

Job Nexus

In cases where the employer is considering disciplining an employee for off duty conduct, there must be a nexus between the off duty conduct and employment for an employer to be justified in taking any disciplinary action against an employee for such conduct.¹ In cases where criminal charges have been brought against an employee for off-duty conduct, management is not required to await the outcome of a criminal proceeding prior to imposing discipline.² An employer may proceed with its own investigation to determine whether the allegations are substantiated, and decide whether just cause exists to impose discipline at the conclusion of the investigation.³

¹ Grievance of Soucier, 21 VLRB 292 (1998). Grievance of Ackerson, 16 VLRB 262, 272 (1993). Grievance of Boyde, 13 VLRB 209, 227 (1990). Grievance of Jamison, 10 VLRB 239, 243-44 (1990). Grievance of Hurlburt, Sup.Ct. Dock. No. 2001-138, slip op. at 9 (January 10, 2003).

² Grievance of VSEA and the Corrections Bargaining Unit, 19 VLRB 357, 365 (1996). Soucier, 21 VLRB at 210-211.

³ Id.