

Corrective & Progressive Discipline of Employees

Just Cause

NOTICE



- Forewarning/Foreknowledge
- Consequence
- Conduct

Notice: Did the employer give to the employee forewarning or foreknowledge of the possible or probable consequence of the employee's disciplinary conduct?

TYPES OF NOTICES



- Oral
- Bulletin Board Posting
- Employee Handbook
- Discipline Notice

REASONABLE RULE OR ORDER



Reasonably Related:

- Business Operation
- Employee Performance

Was the employer's rule of managerial order reasonably relate to the orderly, efficient, and safe operation of the employer's business, And the performance that the employer might properly expect of the employee.

NEXUS



- ↘ There must be a nexus between the rule and county business.

INVESTIGATION



- ✎ Don't jump to a conclusion and impose discipline before you complete your investigation.

INVESTIGATION



- ✎ First, discover if employee violated rule or order before Imposing Discipline.

FAIR INVESTIGATION



Conducted:

- Fairly
- Objectively

Was the employer's investigation conducted fairly and objectively?

Proof



Judge obtain:

- Substantial Evidence
- Proof of Guilt

At the investigation, did the "judge" obtain substantial evidence of proof that the employee was guilty as charged?

BURDEN OF PROOF



- ✘ The employer has the burden of proof that the employee really did do it.

EQUAL TREATMENT



Employer Even-Handedly Applied:

- Rules;
- Orders; and
- Penalties.

Has the employer even-handedly applied its rules, orders and penalties and without discrimination to all employees?

EQUAL TREATMENT



- No unequal treatment for any reason, not just unequal treatment because of age, race, sex, religion, or other protected classes!

PENALTY



Discipline Reasonably Related:

- Seriousness of the offense
- Employment Record

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?