

APPENDIX B

Bill Summary: Preemption Of Common Law Claim, Reasonable Attorneys' Fees, and Arbitration/Administrative Agency Requirements

Jurisdiction	Preemption of Common Law Wrongful Discharge?	Reasonable Attorneys' Fees?	Arbitration Required?
Alabama	Silent	Yes: mandatory award of fees for either prevailing plaintiff or defendant	Silent
Hawaii	Yes	Yes: discretionary award of fees for prevailing plaintiff and for prevailing defendant if frivolous claim (META approach)	Mandatory Arbitration Administered by state Labor Commissioner, subject to limited judicial review (META approach)
Indiana	Silent, and codifies public policy exception	Silent	Not required but permitted
Maine	Yes	Yes: discretionary award of fees for prevailing plaintiff	Not required but permitted
Massachusetts	Silent	Silent	Silent
Mississippi	Silent	Silent	Silent

Jurisdiction	Preemption of Common Law Wrongful Discharge?	Reasonable Attorneys' Fees?	Arbitration Required?
Missouri	Yes	Yes: discretionary award of fees for prevailing plaintiff and for prevailing defendant if frivolous claim (META approach)	Mandatory Arbitration Administered by state Labor Commissioner, subject to limited judicial review (META approach)
Nevada	Yes	Yes: discretionary award of fees for prevailing plaintiff and for prevailing defendant if frivolous claim (META approach)	Mandatory Arbitration Administered by state Labor Commissioner, subject to limited judicial review (META approach)
New Hampshire	Yes, but codifies handbook and public policy exceptions (WDEA approach)	Yes (WDEA approach): mandatory award of fees for either prevailing plaintiff or defendant, but only if prevailing party had made offer to arbitrate, which losing party had refused	Not required but permitted

Jurisdiction	Preemption of Common Law Wrongful Discharge?	Reasonable Attorneys' Fees?	Arbitration Required?
New Mexico	No: expressly preserves all other available remedies	Yes: Mandatory award of fees for prevailing plaintiff	Silent
Oklahoma	Silent	Yes: discretionary award of fees for prevailing plaintiff	Silent
Rhode Island	Yes	Yes: discretionary award of fees for prevailing plaintiff and for prevailing defendant if frivolous claim (META approach)	Mandatory Arbitration Administered by state Department of Labor, subject to limited judicial review (META approach)
Texas	Silent	Silent	Silent
Vermont	Silent, and codifies public policy exception	Silent	Mandatory Arbitration, but right to <i>de novo</i> court trial (arbitrator's findings admissible)
Washington	No: expressly preserves all other available remedies	Yes: discretionary award of fees for prevailing plaintiff and for prevailing defendant if frivolous claim (META approach)	Silent

Jurisdiction	Preemption of Common Law Wrongful Discharge?	Reasonable Attorneys' Fees?	Arbitration Required?
Wyoming	Yes, but codifies handbook and public policy exceptions (WDEA approach)	Silent	Not required but permitted