

13-2301. Employment at will; general rule.

An employment relationship calling only for performance of work and payment of wages is an "employment at will". A person employed at will may be discharged at any time for any reason or for no reason at all, unless an exception to this rule applies. An exception to this rule exists if the discharge is in violation of [an implied agreement] [public policy] [or] [a statute].

USE NOTES

This instruction must be given in every case involving a claim of wrongful discharge based upon breach of an implied employment agreement. If an issue of employment at will exists, it should also be given in cases involving claims of wrongful discharge in violation of public policy or in violation of a statute. It should not be given where the sole issue to be submitted is whether, or where the court has determined as a matter of law that, there is an express employment contract for a definite term or one that permits discharge only for cause or only by following certain prescribed procedures. This instruction should be followed by UJI 13-2302 through 13-2305 NMRA and related instructions, as appropriate.
[Approved, effective January 1, 1999.]