

**A PRACTICAL APPROACH:
SEVEN KEY TESTS TO JUST CAUSE**

I am convinced that the seven tests of just cause formulated by Arbitrator Carroll Daugherty represent a practical and effective way to determine whether **JUST CAUSE** is present for discharge or other disciplinary actions.

A "no" answer to one or more of the following questions means that **JUST CAUSE** either was not satisfied or at least seriously weakened.

THE SEVEN QUESTIONS

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:** Was the employer's rule or managerial order 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 or 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 service with the employer?

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