
“Just Cause” In Disciplinary Grievances

There are two basic kinds of grievances: Disciplinary grievances and all other grievances. It is helpful for you to know what kind of grievance you are dealing with in order to know how to proceed.

"Just Cause" is an important term in discipline grievances. Many contracts state that a member cannot be disciplined without "just cause". Even if this language is not in the contract, many arbitrators look for "just cause" when determining whether management disciplined a member properly.

Seven Tests of Just Cause:

1. Was the grievant adequately warned about rule or conduct disapproved of and the consequences of the behavior?
2. Is the rule or standard being enforced reasonably related to safe and efficient operation of the company?
3. Was there a investigation?
4. Was the investigation fair and objective
5. Did this investigation produce substantial evidence of "guilt"?
6. Were the rules and penalties applied even-handedly, without disparate treatment of discrimination?
7. Is the penalty reasonably related to the seriousness of the offense, the employee's past record, and any mitigating or aggravating circumstances?

Just Cause in Discipline Grievances

In discipline grievances, the employer has burden of proof and must meet "just cause" standards. The stewards responsibility is to investigate, determine if there was "just cause" for discipline, determine whether progressive discipline was used and weigh years of service and past record to see whether discipline was too harsh.

All Other Grievances

In all other types of grievances, the Union has the burden of proof. This means the steward must investigate and prove violation of contract, Law, past practice, policy, or fairness ('five grounds for a grievance").



**For more CNG steward resources or for questions, contact
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