

# RESOLUTION- JUST CAUSE

On May 14, 2015 The Democratic Executive Committee endorsed a resolution to add Just Cause to Lake County laws. It reads:

1. Fair notice: An employer may not discipline an employee for violating a rule or standard whose nature and penalties have not been made known. (It is fundamentally unfair to punish an employee for violating a rule or policy about which the employee is unaware. Employers must publicize standards in handbooks, on bulletin boards, through the internet, or by direct announcement. They must also disclose possible penalties, especially suspension and discharge. Employees are expected to read and understand materials that are supplied to them.)
2. Prior enforcement: An employee may not be penalized for violating a rule or standard that the employer has failed to enforce for a prolonged period. (If management allows employees to violate a rule for years, or even months, employees are lulled into believing that the rule or policy is no longer in effect. In such circumstances, imposing discipline is equivalent to applying a rule of which the employee is unaware.)
3. Due process: An employer must conduct an interview or hearing before issuing discipline, take action promptly, and list charges precisely. Once assessed, discipline may not be increased. (Due process (procedural fairness) is implicit in the just cause standard. Before an employer makes a decision to impose discipline, it must permit the employee to tell his or her side of the story. Employees may not be subjected to double jeopardy.)
4. Substantial proof: Charges must be proven by substantial and credible evidence. (Because livelihoods are at stake, disciplinary decisions must be based on reliable evidence, not rumors, suspicion, or speculation.)
5. Equal treatment: Unless a valid basis justifies a higher penalty, an employer may not assess a considerably stronger punishment against one employee than it assessed against another known to have committed the same or a substantially similar offense. (Favoritism and discrimination are incompatible with just cause. Employers must treat employees essentially alike.)
6. Progressive discipline: When responding to misconduct that is short of egregious, an employer must issue at least one degree of discipline that allows the employee an opportunity to improve. (The purpose of workplace penalties is to correct conduct, not to punish or humiliate. If a possibility exists that an offender can change, an employer should apply at least one penalty short of discharge. The level should be the lowest that is likely to convince the employee to improve his or her work or conduct.)
7. Mitigating and extenuating circumstances: Discipline must be proportional to the gravity of the offense, taking into account any mitigating, extenuating, or aggravating circumstances. (Penalties must relate to the seriousness of the infraction including all relevant circumstances. The employer must consider whether the employee's actions were intentional or an honest mistake, whether they caused slight or substantial damage, and whether they were isolated or part of a pattern. The employee's longevity and past record must also be given consideration as well as any other circumstances that increase or decrease the likelihood that the offense will be repeated.)