

Corpus Juris Secundum  
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Officers and Public Employees

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VIII. Removal or Demotion  
B. Civil Service and Veterans Restrictions  
1. Civil Service Restrictions  
b. Necessity and Sufficiency of Grounds

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§ 165. Insubordination or willful disobedience

### West's Key Number Digest

West's Key Number Digest, Officers and Public Employees  69.7

The insubordination or willful disobedience of a civil service employee is sufficient cause to justify his or her discharge.

"Insubordination" is sufficient to justify the discharge of a civil service employee,[\[FN1\]](#) and an employee who is dismissed from a classified position for insubordination stemming from a refusal to obey a direct order of a superior is discharged for cause.[\[FN2\]](#) Insubordination is rightfully predicated only upon a refusal to obey some order which a superior is entitled to give and entitled to have obeyed,[\[FN3\]](#) and it requires proof that a person knows what he or she is doing and intends to do it.[\[FN4\]](#)

A civil service employee may also be discharged for "willful disobedience" of established rules or departmental orders promulgated in good faith.[\[FN5\]](#) The terms "insubordination" and "willful disobedience," as grounds for discipline of civil servants, overlap; so far as they are distinguishable, however, "disobedience" connotes a specific violation of a command or prohibition,[\[FN6\]](#) while "insubordination" implies a general course of mutinous disrespectful or contumacious conduct.[\[FN7\]](#)

[\[FN1\]](#) U.S.—[Walker v. Washington](#), 627 F.2d 541 (D.C. Cir. 1980); [Byrd v. Campbell](#), 591 F.2d 326 (5th Cir. 1979).

La.—[Createur v. Department of Public Safety, Division of State Police](#), 364 So. 2d 155 (La. Ct. App. 1st Cir. 1978).

Mo.—[Heitzler v. Eppenberger](#), 596 S.W.2d 458 (Mo. Ct. App. E.D. 1980).

N.Y.—[Short v. Nassau County Civil Service Commission](#), 45 N.Y.2d 721, 408 N.Y.S.2d 471, 380 N.E.2d 298 (1978).

[\[FN2\]](#) La.—[Portis v. Department of Corrections, Hunt Correctional Center](#), 407 So. 2d 435 (La. Ct. App. 1st Cir. 1981).

N.Y.—[Zeggert v. Connelie](#), 86 A.D.2d 952, 448 N.Y.S.2d 588 (3d Dep't 1982).

[\[FN3\]](#) Hawaii—[Cunningham v. Civil Service Commission, Hawaii County](#), 48 Haw. 278, 398 P.2d 155

[\(1964\).](#)

Or.—[Stephens v. Department of State Police, 271 Or. 390, 532 P.2d 788 \(1975\).](#)

R.I.—[Guarino v. Department of Social Welfare, 122 R.I. 583, 410 A.2d 425 \(1980\).](#)

Wis.—[State ex rel. Momon v. Milwaukee County Civil Service Commission, 61 Wis. 2d 313, 212 N.W.2d 158 \(1973\).](#)

Insubordination shown U.S.—[Alicea Rosado v. Garcia Santiago, 562 F.2d 114 \(1st Cir. 1977\).](#)

Insubordination not shown Cal.—[Parrish v. Civil Service Commission of Alameda County, 66 Cal. 2d 260, 57 Cal. Rptr. 623, 425 P.2d 223 \(1967\).](#)

N.Y.—[Reisig v. Kirby, 62 Misc. 2d 632, 309 N.Y.S.2d 55 \(Sup 1968\), judgment aff'd, 31 A.D.2d 1008, 299 N.Y.S.2d 398 \(2d Dep't 1969\).](#)

[FN4] Cal.—[Coomes v. State Personnel Bd., 215 Cal. App. 2d 770, 30 Cal. Rptr. 639 \(3d Dist. 1963\).](#)

Intentional and willful disobedience implied N.Y.—[Reisig v. Kirby, 62 Misc. 2d 632, 309 N.Y.S.2d 55 \(Sup 1968\), judgment aff'd, 31 A.D.2d 1008, 299 N.Y.S.2d 398 \(2d Dep't 1969\).](#)

[FN5] Ill.—[Philbin v. Civil Service Commission of Cook County, 66 Ill. App. 3d 772, 23 Ill. Dec. 509, 384 N.E.2d 145 \(1st Dist. 1978\).](#)

N.C.—[Employment Sec. Commission of North Carolina v. Lachman, 305 N.C. 492, 290 S.E.2d 616 \(1982\).](#)

Or.—[Ashman v. Children's Services Division, 37 Or. App. 865, 588 P.2d 665 \(1978\).](#)

Pa.—[McCook v. State Civil Service Commission, 15 Pa. Commw. 311, 325 A.2d 479 \(1974\).](#)

W.Va.—[Zigmond v. Civil Service Commission, 155 W. Va. 641, 186 S.E.2d 696 \(1972\).](#)

Refusal to obey invalid order insufficient grounds La.—[Cormier v. Louisiana State Penitentiary, State Dept. of Institutions, 206 So. 2d 771 \(La. Ct. App. 1st Cir. 1968\).](#)

[FN6] Cal.—[Peters v. Mitchell, 222 Cal. App. 2d 852, 35 Cal. Rptr. 535 \(3d Dist. 1963\).](#)

Refusal to accept reassignment Where under the facts of the case a reassignment of an employee is proper, he or she may be dismissed upon refusal to accept the reassignment, and such a dismissal is not the consequence of arbitrary or capricious action.

U.S.—[Pauley v. U. S., 419 F.2d 1061 \(7th Cir. 1969\).](#)

[FN7] Cal.—[Coomes v. State Personnel Bd., 215 Cal. App. 2d 770, 30 Cal. Rptr. 639 \(3d Dist. 1963\).](#)

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CJS OFFICER § 165

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