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ELECTIONS PUBLISHING
SECRETARY OF STATE

*Ch. 11, Sec. 11.150M.
hoy*

JUST CAUSE

*Original Text
2007-2008
#62*

(1) NO EMPLOYEE MAY BE DISCHARGED OR SUSPENDED UNLESS THE EMPLOYER HAS FIRST ESTABLISHED JUST CAUSE FOR THE DISCHARGE OR SUSPENSION.

(2) FOR PURPOSES OF THIS SECTION, "JUST CAUSE" MEANS:

- (A) INCOMPETENCE;
- (B) SUBSTANDARD PERFORMANCE OF ASSIGNED JOB DUTIES;
- (C) NEGLIGENCE OF ASSIGNED JOB DUTIES;
- (D) REPEATED VIOLATIONS OF THE EMPLOYER'S WRITTEN POLICIES AND PROCEDURES

RELATING TO JOB PERFORMANCE;

- (E) GROSS INSUBORDINATION THAT AFFECTS JOB PERFORMANCE;
- (F) WILLFUL MISCONDUCT THAT AFFECTS JOB PERFORMANCE; OR
- (G) CONVICTION OF A CRIME INVOLVING MORAL TURPITUDE,

(3) ANY EMPLOYEE WHO IS NOTIFIED THAT HE WILL BE OR HAS BEEN DISCHARGED OR SUSPENDED SHALL, AT THAT TIME, RECEIVE THE EMPLOYER'S WRITTEN DOCUMENTATION OF THE JUST CAUSE USED TO JUSTIFY SUCH DISCHARGE OR SUSPENSION.

(4) (A) ANY EMPLOYEE WHO BELIEVES HE WAS DISCHARGED OR SUSPENDED WITHOUT JUST CAUSE MAY, WITHIN THIRTY DAYS AFTER NOTIFICATION OF THE DISCHARGE OR SUSPENSION, APPLY FOR MEDIATION OF A CLAIM FOR WRONGFUL DISCHARGE OR SUSPENSION. WITHIN ONE HUNDRED TWENTY DAYS AFTER AN EMPLOYEE FILES FOR MEDIATION, A HEARING SHALL BE HELD BEFORE A PRIVATE MEDIATOR. AT HEARING, THE EMPLOYEE AND THE EMPLOYER SHALL BE PERMITTED TO PRESENT EVIDENCE AND MAKE LEGAL ARGUMENT.

(B) A MEDIATOR WHO FINDS THAT AN EMPLOYEE WAS DISCHARGED OR SUSPENDED WITHOUT JUST CAUSE MAY AWARD THE EMPLOYEE ALL BACK WAGES OR REINSTATEMENT IN HIS FORMER JOB OR BOTH.

(C) THE MEDIATOR SHALL ASSESS THE COSTS FOR HIS OR HER SERVICES TO THE LOSING PARTY.

(D) THE MEDIATOR MAY AWARD ATTORNEYS FEES TO THE PREVAILING PARTY AS TO ANY CLAIM MADE BY THE EMPLOYEE.

(5) THE GENERAL ASSEMBLY MAY ENACT LEGISLATION TO FACILITATE THE PURPOSES OF THIS SECTION.

(6) THIS SECTION SHALL BECOME EFFECTIVE UPON PROCLAMATION OF THE GOVERNOR REGARDING THE VOTES CAST ON THIS AMENDMENT.