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

**Topic Summary**  **Correlation Table**

§ 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]


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


(1964).


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

Insubordination shownU.S.—Alicea Rosado v. Garcia Santiago, 562 F.2d 114 (1st Cir. 1977).


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


Refusal to accept reassignmentWhere 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.
