

security officers to either arrest the drivers or to contact or alert the police.

Tuff immediately, and publicly, opposed the company's new policy. Over the ensuing months, he expressed his dissatisfaction to every company officer he could locate. He complained to his immediate superiors, sometimes several times a day, that he was being asked to set a drunk out on the road who might later kill an innocent person. Tuff described to these supervisors imagined scenarios in which a drunk clearly violated the law, and he then asked them what he would be expected to do in these circumstances under the new rules.

His immediate supervisor, Director of Security Manuel Hernandez, told him that if any such situation arose he should contact the supervisor in charge, who would make the decision. Hernandez noted that most drunks do not weave down the road and hit someone. Tuff was not satisfied and used abusive language in denouncing the rules. Hernandez became angry and told Tuff that his complaints irritated his supervisors and that they could tolerate only so much of his behavior. Hernandez also cautioned him that he should worry less about his license and more about his paycheck. Neither man put any complaint in writing. Tuff never received a written warning or reprimand from any company official. Tuff maintained that he considered the policy to be illegal, violative of the rules he had sworn to uphold, and dangerous to the maintenance of his license. Neither his supervisor nor the company manager agreed with his interpretation. They encouraged him to continue his job as usual, but under the new rules.

Tuff then contacted a volunteer organization working to prevent drunk driving. At first he simply sought the organization's interpretation of the law, but later, he voiced a specific complaint about the Blue Mountain policy. His supervisors were approached by some representatives of the volunteer organization, who

expressed strong opposition to Blue Mountain's policy for security guards and treatment of drunk drivers.

In the following weeks, Tuff discussed the company policy with several other concerned security guards. He met with security officers Fred Grant and Robert Ladd at a restaurant after work. They discussed the company procedure and its conflict with their licensing requirements and sworn commitments. They considered going to the local newspaper with their grievances against the company policy.

Tuff then contacted a local television news station and a local newspaper. He talked to four reporters about several drunk driving incidents at Blue Mountain parking lots. The reporters pursued Tuff's complaint by talking to company officials about the policy. The reporters proved to their editors' satisfaction that Tuff's complaints to the media were not given in reckless disregard of the truth and were, in fact, entirely truthful.

Hernandez called Tuff into his office to discuss these disclosures to the newspaper. Hernandez asked Tuff to sign a document acknowledging that he had spoken with news reporters concerning Blue Mountain company policies, but he refused to sign. Hernandez reminded him of a company policy prohibiting an employee from talking to the media about company policies. This policy is mentioned on a list of company rules distributed to all employees that states that violation of the rules could result in dismissal or in disciplinary procedures. Tuff knew the company rule but did not consider his revelations a violation, because he had not spoken with the press *on company time*.

Hernandez considered Tuff's interpretation of the rule's scope ridiculous. He consulted with the company's Council of Managers that afternoon. Every manager agreed that Tuff's interpretation of the rule showed a blatant disregard for company policy and that Tuff's excuse was an ad hoc rationalization. They also agreed that Tuff had shown himself to be a