

# LEGAL MAILBAG – OCTOBER 15, 2026



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*The “Legal Mailbag Question of the Week” is a regular feature of the CAS Weekly NewsBlast. We invite readers to submit short, law-related questions of practical concern to school administrators. Each week, we will select a question and publish an answer. While these answers cannot be considered formal legal advice, they may be of help to you and your colleagues. We may edit your questions, and we will not identify the authors. Please submit your questions to: [legalmailbag@casciac.org](mailto:legalmailbag@casciac.org).*

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Dear Legal Mailbag:

As the principal of an elementary school, I run a tight ship. I follow the rules and expect others to do so as well. Therefore, I have been disappointed with the dereliction of the head custodian in my school.

Over the years, I have been impressed with how conscientious and hard-working the custodians have been, and this fellow isn't bad. But he regularly arrives at work five to ten minutes late, and it really rankles me. Once I noticed his tardiness, I started taking notes to keep track. After fifteen days of tardiness in the last month, I'd had it, and I wrote him a strong letter of reprimand.

In the letter, I simply laid out the concern. His day begins at 7:30 a.m., and I carefully listed the days that he had been late. I concluded the letter of reprimand with a clear warning – if he is late again, I will recommend to the Superintendent that his contract of employment be terminated. Enough said, right?

Given that the facts here are undisputed (I kept my notes), I thought that my letter of reprimand would be the end of this problem. However, the local union president is now all over my case. He is claiming that I did not have “just cause” (whatever that is) for the letter of reprimand, and he is demanding that I withdraw the letter or the union will file a grievance against me.

I don't like bullies, and I am happy to stand my ground. But I do like free legal advice, and I write to Legal Mailbag to make sure that I am right here.

Signed,  
*High Standards*

Dear High:

“Just cause” is a term of art that is generally understood but is not easily defined. The best description is that “just cause” is another way of asking whether the employee has been treated fairly.

In determining whether there is just cause for discipline, supervisors should consider the following:

- Did the employee have fair notice of the rule or requirement?
- Did the employee violate the rule or fail to satisfy the requirement (such as satisfactory job performance)?
- Was there any justifiable excuse for any such failure?
- Was the disciplinary action taken appropriate under the circumstances, *i.e.*, did the punishment fit the crime?

In imposing discipline (which can range from a verbal reprimand to termination of employment), supervisors must generally follow the principle of “progressive discipline.” The standard progression of disciplinary action (hence “progressive” discipline) is verbal warning, written warning, suspension and termination. This progression of discipline, however, is only a guide, and each case must be considered individually based on the principles set out above. To do so, the employer must first consider the seriousness of the offense. For some offenses, moving immediately to termination is the only reasonable course. For most matters of employee discipline, however, less serious discipline is appropriate, at least in the first instance.

Here, you erred in keeping quiet while keeping notes of the custodian’s tardiness until you unloaded on the custodian with your “strong letter of reprimand. Supervisors must promptly bring concerns to the attention of those they supervise, and you should have started with a verbal warning after the second time the head custodian was late. Moreover, threatening termination of employment in the very first disciplinary intervention for tardiness was over the top. While you had just cause for warning the custodian, it is likely that an arbitrator reviewing your letter would say that just cause was lacking for such a strong reprimand letter that includes a threat of termination with the next offense.

While the union has a fair point here, Legal Mailbag does not advise that you withdraw the letter of reprimand entirely. After all, the custodian was in fact late on numerous occasions. However, it is advisable for you to withdraw the letter and send the head custodian a new letter that sets out your expectations, describes his tardiness, and warns him of the need to be punctual without referring at this point to termination. Hopefully, the custodian will now be sure to be on time, but you will be prepared to escalate, if necessary, with a stronger warning, progressing to suspension and even termination of employment as need be.

Finally, given your intellectual curiosity about “just cause,” you may be interested in the following elaboration on “just cause,” which would typically be applied in more serious disciplinary matters, such as suspension without pay or termination. Arbitrators at the State Board of Mediation and Arbitration typically apply a traditional seven-part test to determine whether just cause exists:

- Was the employee forewarned of the consequences of his misconduct?
- Was the employer’s rule or order reasonably related to safe and efficient operations?
- Did the employer, before administering the discipline, investigate to discover whether the employee did in fact violate or disobey a rule or order?
- Was the employer’s investigation conducted fairly and objectively?

- Did the investigation produce substantial evidence or proof that the employee was guilty as charged?
- Has the employer applied its rules, orders and penalties evenhandedly and without discrimination?
- Was the degree of discipline reasonably related to the seriousness of the employee's proven offense and the employee's past record?

*See, e.g., New Britain Board of Education and AFSCME, Council 4, Local #1186 (Halperin, Arb., June 9, 2000), citing Enterprise Wire Co., 46 LA 359, 362-65 (Daugherty, Arb. 1966); Enfield Board of Education, Case # 2007-A-0133 (Celentano, Arb., September 14, 2007).*

Legal Mailbag appreciates your question and hopes that this information will be helpful to you. Keep maintaining those high standards!