

Notes to Remember

The Minnesota Department of Baby Boomer Retention & Relations is a large state agency with approximately 5,000 employees distributed throughout the state.

The Department has developed a comprehensive Email system in order to effectively communicate with employees and to facilitate communication between employees.

The Department has a policy regarding use of Email which essentially indicates that the intended use is for business purposes. It is known that there is some use for "social" purposes but such use is generally insignificant. The Department also has policies relative to ethics, communication, harassment, and sexual harassment.

It happened that a female employee reported the receipt of an Email message with attachment that she characterized as pornographic and offensive. It was discovered that the message had been inadvertently sent to her and was intended to be sent to another employee with the same name.

When the Human Resource office tracked the message to the original sender, it was discovered that the employee, (a male, George Chuckles) had a large number (150+) of sexually oriented items filed in his Email and had also sent a large number (50+) of sexually oriented messages to other employees using the Department's Email. When the items were examined by an H.R. professional, it was determined that approximately 30% of the items could be categorized as pornographic.

After the investigation in which the male employee stated "everyone does it, why single me out," the Department terminated the employee who had 12 years service and no prior discipline. This matter is now properly before the arbitrator.