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New Jersey Supreme Court Rules Employers Cannot Terminate Workers for Going through a Divorce or Separation

In a ruling released on Tuesday, the New Jersey Supreme Court ruled that an employee may not be discriminated against or terminated because he or she is going through a divorce or separation.

In 2006, a Millville Rescue Squad employee was fired after he told his supervisor that he was engaged in an affair with a volunteer worker and as a result was getting a divorce. The employee's wife also worked on the squad.

The worker was the director of operations and had been an employee there for 17 years.

In the lawsuit, the employee's supervisor said he had concerns about the divorce, but restructuring, the employee's inadequate performance and the failure to remediate performance were the reasons for his termination.

The employee sued the rescue squad and his supervisor. At the conclusion of his case the trial court granted the motion for an involuntary dismissal. The Appellate Court reversed. The employee can now take his damages suit to the Superior Court in Bridgeton, NJ. The Court felt the termination was based on negative stereotypes that the supervisor had about divorcing employees.

This is an important ruling for all employers to be aware of especially in cases where a divorce or separation may be causing issues at the workplace. Even though those problems may occur, they cannot be used as a reason for termination. Employers may also want to consider nepotism policies to prevent these types of situations.

Disclaimer: The contents of this post are for informational purposes only, are not legal advice and do not create an attorney-client relationship.

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