



## Iowa Supreme Court Rules That Employer Lawfully Terminated "Irresistible" Employee

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Can an employer lawfully terminate a female employee because the employer's wife is concerned about the nature of the relationship between the employer and the employee? You bet (at least in Iowa).

Dr. James Knight hired Melissa Nelson in 1999 to work as an assistant in his dental office. In the months leading up to Nelson's termination, Dr. Knight and Nelson began texting each other regarding both work related and personal matters. While most of the texts were innocuous, Dr. Knight did send several messages that were sexual in nature. Nelson never informed Dr. Knight that she was offended by his text messages. In late 2009, Dr. Knight's wife learned that Nelson and Dr. Knight had begun regularly exchanging text messages. Mrs. Knight confronted her husband and demanded that he terminate Nelson's employment because Nelson posed a "big threat" to their marriage. The couple consulted with the senior pastor of their church who concurred with the decision.

On Jan. 4, 2010, Dr. Knight terminated Nelson's employment. During the termination meeting, Dr. Knight informed Nelson that their "relationship" (i.e. Dr. Knight's attraction to Nelson) had become a detriment to his marriage. Dr. Knight later admitted to Nelson's husband that he feared he would try to have an affair with Nelson if the two continued to work together. Nelson subsequently sued Dr. Knight alleging gender discrimination (not harassment) in violation of Iowa state law.

The Iowa Supreme Court [affirmed summary judgment](#) in favor of Dr. Knight. In doing so, the Court drew a distinction between: (1) an isolated employment decision based on personal relations (in the absence of coercion a quid pro quo) ; and (2) a decision based on gender itself (which clearly is unlawful). In the former case, the decision is driven entirely by individual feelings and

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emotions regarding a specific person.

Such a decision is neither gender based, nor is it based on factors that might be a proxy for gender. Thus, in these circumstances, an employee may lawfully be terminated simply because the boss views the employee as an “irresistible attraction.”