

Work, Then Grieve

What does the employee do if ordered to do something which is obviously contrary to the terms of the teacher's contract?

A general rule is that employees are expected to follow an administrator's order. If an employee believes the directive to be unfair or a violation of the contract, he/she can file a grievance later. Arbitrators have customarily held that failure to follow management directions can lead to the employee being disciplined for insubordination.

After the order is given and the employee follows through on the order, they should contact their building representative to discuss what happened. They can begin the grievance procedure and work with the administrator to find an acceptable remedy that satisfies the grievant.

The only exception to this rule would be if the directive is illegal, immoral, or puts the employee in "imminent danger" of their health and safety. If the work is unsafe, a member must report it and ask that it be made safe. Rather than an outright refusal, safer language might be, "I will comply with your request when the unsafe condition is corrected."

Insubordination

The dictionary defines insubordination as “unwilling to submit to authority.”

Management is expected to exert some leadership to direct the institutional operations. These rights are limited by law, the contract, and other rules and regulations.

Management has the right to issue reasonable orders and directions so long as they conform to the contract and are:

1. not injurious to health, illegal, or immoral;
2. clear and unambiguous;
3. applied uniformly; and
4. justly administered.

If you, as an employee, think that the administrator has given an order which violates some rule, the contract, or a law, the best advice is to inform the administrator of the violation. If they recommend that you follow the order, and if you aren't in imminent danger or about to break the law, then comply and contact a DEA member immediately after.

Insubordination is one of the easiest charges to prove against an employee. However, to be guilty of insubordination, you must be aware of the rule or directive (the rule does not need to be written). The rule of reason dictates that your non-compliance should be brought forcefully to your attention before you could be dismissed for insubordination.