

Discharge for whistleblower activity

Business



1. Yes, the federal appeals court should deny Broom and Miller's appeal. This federal appeals court must uphold the verdict of the district court's finding. The state district court chose to uphold the discharge of the two whistleblowers. Because the employees had to follow the Oklahoma common law employment-at-will doctrine, this means they could be discharged by their employer for any reason. This doctrine gives an employer full control over whether or not to dismiss them because of their insubordination. Broom and Miller made the right choice in deciding to report the suspected worker of falsifying medical drug books in order to cover up the theft that she had carried out against the facility managers. However, Broom and Miller chose not to follow standard procedure and instead of going to the accused employee's immediate supervisor, they went the medication consultant at the facility. Their reasoning was based on the fact that the accused employee had a close personal friendship with her immediate supervisor, Sarah Dutton. The act that Broom and Miller carried out went against protocol. Because these two employees did not follow the proper chain of command and protocol in choosing to file their complaint, this only gave their employer's legal position more support.

2. Because Broom and Miller were subject to the employment-at-will doctrine, even if they had been members of a bargaining unit that was connected with union representation, it still would not have provided any advantage to their case. The reality is that these employees could not be protected under a collective bargaining agreement because Oklahoma common law gives the right to employees to discharge at at-will employee at any time of their choosing. Broom and Miller attempted to argue their case by citing the three statutory laws that they thought supported their actions.

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These three laws were the Nursing Home Care Act, the Residential Care Act, and the Uniform Controlled Dangerous Substances Act. This first statutory law governed safeguards and procedures for the storage, safekeeping, monitoring, dispensing, and destruction of patient prescription drugs. The employer argued that this only covered nursing homes within the state and that the employer's company is legally a residential care facility and cannot be included in the law. The second statutory law does apply to the employer's facility because the employer admitted so. However, the employer argued that the language in this law were general and did not cover the Oklahoma employment-at-will doctrine. Finally, the third law makes it a criminal offence to steal controlled and dangerous substances, but Broom and Miller did not make a specific argument to justify their claims. Reaffirming what was said in the previous question, Broom and Miller failed to follow the proper procedures when filing their complaint. This only increased their already precarious legal position.