

INTERNET ABUSER REINSTATED

A three-member arbitration panel found that, under an employer's progressive discipline policy, an employee's blatant abuse of plant rules regarding internet access to offensive sites did not merit termination. Both the electronic communications acceptable-use policy and the internet acceptable-use policy warned employees that any offensive use of company computers could result in termination, and employees also received training on these policies. The employer monitored usage with a mechanism that warned employees when accessing an unacceptable internet site by blocking the site and displaying an OOPS! message; an internal investigation was triggered after 20 messages were sent. Grievant had received hundreds of such messages over a five month period.

The panel found Grievant's arguments were not credible due to his numerous shifting explanations for his behavior. In the panel's view, he presented a clear case for discipline under the employer's progressive discipline system, given his 25-year unblemished tenure and the company's failure to show that a lesser discipline would be ineffective, as well as the fact that the offensive behavior did not expose the company to any civil or criminal liability. Grievant was reinstated with back pay and given a last chance to change his behavior. (Georgia Power Co. and IBEW Local 84, 08-1 ARB ¶4075, Dennis Nolan, Arb.)