

IN THE SUPREME COURT OF THE STATE OF NEVADA

DANIELLE CLAY,
Appellant,
vs.
RIO PROPERTIES, INC.,
Respondent.

No. 43545

FILED

FEB 13 2006

ORDER OF AFFIRMANCE

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY  CHIEF DEPUTY CLERK

This is an appeal from a district court order granting summary judgment in an employment law case. Eighth Judicial District Court, Clark County; Kathy A. Hardcastle, Judge.

Appellant Danielle Clay contends that the district court erred in granting respondent Rio Properties' motion for summary judgment. Clay argues that she may pursue an independent tort action for wrongful discharge. We disagree and conclude that Clay has no remedy in tort for a wrongful discharge claim and that her sole remedy is statutory.

Since employees in Nevada are presumed to be at-will, "[a]n employer can dismiss an at-will employee with or without cause, so long as the dismissal does not offend a public policy of this state."¹ Accordingly, we have crafted certain exceptions to the at-will employment doctrine based on public policy.²

¹Vancheri v. GNLV Corp., 105 Nev. 417, 420-21, 777 P.2d 366, 368-69 (1989).


²See D'Angelo v. Gardner, 107 Nev. 704, 719, 819 P.2d 206, 216 (1991) (adopting an exception based on "the public policy of this state favor[ing] safe employment practices and the protection of the health and safety of workers on the job"); Hansen v. Harrah's, 100 Nev. 60, 64, 675 P.2d 394, 396 (1984) ("recognizing that retaliatory discharge by an


continued on next page . . .

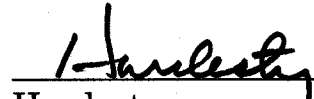
The facts of this case do not fit any of the public policy exceptions to the at-will employment doctrine. Since her complaint alleged that Rio fired her with full knowledge of her disability, Clay's sole remedy was to file a state or federal discrimination complaint.³ Further, Clay's argument that she is free to choose a remedy is without merit. The district court did not err in granting Rio's summary judgment motion.⁴

Clay also contends that Rio fired her in retaliation to her filing of a workers' compensation claim. Clay failed to raise this argument before the district court, and we need not consider it on appeal.⁵

Accordingly, we ORDER the judgment of the district court AFFIRMED.


_____, J.
Gibbons


_____, J.
Maupin


_____, J.
Hardesty

... continued

employer stemming from the filing of a workmen's compensation claim by an injured employee is actionable in tort").

³See Sands Regent v. Valgardson, 105 Nev. 436, 439-40, 777 P.2d 898, 900 (1989) (stating that the state's "public policy against age discrimination [was not] sufficiently strong and compelling to warrant another exception to the 'at-will' employment doctrine").

⁴Yeager v. Harrah's Club, Inc., 111 Nev. 830, 833, 897 P.2d 1093, 1094 (1995); NRCP 56(c); see Wood v. Safeway, Inc., 121 Nev. _____, _____, 121 P.3d 1026, 1029 (2005).

⁵State of Washington v. Bagley, 114 Nev. 788, 792, 963 P.2d 498, 501 (1998).

cc: Hon. Kathy A. Hardcastle, District Judge
Kirk T. Kennedy
Littler Mendelson/Las Vegas
Clark County Clerk