



(PRACTICE AREA)

Employment Law and Litigation

Employee Fired for Selling TVs at an Unauthorized Discount, Not Because of Gender

SITUATION

Our client, one of the nation's largest retailers, terminated the employment of the plaintiff after an investigation determined that she sold flat screen televisions to three of her fellow assistant managers for half off without authorization.

CHALLENGES

The plaintiff claimed that her termination was based upon her gender and alleged eleven causes of action which included wrongful termination in violation of public policy, gender discrimination, failure to prevent discrimination, and failure to pay overtime wages/provide meal and rest breaks in violation of the Labor Code.

PROCESS

At the time of trial, there were only four causes of action remaining. Our client contended that the plaintiff and the other employees violated company policy by selling and purchasing the televisions for less than cost and causing a loss to the company. As a result, they were properly terminated and the decision was not made on the basis of their gender. In addition, the assistant managers were properly classified as exempt employees and were not entitled to receive overtime compensation or scheduled meal and rest breaks.