

LEX Scholarship 2016

Essay question

Frederick Lichtenfeld has been trained and certified as an automotive repair technician. Upon his graduation from community college with his A.S degree and certification in automotive repair in 2012, Lichtenfeld accepted a position as a mechanic with Jiffy Boys in Chicago, Illinois. Jiffy Boys is an Illinois company, with several locations in the Chicago area. In his capacity as an automotive repair technician for Jiffy Boys, Lichtenfeld performed general maintenance and diagnostics on all types of four-wheeled vehicles. When Lichtenfeld was hired into this position in 2012, he received a "Team Member Handbook," which outlined all of the policies and procedures of Jiffy Boys's corporate headquarters which, according to the Handbook, applied to all employees of all Jiffy Boys locations. The Handbook contained policies and procedures concerning Jiffy Boys's equal employment opportunity policy, its hours of work, timekeeping, overtime, and FLSA standards monitoring policies, policies concerning workplace violence and harassment, drug and alcohol policies, and an explicit section outlining discipline and termination policies. The first page of the Handbook was printed on a page that was perforated for easy detachment, and contained this language:

Please take the time to familiarize yourself with these policies. They are designed to clarify your rights and duties as a Jiffy Boys employee. Once you have read and understood this Handbook in its entirety, please sign this page as an acknowledgement of your understanding and return it to the Human Resources Officer at your Jiffy Boys location.

On the last page of the Handbook, in print smaller than the font size used in the rest of the Handbook, was the following statement:

Your employment with Jiffy Boys is voluntarily entered into and you are free to resign at any time, with or without cause. Similarly, Jiffy Boys is free to terminate any employment relationship at any time, with or without notice or cause, so long as there is no violation of applicable law. Our relationship is and always will be one of voluntary employment "at-will".

This sentence was the only sentence on that page, and is the only place in the Handbook that acknowledges Jiffy Boys's intent to preserve the "at will" employment relationship. Lichtenfeld read the manual, and signed and returned the tear-off sheet.

On October 30, 2015, Lichtenfeld's supervisor, Monalisa Vito, caught Lichtenfeld leaving early for the second time, and fired him on the spot. When Lichtenfeld protested that the Team Member Handbook required that Jiffy Boys's provide him with two warning notices before being dismissed, Ms. Vito retorted angrily that she didn't need to follow the Handbook because it was not binding on Jiffy Boys. "You're an at-will employee," she said, "and we can fire you any time. Now's the time. Pack up and get out!" Lichtenfeld now wants to sue Jiffy Boys, maintaining that the Team Member Handbook constitutes an enforceable contract between Jiffy Boys and himself that cannot be terminated without adherence to the provisions outlined within it.

Please write an essay assessing the merits of Lichtenfeld's argument, basing your discussion on reasoned analysis and interpretation of the applicable law in this jurisdiction (Illinois) as opposed to your personal opinion.