

The Seven Tests of Just Cause is not a policy; however is an accepted industry wide standard in determining corrective action. The guideline below is intended to assist the employer in determining the appropriate course of action in preventing and addressing workplace issues.

Consider the following checklist prior to issuing corrective action:

1. **Fair notice:** Did the employee receive notice that the action would result in a consequence or is there a policy prohibiting such conduct?
2. **Reasonable Rule:** Was the rule reasonably related to operational needs of department?
3. **Investigation:** Was there an investigation to determine that conduct was worthy of corrective action?
4. **Fairness:** Was investigation conducted in a fair and objective manner and free from discrimination?
5. **Proof:** Did the employer collect sufficient evidence to determine corrective action?
6. **Consistency:** Where the rules applied to evenly to everyone in the department?
7. **Appropriate Discipline:** Was degree of discipline commensurate with offense?

Other items to consider are:

1. **Mitigating circumstances:** were there any conditions that may have been a contributing factor that need to be taken into consideration, which would make the offense different from other similar offenses?
2. **Progressive discipline:** aside from egregious conduct, was there an opportunity to issue a lesser discipline that allows an employee an opportunity to correct issue before issuing a financial burden or separation from employment?

For additional assistance, please contact Jesse Perez, Director of Employee and Labor Relations, at 815-753-5057 (also available on Groupwise).

**References:**

<http://www.wshrn.net/seventests.pdf>

[https://www.utoledo.edu/depts/hr/hsc/pdf/just\\_cause.pdf](https://www.utoledo.edu/depts/hr/hsc/pdf/just_cause.pdf)

<http://hr.osu.edu/public/documents/hrpubs/laborrelations/JustCauseTest.pdf?t=2015115143552>

<http://www.labornotes.org/2013/06/time-update-union-handbook-just-cause>