

2. Was the company's rule or order reasonably related to efficient, safe operations? Did it have a rational link to a business purpose?
3. Was a fair, objective investigation of facts conducted before the discipline was administered? Did the employer make an effort to factually describe the event for which the employee was sanctioned?
4. Did the investigation produce substantial (not necessarily conclusive) evidence of fault?
5. Have the rules, orders, and penalties been applied consistently and without discrimination, or has enforcement begun suddenly after years of laxity?
6. Was the penalty reasonably related to the seriousness of the offense and the employee's record?

In sum, a discipline policy is a helpful management tool, but it cannot fully substitute for judgment in responding to problems. For most performance and conduct problems, discharge ought to be held as a last-ditch measure. Discussion, verbal warning, and suspension, applied progressively, may be used to correct employees before losing or giving up on them. Hastily applied disciplinary actions may make waste of employee talent, supervisory time and reputation, and other business assets.

Discharge from Employment

Firing is the "capital punishment" of employee relations, with operational and possibly legal ramifications. As the ultimate corrective action or punishment a company can impose on an employee, it is to be approached with heightened awareness and care. The first line of defense against later legal complaints is (1) meeting final wage payment obligations—required immediately in some states—and (2) having clear documentation of incidents leading to the dismissal. Before dismissing an employee in the first place, however, it is a good idea to reflect on the following questions:



Considerations before Dismissing for Cause

- Has corrective action been attempted?
- Is the reason for dismissal work-related?
- Is there a policy or management order that sets standards of performance and behavior?
- Does dismissal correspond to the seriousness of the offense or other cause?
- Did the employee have knowledge of the policy and consequences?
- Was an investigation of the rule infraction fairly conducted?
- Is there evidence or proof of the employee's wrongdoing?
- Has the business applied its policies uniformly to all employees?