

**DISCIPLINARY ACTION REVIEW**

Grievant: \_\_\_\_\_ Grievance: \_\_\_\_\_

Nature of Discipline: \_\_\_\_\_ Date Rec'd: \_\_\_\_\_

Issuing Supervisor: \_\_\_\_\_

Concurring Ofcl (if any): \_\_\_\_\_ Date: \_\_\_\_\_

**JUST CAUSE ELEMENTS –**

Each discipline grievance is written against the backdrop of the Tests of Just Cause

These tests have now been memorialized by the parties in the JCIM with the remark,

1. **These criteria are the basic considerations that the supervisor must use before initiating disciplinary action.**

**Is there a Rule?**

- What is the rule?
- Was the rule well known;
- Communicated directly to the Grievant; and did it
- Include warning of consequences for violation?

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**Is the Rule a Reasonable Rule?**

- Was the rule actually a managerial order?
- Was it clearly a business instruction that a supervisor could reasonably expect to have obeyed?
- Would there have been a significant danger posed in following the order?

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**Is the Rule Consistently and Equitably Enforced?**

- Are all employees held to the same standard?
- Have other infractions resulted in discipline; or
- Do supervisors routinely ignore violations?

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**Was a Thorough Investigation Completed?**

- Did the supervisor actually ascertain the Grievant disobeyed a rule or order?
- Did the supervisor's investigation establish clear and convincing evidence the Grievant was guilty?
- Was the Grievant guilty of an infraction or did he simply make a mistake?
- What constitutes the supervisor's proof of guilt?
- Was the Grievant confronted for his side of the story prior to the decision to issue discipline?

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**Was the Severity of the Discipline Reasonably Related to the Infraction Itself and in Line with that Usually Administered, as well as to the Seriousness of the Employee's Past Record?**

- Was progressive discipline called for; or
- Was the level of infraction such as to warrant departure from progressive discipline?
- Were there other measures available that would have been more truly corrective?
- Was the Grievant's history given credit to mitigate the penalty?

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**Was the Disciplinary Action Taken in a Timely Manner?**

- Did the supervisor act promptly upon knowing of the possible infraction?
- Did delays in administering discipline destroy any corrective effect?
- Have delays caused the record to become stale?

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**OTHER ELEMENTS –**

Disciplinary Action Proposal –

- Did the supervisor complete a worksheet for this discipline? When?
- Was a copy of this worksheet provided upon request?

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Reviewing/Concurring Authority –

- Was there proper delegation of this authority?
- What material did the concurring official review?
- What mitigating factors were considered?

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Disciplinary Elements of Record –

- Were any stale disciplinary actions cited?
- What earlier actions were cited?
- Were copies provided upon request?

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Notice Period –

- Did the Grievant receive appropriate time-on-the-clock notice?

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Preference Eligible Veterans –

- Is the Grievant entitled to Merit Systems Protection Board rights?
- Was proper notice given Grievant?
- Does Grievant intend to pursue MSPB appeal of this action?

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