

Deal with insubordination firmly, quickly

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Insubordination can be one of the most challenging issues to deal with in the workplace. The ability to order employees to carry out work without extended debate is central to the role of management. Acts of insubordination undermine the essence of the right to manage. Late last year, the city of Phoenix provided employers in Arizona an object lesson on how to deal with insubordination quickly and effectively.

Embattled chief

Phoenix Police Chief Daniel V. Garcia had a controversial two-year tenure in the city's top law enforcement job. Police unions collected votes of "no confidence" and tried to get him fired. At least one member of the Phoenix City Council joined the call for Garcia's firing.

Garcia responded by setting up a press conference to blast his critics and defend his leadership. Per city policy, he notified the public information office at city hall a couple of hours before he met with the media. Soon thereafter, an assistant city manager sent Garcia a text ordering him not to go forward with the press conference. Garcia was a department head who reported directly to the city manager and his assistants, so the text was a direct order from his boss.

Garcia held the press conference anyway. He told the media he decided to defy his boss's direct order because he already scheduled the press conference, he had information on issues of public safety, and "it would have been unfair for me to withhold that information from the citizens of Phoenix." During his defiant press conference, Garcia issued a pithy statement: "City management needs to decide whether they want this city to be run by the unions or this police chief."

Within two hours, Phoenix City Manager Ed Zuercher responded dispositively by stating *he* was the one running the city and convening his own press conference to announce Garcia's firing. "Let me be clear, this issue is about following orders, about obeying orders from a supervisor," Zuercher said.

Even Garcia's supporters on the city council had no qualms with his discharge. "I cannot support an employee of any stature not respecting [his] supervisor," Councilman Michael Nowakowski told the media, adding that Garcia's actions "illustrated a disregard for the management of this city and demonstrated insubordination by violating a direct order."

Insolence is different

Disciplinary write-ups often mistakenly describe employee misconduct as insubordination. Insolence, for example, is not necessarily insubordination. In the workplace, insolence refers to derisive, abusive, or contemptuous language directed at a supervisor. If bad language comes out while an employee is following orders, then the insolence is not insubordination.

The Arizona Supreme Court defined insubordination in a 1967 teacher tenure case. According to the court, insubordination is "a willful disregard of express or implied directions of the employer and a refusal to obey reasonable orders." The teacher was fired for insubordination and a lack of cooperation. The court characterized the lack of cooperation as "a subtle species of insubordination." Both insubordination and a lack of cooperation are "class[es] of censurable practices destructive to the efficiency of the employer's organization."

Document objectively

Disciplining or discharging a truly insubordinate employee will survive legal challenge. The key is to have clear and objective documentation. Set forth the supervisor's instruction to the employee. Include factual information that demonstrates that the employee heard and understood the instruction. Finally, describe the employee's actions in disobeying the order in objective terms.

In Garcia's case, an appropriate write-up would state: "After Chief Garcia gave notice that he intended to hold a press conference, the assistant city manager sent him a text ordering him not to do so. Chief Garcia nevertheless went forward with the press conference."

If you have facts showing that an employee defied his supervisor's clear order, you can and should act quickly to discipline or fire the insubordinate employee. That is how your employees will know who the boss is.

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