling respondents through paper at a central location, the survey was presented through online social media platforms. This means that only people who had Facebook accounts, computers, and internet access were able to take the survey. Even though these are common forms of communication, this way of sampling respondents may have skewed the results in favor of those

who have higher incomes or education levels. This would likely overestimate the initial understanding of at-will in my results; however, as noted, the results of this sample are not a true representation of understanding of at-will for young adults in America.

A third limitation to the study was that sample size was not very large. Since it was presented online, the number of people who completed the survey was dependent on people's willingness to take the survey instead of being directly asked in an in-person setting. This may have reduced the number of people who decided to begin and complete the survey. Since the sample size was not very large, this could misrepresent the true external validity of the results.

The last notable limitation to the study was the metrics that measured the respondent's understanding of at-will. In the survey, the respondents were asked a series of seven questions to test their true understanding of at-will by presenting different termination scenarios. Most respondents answered these questions incorrectly; however questions two and seven were answered at very high rates of accuracy. As discussed before, these questions may not have been a true test of the respondents understanding of at-will. Respondents likely responded to these two questions by relying on *a posteriori* knowledge, when the study was intended to study their *a priori* knowledge. There was discussion on removing these two questions from the overall analysis since they weren't accurate measures. However, since it was impossible to determine which respondents truly knew how at-will factored into these kinds of terminations and which respondents did not, the results from these questions remained. It can only be assumed that these questions overestimate the initial understanding of at-will, which was determined to be around 44%.

Future research on this topic might include studying the applicability of just-cause in the United States and, with these limitations in mind, include creating another study to research the opinions of Millennials or young adults. As reviewed in this discussion section, making a change to a just-cause system of termination of the United States is one way to solve the problem of imbalanced employment contracts. However, since this has not been implemented before, it would be hard to study whether or not

this would be sustainable. Therefore, it would be worthwhile to conduct future research related to how this practice would be implemented. This research could cover opinion of employees, companies, and policy makers. In addition, this research could look into the realistic implications of changing to just cause, such as how long it would take for companies to change to this system and how long it may take for employees to adapt to the change.

Another area of future research could be to conduct another study similar to this one, but with the specific implications of this survey taken into consideration. It would be beneficial to gather data on the opinions of young workers who may not have an advanced degree or who have not had exposure to work experience. This would provide well-rounded opinions and understanding of the topic. Although this study provided the beginnings of the opinions of young adults about at-will, there are other topics and concerns to be studied.

Chapter 7

Conclusion

Although there was no relief for Melissa Nelson for being fired for being too attractive to her boss, audiences' responses to the incident indicate how little some understand the implications of at-will. There seemed to be no discourse on possible remedies to this problem after Melissa Nelson's story made headlines; however, another force now coming into the labor force may be the catalyst to this change. As Millennials continue to enter the workforce and raise concerns with their ability to adapt to the culture and demands of a corporate career, there are a questions about what changes they may bring to employment. Not only is there a question about their ability to work with others in older generations with different values, but an additional concern is whether Millennials understand the world of work and will accept it once they realize how few protections there are. Given the generation's seemingly strong sense of entitlement, how might they react to terminations that are unfair or unwarranted when there is no protection against that? As seen in the results of this survey, this is a fair concern, as Millennials not only do not understand at-will, when they learn of it, they are strongly opposed to its control over their employment. They favor a change to just-cause termination, a system similar to what other countries and at least one state have implemented. The question then is will this Millennial workforce be the motivator to moving to just-cause or finding another solution? This remains unanswered, but there is reason to believe that change will occur in the coming decades.

Appendix A

Survey

Thank you for your interest in participating in this study. This survey is being conducted as part of the undergraduate thesis requirement for the Schreyer Honors College at Penn State University. Please read the information below before continuing through the survey process. Purpose of study: This study is designed to measure perceptions of the legal premise known as the employment at-will rule. What you will be asked to do: You will be asked to answer 15 - 20 questions about your exposure to and opinion of this rule. Time required: 10 minutes. Confidentiality: All responses are confidential, and no identifying information will be gathered or released. Voluntary Participation: Participation in this study is entirely voluntary. There will be no consequences for choosing not to participate, and you may leave the survey at any point. Point of contact for questions relating to this study: Cailin Hayes, coh5165@psu.eduWhen you are ready to continue to the survey, please press the ">>" button below.

1. Please select your gender.
- ❍ Male (1)
- ❍ Female (2)

2. What is your age?
- ❍ Under 18 (1)
- ❍ 18 - 26 (2)
- ❍ 27 - 34 (3)
- ❍ 35 - 42 (4)
- ❍ 43 - 50 (5)
- ❍ 51 and older (6)

3. What generation do you belong to?
- ❍ Silent Generation (1928-1945) (1)
- ❍ Baby Boomers (1946-1964) (2)
- ❍ Generation X (1965-1980) (3)
- ❍ Generation Y (1981-1996) (4)
- ❍ Generation Z (After 1996) (5)

Q12 Please indicate your highest level of education.
- ❍ High School degree (1)
- ❍ Some college (2)
- ❍ Undergraduate degree (3)
- ❍ Graduate degree (4)
- ❍ Doctorate degree (5)
- ❍ Other (6) _____

4. If you attended college, what is/was your undergraduate major or area of study?

5. How would you describe your current or most recent employment status?
- ❍ Full time employee (1)
- ❍ Part time or seasonal employee (2)
- ❍ Self employed (3)
- ❍ Intern (4)
- ❍ I am currently unemployed (5)
- ❍ I have never had a job (6)

6. Has an employer ever communicated their policy on termination or firing, such as through a contract, a handbook, or verbally?
- ❍ Yes (1)
- ❍ No (2)
- ❍ I do not know (3)

7. How familiar are you with the concept of "employment at-will?"
- ❍ Very unfamiliar (1)
- ❍ Unfamiliar (2)
- ❍ Neutral (3)
- ❍ Familiar (4)
- ❍ Very familiar (5)

8. Do you agree with the at-will rule?
- ❍ Yes, I agree with it (1)
- ❍ No, I do not agree with it (2)
- ❍ I am neutral about it (3)
- ❍ I do not know (4)

These next questions will ask you if a kind of termination is lawful or unlawful. Please respond in terms of what you believe is dictated by law, not by personal belief. Also, assume the employee is not part of a union, not under a contract for a fixed term, and not discharged because of race, gender, or other protected characteristics.

9. An employee is terminated because he was speaking too loudly in the office, which annoyed his boss. This is:
- ❍ Lawful (1)
- ❍ Unlawful (2)
- ❍ I do not know (3)

10. An employee is terminated for poor job performance.
- ❍ Lawful (1)
- ❍ Unlawful (2)
- ❍ I do not know (3)

11. An employee is dating the boss's daughter and is terminated for breaking up with her.
- ❍ Lawful (1)
- ❍ Unlawful (2)
- ❍ I do not know (3)

12. An employee is terminated so that the company can hire another person to do the job for a lower salary.
- ❍ Lawful (1)
- ❍ Unlawful (2)
- ❍ I do not know (3)

13. An employee is terminated for lying to a customer, even though the company knows the employee did not lie.
- ❍ Lawful (1)
- ❍ Unlawful (2)
- ❍ I do not know (3)

14. An employee is terminated for refusing to participate in activities the employee considers unethical.
- ❍ Lawful (1)
- ❍ Unlawful (2)
- ❍ I do not know (3)

15. An employee is terminated after being asked by his employer to lie under oath and refusing to do so.
- ❍ Lawful (1)
- ❍ Unlawful (2)
- ❍ I do not know (3)

Thank you for answers so far. We will now provide a short overview of legal protections in place surrounding termination and the concept of employment at-will. There are reasons that make it illegal for employers to fire you. These reasons are based on age, gender, race, concerted or union activity, pregnancy, religion, disability, and sexual orientation (for government contractors and some states). Beyond these protective rules, the governing rule for employment is known as "employment at-will." Employment at-will is the legal rule that allows an employer to fire employees for a good reason, a bad reason, or no reason at all. While there are rare exceptions when a court concludes such a firing would interfere with public policy, the employer generally does not have to give a reason for firing an employee, even if it was because the employee was an annoyance to the boss or was falsely accused of lying.

16. Were you aware of the at-will rules?
- ❍ Yes (1)
- ❍ No (2)

17. What is your opinion of the at-will rule?
- ❍ I strongly disagree with it (5)
- ❍ I disagree with it (6)
- ❍ I neither agree nor disagree with it (7)
- ❍ I agree with it (8)
- ❍ I strongly agree with it (9)

18. Please briefly explain your opinion.

19. Almost every other industrialized country requires employers to have a just-cause for terminating employees. Do you believe the United States should implement a similar rule?

- ❍ Strongly Disagree (1)
- ❍ Disagree (2)
- ❍ Neither Agree nor Disagree (3)
- ❍ Agree (4)
- ❍ Strongly Agree (5)

Thank you for your participation.

Appendix B

Written Responses

Millennial Responses:

The employer should not have that much control in deciding how they fire their employees. There needs to be more justification
I took a neutral stance because I believe all places of employee should a set code of rules and conduct. At-will rules can be met both negatively and positively; however I do feel as if they are necessary.
it doesn't seem fair. a person should be fired if they don't do their job or do it well, not because of these other subjective reasons
If the business is being put at risk, or the relation between the employer/employee is compromised, i agree in termination
I'm a strong supporter of worker's rights....and the at-will rule is detrimental to workers. Every firing needs just-cause.
Employers should be able to fire employees for a variety of reasons
I believe there should be more laws protective of workers'/employee rights
I think the government should have regulations against termination that protect employees over employers.
Employment is not a "right" that American's have. Employees have the right to quit their job at any time and employers should also have the right to fire at any time.
it doesnt seem right to be at the whim of someone
I believe that the protected classes should remain so, but otherwise I believe that both the employer and the employee should be free to terminate or quit at any time, with or without good reason.
It is important for an employer to be able to select and maintain their own employees much like it is important for an employee to be able to select their own employer. That being said there are certain circumstances under which an employer should not be able to terminate an employee as the contract between the two has some level of mutual dependence that should be respected and maintained.
It would depend on each individual situation
Jobs should be based on performance, not annoyance or some other such nonsense in my opinion
There are good and bad points, but I am neutral on whether it is overall a good policy.
I feel that it is not fair to fire someone for no reason.
It means I can also quit or leave at any time. If a company doesn't value its employees or fires people for silly reasons, it's not a company I would want to work for.
I do not believe an employer should have the right to fire someone for no reason at all. However, I do believe the CEO of a company reserves the right to lay out specific guidelines by which employees may be fired. Every employee must agree to such a statement before working for x company.
I don't think someone should be fired at will. I believe that someone needs to actively under perform or fail at their job in order to be fired.
The idea with employment at will is that since an employee can end the contract at anytime the employer should be able to as well. However, this should be subject to constraints about the reasons for termination as it gives many employers unfair advantage over their workers.
I think there should be a real reason for firing an employee, and that someone should definitely not lose

their job because of being falsely accused of something. I just wonder what the flip side is- is there a benefit to the employee, such as more flexibility in leaving a job?
I think if employers don't have just cause for terminating employees, that leaves a giant loophole for race, religion, and sex favoritism in the workplace. The work environment should welcome people of all kinds, and employees should only be judged on the quality of their work; not the physical attributes/beliefs they have. At-will restrictions help give everyone a chance at advancing in careers.
I believe that an employee should keep or lose their job based on how well they do that job. Involving other reasons is a bad situation for both boss and employee. On the other hand, since a labor contract may not cover all aspects of the job, some low level of at will employment might be acceptable
Though some reasons for termination may seem unfair or unethical, it is quite difficult to write legislation that suits every employment situation in an unambiguous way. I would err on the side of weak restrictions to protect basic rights, and let the labor market determine the rest.
An employer should absolutely have to provide a reason for firing an employee.
An employee should not be able to be fired because he/she did not want to do something illegal or unethical that the company wanted to do - i.e. there should be a "good reason" for firing the employee
"At will" rules can be a facade for discrimination based on gender, sexual orientation, etc. For example, a gay employee could be fired for allegedly not sharing a company's values, when in actuality, they are being fired for being gay.
I think it is ridiculous that someone can get fired just like the flip of a switch.
should have to be a reason for firing someone
It should not be legal for employers to fire employees for subjective issues or ethical disagreements

Other Generations:

there should always be a reason
I have personal experience with a cousin who was ordered by his nurse manager to lie. She suspended him until he would apologize and he resigned rather than eventually be fired. Something is deeply wrong with that culture at a work place. picture.
I think employers should have a valid reason for firing an employee, but there are always exceptions (although I can't think of any at the moment), therefore I did not "strongly disagree" with it.
Every game has its rules. If the positipn is employment at will, then those are the rules. If someone wants greater protectipn from losing his job, then go work somewhere else or become self-employed.
I am not familiar with the term " at - will"? Lawyer or legal term meaning at his or her will without pressure from employer?
It is what it is- if you don't want to play by those rules, then you go somewhere else. You can still sue for wrongful termination.
An employer should be able to employ or dismiss individuals as they wish, so long as those activities are compliant with all federal and state laws. Employees, likewise, should be able to leave a position or employer at will.
The at will rule makes the case for unions. The at-will rule appears to leave employees vulnerable to injustices

Appendix C

Academic Disciplines of Respondents

Psychology
Public Relations
Biobehavioral health
Business
Psychology
Elementary Education
Hospitality Mangement
Psychology
Peace War & Defense/ Political Science
Finance
International Politics
International Affairs
BS in Nuclear Engineering with Honors
Music Ed.
Oceanography
Communication Sciences and Disorders
English, Economics, Labor and Employment Relations
Accounting
Fine Arts
Sociology
Psychology
Nursing
computer science/math
Environmental Engineering
Software Engineering
Elementary Edcuation
Biobehavioral Health
Health and Phys ed
Computer Security
Biochemistry & Molecular Biology
psychology and political science
Economics
Biology
International Studies
Chemistry
Geography

Communication Sciences and Disorders
Elementary Education
Economics and Political Science
Computer Science and Electrical Engineering
Speech Communication
Spanish
Music
Economics
Public Relations
Criminal Justice
Aerospace Engineering
Psychology
Communications
kinesiology
finance
Engineering
Security Risk & Analysis

BIBLIOGRAPHY

Alexander, C. a. (2011). A Study of the Cognitive Determinants of Generation Y's Entitlement Mentality. *Proceedings of the Academy of Educational Leadership, 16*, 1-6.

Allison, S. (2013). Employment and the Millennials. *Youth Studies Australia, 32*, 81-84.

Batten, D. (Ed.). (2010). Employment At-Will. *Gale Encyclopedia of American Law, 4*, 142-144.

C158 – Termination of Employment Convention. (1982) *International Labour Organization*. Geneva, 68th ILC session. <http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID:312303

Cohen, C. a. (1998). The Effects of Mandatory Arbitration of Employment Discrimination Claims: Perceptions of Justice and Suggestions for Change. *Employee Responsibilities and Rights Journal, 11*, 27-40.

Des Jardins, J. (1985). Fairness and Employment-At-Will. *Journal on Social Philosophy, 16(2)*, 31- 38.

Dowling, D. (2009). U.S.-Based Multinational Employers and the "Social Contract" Outside the United States. *The International Lawyer, 43*, 1237-1256.

Eastman, W. (1997). Overestimation Oneself and Overlooking the Law: Psychological Supports for Employment at Will. *Employee Reponsibilities ad Rights Journal, 10*, 21-35.

Epstein, R. (1984). In Defense of the Contract At Will. *University of Chicago Law Review, 51*, 947-982.

Goddard, J. a. (2014). Worker Perceptions of Representation and Rights in Germany and the USA. *European Journal of Industrial Relations, 20*, 73-89.

Harcourt, M. H. (2013). Distributive Justice, Employment-at-Will and Just-Cause Dismissal. *Journal of Business Ethics, 115*, 311-325.

Jeweler, R. (1994). Employment-at-Will: A Legal Overview. CRS Report for Congress, 1-5.

Kim, P. (1997). Bargaining with Imperfect Information: A Study of Worker Perceptions of Legal Protection in an At-Will World. *Cornell Law Review*, 105-158.

Maltby, L. (1990). The Decline of Employment At Will – A Quantitative Analysis. *Labor Law Journal, 41*, 51-54.

McKinney, J, B. W. (2012). Discharge Policy Information in the Job Offer Letter: Its Impact on Recruit Perception of Psychological Contract Formation and Organizational Attraction. *Employ Reasons Rights*, 55-75.

Miller, M. H. (2013). The Young and the Restless: Gen Y'ers in the Workplace! Are You Prepared? *FDCC Quarterly*, 226-250.

Nelson v. Knight. 2013 Iowa Sup. LEXIS 84 (Iowa Sup. Ct.)

Payment, M. (2008). Millennials: The Emerging Workforce. *Career Planning and Adult Development Journal, 24*, 23-32.

Rousseau, D. (1990). New Hire Perceptions of Their Own and Their Employer's Obligations: A Study of Psychological Contracts. *Journal of Organizational Behavior, 11*, 389-400.

Walsh, D. (2013). Employment Law for Human Resources Practice. In D. Walsh, *Employment Law for Human Resources Practice* (pp. 667-669). Mason: South-Western.

Wayland, R. et al (1993). Employment-at-Will Statements: Perceptions of Job Applicants. *International Journal of Manpower, 14*, 22-34.

Weiler, P. (1990). *Governing the workplace: The future of labor and employment law*. Cambridge, Mass.: Harvard University Press.

ACADEMIC VITA

Cailin Hayes
3 Hillspring Rd, Chadds Ford, PA 19317
(302) 824-6357

Education:

The Pennsylvania State University, University Park, PA — August, 2011 – May, 2015
B.S. in Labor Studies and Employment Relations, Minor in Business in the Liberal Arts

Work Experience:

Textron Systems, Hunt Valley, MD
Human Resources Intern – Recruitment and Compensation — June, 2014 – August, 2014

- Post requisitions to Taleo, screen candidates, schedule interviews, and make offers to potential candidates.
- Conducted Desk Audits on the manufacturing floor to investigate job descriptions and tasks to align pay grade.
- Investigated a pay component and created a plan to align the business units to other Textron Systems business units.
- Assisted Human Resource Business Partners throughout the process of growth promotions and succession planning.

Arete Living Arts Foundation, Brooklyn, NY
Intern, "Strength in Union" — August, 2013 – December, 2013

- Responsible for doing primary research in the Historical Collections and Labor Archives at Penn State on the history of the American Labor Movement.
- Contacted and scheduled interviews with experts and academics.

The Chester County Hospital, West Chester, PA
Intern, The Foundation Office — June, 2012 – August, 2012

- Responsible for managing and developing two key donor relations projects to raise money and supplies.
- Developed forms, information releases, and instructions relevant to the project.
- Solicited over 41 businesses in the Chester County area for both projects.

Penn State University, University Park, PA
Crew Leader, The Mix — August, 2011 – February 2014

- Responsible for leading and organizing shifts of 8 or more workers.
- Trained employees on how to operate electronic systems, equipment, and safe food handling practices.

Phi Beta Kappa Fraternity, Penn State — **May 2014**
Phi Sigma Pi National Honors Fraternity, Penn State
Parliamentarian — **August, 2013 – May, 2014**
Began "Bylaw Review Committees" and aligned the practices of the organization with the procedures enacted by members.
Penn State Dance Marathon (THON) Chair — **August, 2013 – May, 2014**
Raised $18,636.09 for the Four Diamonds Fund.
Alumni Chair — **January, 2013 – May, 2013**
Evan Pugh Scholar Award recipient — **Spring 2014**
President's Freshman Award recipient — **Spring 2012**