

# LEGAL RIGHTS AND RESPONSIBILITIES

## THE SEVEN TESTS OF JUST CAUSE FOR DISCIPLINE

If the answer to these seven questions is YES, management has a just cause for discipline:

### 1. FAIR NOTICE

Did management make the worker aware of the rule or policy which they are being accused of violating?

### 2. PRIOR ENFORCEMENT

Has management recently enforced the rule or policy or penalized other workers for violating the same rule or policy?

### 3. DUE PROCESS

Did management conduct an interview or hearing before issuing the discipline, take action promptly and list charges precisely?

### 4. SUBSTANTIAL PROOF

Was management's decision to accord discipline based on credible and substantial evidence?

### 5. EQUAL TREATMENT

Is the punishment management is proposing consistent with the punishment other workers received for the same or substantially similar offense?

### 6. PROGRESSIVE DISCIPLINE

During the disciplinary process, did management issue at least one level of discipline that allowed the employee an opportunity to improve?

### 7. MITIGATING AND EXTENUATING CIRCUMSTANCES

Was the discipline proportional to the gravity of the offense, taking into account any mitigating, extenuating or aggravating circumstances?