

Refusing to follow orders doesn't always equal insubordination

The new fire alarm system at Seattle's Key Arena automatically cuts off the public address system so that emergency personnel can issue instructions. When the feature disrupted Sonics basketball games, arena officials ordered sound technician David Ellis to bypass the system.

Ellis refused unless he received written authorization from top arena officials or verbal authorization from the fire department, because it is illegal for uncertified workers to tamper with a fire alarm system. Instead of obtaining authorization for the change, arena officials fired Ellis for gross insubordination.

Ellis sued for wrongful discharge and the Washington Supreme Court is letting the case go to trial. The court said Ellis was trying to protect the public. (Ellis v. City of Seattle, No. 68252-6, S.Ct. Wash, 2000)

Note: Washington is part of a growing list of states recognizing or broadening the claim of wrongful discharge in violation of public policy. In this case, the court adopted a wide-open standard: The employee is protected even if he is wrong, as long as he had a reasonable belief that the employer asked him to violate public policy.

Advice: Bosses who don't like to be told they're wrong will often fire first and learn their lesson later.

When employees complain that they've been asked to violate a public safety or health law, investigate the complaint and consult your attorney. Particularly with technical questions, PR and HR people may not know the safety and health codes.