

Feel free to 'fire' volunteers, just make sure you don't defame them

When a volunteer for a nonprofit organization is “fired” from his voluntary position and the organization subsequently reports the circumstances to his actual employer, resulting in his termination, can the volunteer sue the nonprofit for tortious interference with his employment contract?

No, according to a recent ruling, as long as the nonprofit didn’t defame the volunteer.

Recent case: Jose worked for years as a volunteer with the Dallas Symphony, a position that earned him admission to numerous social events. In his day job, he worked at a call center. Other symphony volunteers began complaining that Jose seemed to hog the spotlight, slipping into photo opportunities. The symphony said he could no longer volunteer.

Jose then sent the symphony a message using his employer’s email system. He demanded reinstatement and reminded the symphony that his employer was a major donor. Soon after, symphony officials contacted Jose’s employer to complain about the email. Jose was fired.

He sued, alleging the symphony had tortuously interfered with his employment. The court tossed out his lawsuit, reasoning that unless the symphony had essentially lied about what happened, Jose had no case. (*D. Magazine Partners v. Reyes*, Court of Appeals of Texas, 2017)

Final note: Jose also lost a slander lawsuit against a magazine that wrote about his ouster from the symphony’s volunteer corps. He could not prove that the editors made false statements when describing the events that led up to his removal from the volunteer list.