

Just Cause at a Glance

Under the Discipline and Discharge Article in the contract it states that: “Disciplinary action may be imposed upon an employee only for **JUST CAUSE.**”

The seven key tests or questions include:

1. **NOTICE:** “Did the Employer give to the employee forewarning or foreknowledge of the possible or probable consequences of the employee’s disciplinary conduct?”
2. **REASONABLE RULE OR ORDER:** “Were the Employer’s rules reasonably related to (a) the orderly, efficient and safe operation of the Employer’s business; and (b) the performance that the Employer might properly expect of the employee?”
3. **INVESTIGATION:** “Did the Employer, before administering the discipline to an employee, make an effort to discover whether the employee did, in fact, violate or disobey a rule or order of management?”
4. **FAIR INVESTIGATION:** “Was the Employer’s investigation conducted fairly and objectively?”
5. **PROOF:** “At the investigation, did the “judge” obtain substantial evidence of proof that the employee was guilty as charged?”
6. **EQUAL TREATMENT:** “Has the Employer applied its rules, orders, and penalties even-handedly and without discrimination to all employees?”
7. **PENALTY:** “Was the degree of discipline administered by the Employer in a particular case reasonably related to (a) the seriousness of the employee’s proven offense; and (b) the record of the employee in his/her service with the Employer?”

A “no” answer to one or more of these questions means that just cause either was not satisfied or at least was seriously weakened in that some arbitrary, capricious, or discriminatory element was present.