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To: cvincent@hotmail.com
Subject: A Montana Idea for Job Creation!
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Dear Senator Vincent

I am a self employed internal medicine physician in Kalispell. I currently employ 10 people. I employed a peak of 15 at one point. In my business, there aren't a lot of ways to increase revenue. Medical Practices, like all businesses, are feeling the pinch. With limited means of increasing revenue, our method for survival has been to cut overhead. The high price of unemployment, workman's comp and other taxes are reasons cutting staff was the best way to cut overhead. Two years ago, we employed 15 people. Now, we are down to ten. A painful lesson I learned about the Wrongful Discharge From Employment Act (WDEA) makes WDEA another reason for cutting the number of people I employ.

One of the biggest eye-openers for me, and the largest financial price I have had to pay, is from a wrongful discharge lawsuit. The fired employee ended up dropping the lawsuit, presumably because my attorney showed her attorney that there was ample reason for firing her. Fighting her lawsuit cost me over \$20,000, between hiring an attorney, a forensic accountant and another investigator.

This large price to pay could be avoided if we repealed the Wrongful Discharge from Employment Act (WDEA) that modified the employment at will (see below).

Because of WDEA, we have to document every little problem we have with employees. That is not pleasant. We can't give people the benefit of the doubt, be gracious about mistakes, give them a little longer trial period, etc by not keeping fanatical records of their mistakes without the risk of a wrongful discharge lawsuit and/or long term unemployment compensation benefits if they win their case via the unemployment division.

It creates an unpleasant environment and can cost a lot of money. Employees can quit at any point, without reason or notice, unless their contract specifically states otherwise. Not so with employers, and this makes doing business in Montana a risky venture indeed. I look forward to speaking briefly at the forum this Saturday.

Thank-you for this consideration.

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At-will employment is a doctrine of American law that defines an employment relationship in which either party can break the relationship with no liability, provided there was no express contract for a definite term governing the employment relationship and that the employer does not belong to a collective bargaining group (i.e., has not recognized a union). Under this legal doctrine:

(*) No U.S. state but Montana has chosen to statutorily modify the employment at-will rule.^[10] In 1987, the Montana legislature passed the Wrongful Discharge from Employment Act (WDEA). The Montana Act is unique in that, although it purports to preserve the at-will concept in employment law, it also expressly enumerates the legal bases for a wrongful discharge action.^[11] Under the WDEA, a discharge is wrongful only if: "it was in retaliation for the employee's refusal to violate public policy or for reporting a violation of public policy; the discharge was not for good cause and the employee had completed the employer's probationary period of employment; or the employer violated the express provisions of its own written personnel policy."^[12]