

FEW ARBITRATORS USE DAUGHTERTY'S JUST CAUSE CHECKLIST

A study of more than 2,000 discipline and discharge cases handled by the Minnesota Bureau of Mediation Services revealed that few arbitrators—only 9 percent—use Carroll R. Daugherty's seven-test just cause checklist and fewer labor and management representatives advocate their use. Labor representatives advocate their use in arbitration about 2.73 percent of the time, compared to management representatives advocating their use about 1.75 percent of the time.

The study showed that management won 49.73 percent of discipline and discharge cases and about 52 percent of discharge cases. Unions won about 21 percent of all cases and slightly less than 20 percent of discharge cases. Split rulings accounted for nearly 29 percent of all cases.

(Source: *Government Employee Relations Report*, January 22, 2008, p. 113.)