

*"Just Cause" is the guiding principle that we utilize as a public employer whenever we engage in some form of corrective action or progressive discipline for our employees. Supervisors are always expected to have "just cause" when disciplining an employee.*

The following criteria can be viewed as a definition of "just cause", the standard by which the reasonableness of the discipline will be judged.

1. The employee must have been adequately forewarned that the particular behavior would result in discipline. The warning could have been given either orally or in writing, or in the form of a general work rule. An exception to this may be made in instances of misconduct so severe that the employee is reasonably expected to know that it would be grounds for discipline. (Examples of severe misconduct include, but are not limited to dishonesty, theft or misappropriation of University property, fighting on the job, insubordination or acts endangering others.)
2. The violated work rule must be reasonably related to orderly, efficient and safe operations.
3. Management must make a fair and objective investigation of the facts prior to administering any discipline; where immediate action is required, however, an employee could be placed on "investigatory leave" pending the outcome of the investigation. Specific provisions regarding "investigatory leave" vary slightly between University personnel policies and various union contracts.
4. There must be substantial, persuasive, evidence that the employee has committed the alleged acts. The standard of proof will vary depending on the type of charge involved. However, the evidence cannot consist of mere rumors or unsupported accusations.
5. Management's rules, orders, and disciplinary action must be applied in a consistent and non-discriminatory manner. If enforcement of management's rules has been lax in the past and management desires to rectify the situation, discipline cannot be initiated without adequately forewarning the employees. If the rule is intended to apply to all those within a department, division or other work unit, it must then be consistently applied to all affected employees.
6. The discipline must be reasonably related to the seriousness of the offense and the employee's past work record.

Early attention to any problem can reduce the potential of a major conflict developing, and supervisors/managers should contact us to discuss problem situations. The supervisor and employee will not always agree as to what constitutes just cause, and a grievance may result. If the discipline is to be effective, it must be administered in such a way as to sustain a challenge if a grievance is filed and eventually appealed to arbitration. Consultation with an [Employee Relations Consultant](#) is required prior to initiation of formal discipline (e.g., letter of warning, suspension, dismissal), and before, if possible, placing an employee on investigatory leave.