Introduction to the October 2026 edition of *Termination of Employment*

Termination of Employment, written by James O. Castagnera, Patrick J. Cihon, and Andrew P. Morriss, addresses important recent developments and trends in the termination of employees and discusses the federal and state regulation of employee terminations.

This October 2026 edition of *Termination of Employment* includes updated Chapters 4, 15, 17, 18, 19, 44, 46, 48, and 49. Among the highlights from these updated chapter are:

- **§ 4:2. Race and color:** Alaska prohibits schools from discriminating against a person based on hairstyles that are associated with race; there is no specific statutory provision regarding employment discrimination that states the term "race" includes hairstyles associated with race.
- **§ 15:26. Miscellaneous:** Employers may not mandate a medical intervention for a person in order to be employed.
- **§ 17:11. Disability:** Indiana has no statute restricting genetic testing or the use of genetic information in employment.
- **§ 17:16. School appearances:** A narrow statute bars any employer—including the state and its political subdivisions—from taking adverse action against an employee who misses work to attend one qualifying school meeting per calendar year.
- **§ 17:25. Miscellaneous:** With limited exceptions, an employer may not adopt or enforce a policy that prohibits an employee or applicant from possessing a firearm or ammunition that is locked in the trunk of, kept in the glove compartment of, or otherwise stored out of plain sight in the person's vehicle, so long as the firearm and ammunition are possessed lawfully.
- **§ 17:29. Violation of public policy:** The Indiana Supreme Court reaffirmed the exception's narrow scope in 2025, holding that a workers' compensation retaliation claim requires proof that the employer discharged the employee solely to avoid workers' compensation liability.
- **§ 17:40. Restrictive covenants and trade secrets:** A 2025 amendment added an outright bar in the health-care sector: a noncompetition agreement entered into on or after July 1, 2025, between a physician and a hospital, a hospital's parent company, an affiliated hospital manager, or a hospital system is void and unenforceable, regardless of the physician's specialty.
- **§ 18:5. Sexual orientation:** Gender identity is not a protected class under the Iowa Civil Rights Act.
- **§ 18:11. Disability:** The Iowa Supreme Court has confirmed that a medical restriction affecting only a single, particular job

or shift does not substantially limit the major life activity of working.

- § **18:25. Miscellaneous:** An employer may not discharge an employee, deny or affect a promotion, or reduce the employee's wages or benefits for actual time worked because the employee serves as a witness in a criminal proceeding or as a plaintiff, defendant, or witness in a domestic-abuse or elder-abuse civil proceeding.
- § **18:25. Miscellaneous:** Iowa has no statute restricting an employer's ability to prohibit employees from keeping firearms in their vehicles on the employer's property.
- § **19:11. Disability:** The Kansas Act Against Discrimination makes it an unlawful employment practice for an employer to seek, obtain, or use the genetic screening or testing information of an employee or prospective employee in order to discriminate against or restrict any right or benefit otherwise due the employee, or to subject an employee or prospective employee to any genetic screening or test.
- § **19:25. Miscellaneous:** An employer may prohibit the carrying of firearms in the workplace, but no employer may prohibit an employee from possessing a firearm inside the employee's private vehicle, even when the vehicle is on the employer's premises.
- § **19:25. Miscellaneous:** An employer may not discharge, or in any manner discriminate or retaliate against, an employee who is a victim of domestic violence or sexual assault for taking time off from work to obtain judicial relief such as a protective order, to seek medical attention, to obtain services from a domestic violence shelter, domestic violence program, or rape crisis center, or to make related court appearances.
- § **44:26. Employment contracts:** The state court of appeals held that whether management waived its right to arbitrate employees' defamation claims was a question for the arbitrator, not the court, to determine.
- § **46:5. Sexual orientation:** On May 22, 2026, Governor Bill Lee signed into law HB0571/SB0468, which specifically defines the terms "sex," "male" and "female," and in doing so, notes that those terms do "not include gender identity and other subjective terms."
- § **46:28. Employee contracts:** The state court of appeals affirmed the lower court's decision that Vanderbilt University had not committed a breach of contract by allegedly failing to follow its own tenure procedures.
- § **48:1. Fair employment practices overview:** An adverse action under the Utah Anti-Discrimination Act is an action that would likely dissuade a reasonable worker in the plaintiff's position from making or supporting a charge of discrimination.
- § **48:26. Miscellaneous:** Utah law provides broad protection to healthcare providers who refuse to provide or participate in a health care service that would violate the health care provider's religious beliefs or conscience.
- § **49:29. Violation of public policy:** In a case involving the state's attempt to recover an unemployment compensation over-

payment, the supreme court declined the employee's request to create a "fairness" exception to the relevant statute and regulations on the basis of public policy.

- § **49:31. Constructive discharge:** The state supreme court rejected the claimant's argument that being repeatedly called off shifts amounted to a constructive discharge.

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