

## **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.<sup>1</sup> 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.<sup>2</sup> 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.<sup>3</sup>

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<sup>1</sup> Grievance of Lepore, 33 VLRB 290 (2016). 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).

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

<sup>3</sup> Id.