I started this paper and have come up with a case of writers block. I have provided a short summary of exceptions to employment at will, the Immigration Reform and Control Act, and the Uniformed Services Employment and Reemployment Rights Act. I now have to answer the questions below the three summaries and I have been looking at my computer screen for over 45 minutes searching but unsure of what exactly I am searching for. I have to determine which of the three has had the most significant impact and a change to implement (see below). I would like to have an answer not only based on opinion but based on fact. If you could assist in answering these questions in about two paragraphs, then I could expand on each. Please provide links to references so that I may research further also. This is a paper that has to be at least 7 pages so your input will be greatly appreciated. Thank you.

Exceptions to Employment at Will

In the United States, generally employees can be fired without a written employment contract for or no cause at all. This also applies to employees quitting. This is called employment at will. Every state except Montana follows this basic premise. The doctrine allows for employers and employees to enter into employment contracts of a specified duration, but neither is obligated in the absence of a written contract. There are three major exceptions to the employment at will doctrine: the public policy exception; the implied contract exception; and the covenant of good faith exception. The public policy exception is recognized in 43 states and it covers employees being wrongfully terminated when is against an established public policy of the State. The implied contract exception is recognized in 38 states and it covers when an implied contract is established between an employer and employee, even though no written document exists. The covenant of good faith exception covers in only 11 states and it mandates that employer personnel decisions are subject to a “just cause” standard or that terminations made in bad faith or motivated by malice are prohibited. This is the broadest exception because it isn’t based on just public policy or an implied contract (Muhl, 2001).

Immigration Reform and Control Act

The Immigration Reform and Control Act (IRCA) of 1986 was put into place to deter illegal immigration to the United States. It was signed by President Ronald Regan. Its major provisions required that undocumented aliens who had been unlawfully present since 1982 be legalized provided that they were not guilty of a crime. There are also provisions for the legalization of certain agricultural workers as well as sanctions for employers who knowingly hire undocumented workers. The act made it illegal to knowingly hire or recruit illegal immigrants Enforcement at U.S. borders was also heightened with this act. The act essentially granted amnesty to a vast majority of the 3.2 million illegal immigrants that were living in the United States (US Citizenship and Immigration Services, 2016).

Uniformed Services Employment and Reemployment Rights Act

The Uniformed Services Employment and Reemployment Rights Act (USERRA) of 1994 is designed to protect the civilian job rights and benefits for veterans and members of reserve components of the armed forces. This act provides that soldiers may be absent from their civilian job for military duty and still retain reemployment rights for five continuous years. USERRA also provides protections for disabled veterans. This requires employers to make reasonable efforts to accommodate the disability. As for military returning to their civilian employment, this act provides that they are reemployed into their job and that they are eligible for all entitlements of the job had they not been absent for military service (pay raises, seniority, benefits, etc). The act also requires that reasonable efforts be made on the employers’ part to refresh or upgrade the service members’ skills to help them through the reemployment process. The act also sets forth time requirements for the service member to request reemployment with civilian employer after military duty is complete.

Which of the three has had the most significant impact (positive or negative) on employees in the private-sector U.S. workplace? Why? (If you select Employment-at-Will, focus on one exception.)

Which of the three has had the most significant impact (positive or negative) on business? Why? (If you select Employment-at-Will, focus on one exception.)

What is the one most important change you see is needed to IRCA, USERRA, or to an Employment at Will exception? Why? Create the needed amendment. (Note: repealing the law is not an option.)

References

Muhl, C. (2001). *The employment-at-will doctrine: three major exceptions.* Retrieved February 1, 2016 fromhttp://www.bls.gov/opub/mlr/2001/01/art1full.pdf

US Citizenship and Immigration Services. (2016). Immigration Reform and Control Act of 1986 (IRCA) Retrieved February 1, 2016 from https://www.uscis.gov/tools/glossary/immigration-reform-and-control-act-1986-irca

US Department of Labor