

The Seven Tenets of Just Cause

1. Notice. Did the Employer inform the employee of the rule or order, and forewarn the employee of the possible or probable discipline if the employee disobeyed it?
2. Reasonable Rule or Order. Was the Employer's rule or order reasonably related to (a) the orderly, efficient, and safe operation of the Employer's business, and (b) the performance that the Employer had a right to expect of the employee?
3. Investigation. Before administering the discipline, did the Employer make an effort to discover whether the employee in fact disobeyed the rule or order of management?
4. Fair Investigation. Was the Employer's investigation conducted fairly and objectively?
5. Proof. Did the investigation produce substantial evidence or proof that the employee was guilty as charged?
6. Equal Treatment. Has the Employer applied the relevant rule or order and penalties even-handedly and without discrimination to all employees?
7. Penalty. Was the degree of discipline issued reasonably related to (a) the seriousness of the employee's proven offense, and (b) the employee's record of discipline in his or her service with the Employer?