

3083 TERMINATION OF SERVANT'S EMPLOYMENT: EMPLOYER'S DISSATISFACTION

If, by the terms of the employment contract, the employer may discharge the employee if the employer is dissatisfied with the employee, it makes no difference whether the employer's reasons which led to the discharge exist in fact or are merely imaginary, as long as the employer's belief is real and in good faith. That is, the employer's dissatisfaction must not be capricious or mercenary, nor result from a dishonest design to be dissatisfied.

COMMENT

This instruction and comment were approved by the Committee in 1975. Editorial changes were made in 1993 to address gender references in the instruction. No substantive changes were made to the instruction.

California Wine Ass'n v. Wisconsin Liquor Co. of Oshkosh, 20 Wis.2d 110, 124, 121 N.W.2d 308 (1963); Lieberman v. Weil, 141 Wis. 635, 124 N.W. 262 (1910).