

**Ask the Experts**

JOHN J. EGBERT AND JILL CHASSON

# Job hunt wise during long suspension

I was involved in a dispute with a co-worker. Both of us were disciplined with a three-day suspension without pay. When I returned after the suspension, I was told the matter was still "under investigation" and that I was on paid suspension until the investigation was over. It's been almost three weeks and whenever I ask what's going on, they tell me it's still being evaluated and to wait for HR to call me. I can't even look for a job to prepare for a possible termination. Is

this legal?



**John J. Egbert, Jennings, Strauss & Salmon, PLC**

Employers may place their employees on paid administrative leave pending the results of an investigation. This is a fairly common tool that allows the employer to investigate what happened without the pressure of making an immediate decision. And, in the meantime, the employee is not adversely affected by the loss of pay or benefits.

Such paid administrative leave is generally considered to be lawful. Because you are being paid, your employer may require you to wait, and be available, for a call from human resources during your normal work days and work hours. However, that generally does not preclude you from looking for new employment

while you are waiting for that call.

For example, you can search the Internet for jobs available, fill out on-line applications and send and receive emails and telephone calls from prospective employers while you wait.



**Jill Chasson, Copper-Smith Brockelman PLC**

This does sound like a long time to be on a paid suspension or investigative leave, and your discomfort with your limbo status is understandable. However, based on the information you've provided, there doesn't appear to be anything illegal about keeping you on an extended paid absence.

Your employer may have learned additional information relating to your dispute with your co-worker, or other matters, that caused the company to decide that it was better for you not to be in the

workplace while the situation is being evaluated.

It would be reasonable to conclude, though, that the longer the leave goes on, the more likely it is that you won't be returning to work with this company. If you feel you have been treated poorly during this process, you may not want to go back anyway.

Assuming you are an at-will employee, there is no reason you can't begin a job search.

In fact, if you fear that you are going to be fired, there are good reasons to look for another job now. You can honestly tell prospective employers that you are still employed and if you are able to find another job, you can resign from your current company rather than have a termination on your record.

— Compiled by Georgann Yara