

## Just Cause

- (1) **Notice.** Did the employer give the employee advanced notice or warning of the possible disciplinary consequences of the employee's conduct?

An employer may not discipline an employee for violating a rule or standard whose nature and penalties have not been made known.

- (2) **Reasonable Rule or Order.** Was the employer's rule reasonably related to

- (a) the orderly, efficient and safe operation of the business, (an employer position)
- (b) the performance that the employer might properly expect of the employee?(an employer position)
- (c) Prior enforcement An employee may not be penalized for violating a rule or standard that the employer has failed to enforce for a prolonged period. (An important Union position)

- (3) **Prior investigation.** Did the employer, before administering the discipline 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?

An employer must conduct an interview or a hearing before issuing discipline, must take action promptly, and must list charges precisely. Once assessed, discipline may not be increased.

- (5) **Substantial Evidence.** At the investigations did the "judge" obtain substantial evidence or proof that the employee was guilty as charged?

Charges must be proven by substantial and credible evidence.

- (6) **Equal Treatment.** Has the employer applied its rules, orders, and penalties even handedly and without discrimination to all employees?

**Equal treatment.** Unless a valid distinction justifies a

higher penalty, an employer may not assess a considerably stronger punishment against one employee than it assessed against another known to have committed the same or a substantially similar offense.

- (7) **Penalty.** Was the degree of discipline administered by the employer reasonably related to
- (a) the seriousness of the employee's proven offense, and
  - (b) the record of the employee in his service to the employer?
  - (c) Mitigating and extenuating circumstances. Discipline must be proportional to the gravity of the offense, taking into account any mitigating, extenuating or aggravating Circumstances.
  - (d) Progressive discipline. When responding to misconduct that is short of egregious, an employer must issue at least one level of discipline that allows the employee an opportunity to improve.