

## Just Cause in Adverse Actions

Adverse actions taken against employees can be revoked or modified where it is found that management acted in an arbitrary, capricious or discriminatory manner. The following tests are used to determine if there is “just cause” for the action.

1. The rules and standards should have been publicized and supervisors should have checked to see that they were understood by the employee.
2. The rules should be reasonably related to the job and Department goals.
3. The rules, standards, and instructions should be enforced uniformly and without discrimination. If enforcement has been lax, management should first warn employees of its intent to begin enforcement.
4. There should be evidence of previously attempted corrective action and warning where appropriate.
5. If adverse action is taken for an employee’s off-the-job behavior, management must establish that such behavior will have a negative impact on the employee’s ability to perform his/her duties or that the behavior brings discredit to the department.
6. Management should conduct an objective, thorough investigation.
7. The investigation should produce a preponderance of evidence establishing proof before action is taken.
8. The type of adverse action should fit the offense. The employee’s employment record, position and length of service should be considered when determining which action to take. Therefore, two employees involved in the same behavior may have different types of adverse action taken against them.