STATE OF ARIZONA

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April 24, 2006

The Honorable Ken Bennett
President
Arizona State Senate
1700 West Washington Street
Senate Office Building
Phoenix, Arizona 85007

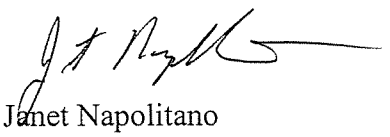
Re: Senate Bill 1370: wrongful termination; cause of action

Dear President Bennett:

Today I vetoed Senate Bill 1370, related to the statute of limitations for wrongful termination actions.

Senate Bill 1370 sought to amend the Employment Protection Act of 1996 by requiring actions for wrongful termination or breach of an employment contract to be brought within one year of the date the employer informs the employee of the termination. However, employees who are wrongfully terminated often do not discover facts that demonstrate the wrongful nature of their termination until several weeks or months after their termination. The general rule in Arizona is that tort actions typically do not begin to accrue until the plaintiff discovers (or should discover through the exercise of reasonable diligence) the wrongful nature of the defendant's action. *See Taylor v. State Farm Mut. Auto. Ins. Co.*, 185 Ariz. 174, 177, 913 P.2d 1092, 1095 (Ariz. 1996). Employment termination law should be no different, and wrongfully terminated workers should be entitled to a one-year statute of limitations following the date they discovered (or reasonably should have discovered) the wrongful act.

Yours very truly,



Janet Napolitano
Governor

JN:TN/jm

cc: The Honorable Jim Weiers
The Honorable Dean Martin