

Suspension Without Pay Pending Investigation

The fact that allegations are made against an employee does not warrant suspending an employee without pay absent a determination by management that the allegations are substantiated.¹ An employer must determine misconduct has been committed, not just alleged, before disciplining an employee.² Management may impose a disciplinary penalty based only on the facts of the underlying incident as determined by management, and may not impose discipline based on allegations which management has yet to conclude are substantiated.³ A minimal essential of due process under applicable precedents is that management makes a determination that misconduct has actually been committed by the employee before disciplinary action is imposed.⁴

¹ Grievances of Ackerson, 17 VLRB 105, 126 (1994).

² Id.

³ Id.

⁴ Id. at 127-28.