

In July of 1985 Barbara A. Luck had been employed for almost six and a half years by Southern Pacific Transportation Company as an employee in the engineering department. For the last four years of her employment, she worked collecting information used to manage the engineering department. She wrote computer programs, taught others to use them, and ran reports describing what employees did each day, where Company equipment was located, and how much material was being used by employees. On July 11, 1985 Luck and all other Southern Pacific engineering department employees were instructed to provide a urine sample and to consent to it being tested for drugs, alcohol, and medications. Luck met with several Southern Pacific officials that day and the next but remained steadfast in her refusal to take the test. In a July 15th letter Luck learned that she had been relieved of all her duties in her formal position as an engineering programmer for failure to comply with the instructions of proper authority, i.e., insubordination.

Did Southern Pacific have an ethically justifiable reason for firing Barbara Luck? If so, why? If not, why not?

ANSWER: No. Many businesses now engage in drug testing. Nevertheless, in this case the demand that Luck submit to a urine sample was not justified. Her interest in personal privacy outweighed any legitimate interest the Company might have had in obtaining the test results. In this regard, at the time the Company required all employees in the engineering department to undergo testing, there was no reason to suspect that Luck had either used drugs or alcohol on the job, or that her job performance was being impaired by drug or alcohol abuse. Furthermore, her job as an engineering programmer was not safety sensitive—that is, the lives and safety of others didn't depend directly on how she did her work.

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