

ARBITRATOR DAUGHERTY'S SEVEN TESTS OF JUST CAUSE

In 1964 through 1972, Arbitrator Carroll Daugherty developed seven tests or questions of just cause to discipline or discharge an employee for misconduct. See *Grief Brothers*, 42 LA 555 (Arbitrator Daugherty, 1964); *Enterprise Wire*, 46 LA 359 (Arbitrator Daugherty, 1966); and *Whirlpool Corporation*, 58 LA 421 (Arbitrator Daugherty, 1972). In *Grief Brothers*, a "no" answer to any one of seven questions would result in a finding of a lack of just cause. The seven tests or questions of just cause for discipline as outlined by Arbitrator Daugherty are:

- (1) Did the Company give to the employee forewarning or foreknowledge of the possible or probable disciplinary consequences of the employee's conduct?
- (2) Was the company's rule or managerial order reasonably related to the orderly, efficient, and safe operation of the Company's business?
- (3) Did the company, before administering discipline to an employee make an effort to discover whether the employee did in fact violate or disobey a rule or order of management?
- (4) Was the Company's investigation conducted fairly and objectively?
- (5) At the investigation did the "judge" obtain substantial evidence or proof that the employee was guilty as charged?
- (6) Has the company applied its rules, orders, and penalties evenhandedly and without discrimination to all employees?
- (7) Was the degree of discipline administered by the company 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 company?