

SEVEN TESTS FOR JUST CAUSE

The leading case *Enterprise Wire Co.* sets forth a seven-part test to determine whether just cause supports the challenged discipline. See 46 Lab. Arb. 359, 362 (Daugherty, 1966); ADOLPH M. KOVEN & SUSAN L. SMITH, JUST CAUSE: THE SEVEN TESTS 27 (3d ed. 2006) (There has been “wide-spread acceptance” of *Enterprise Wire Co.*’s seven-part test to determine whether the employer had just cause to discharge an employee.). **A ‘NO’ answer to any one of the following questions indicates that just cause did not exist.** *Enter. Wire*, 46 Lab. Arb. at 362.

1. Notice: “Did the company give to the employee forewarning or foreknowledge of the possible or probable disciplinary consequences of the employee’s conduct?”
2. Reasonable Rule: “Was the company’s rule or managerial order reasonably related to (a) the orderly, efficient, and safe operation of the company’s business and (b) the performance that the company might properly expect of the employee?”
3. Investigation: “Did the company, before administering 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 company’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 company applied its rules, orders, and penalties evenhandedly and without discrimination to all employees?”
7. Penalty: “Was the degree of discipline administered by the company 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 company?”

Id. at 363-64.