

BEFORE THE ARBITRATOR

In the Matter of:

STATE OF OHIO, DEPARTMENT  
OF REHABILITATION AND  
CORRECTION

87-0080  
Grievance ~~86-24~~

and

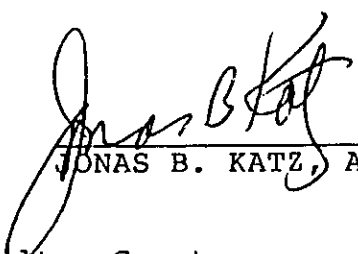
OHIO CIVIL SERVICE  
EMPLOYEES ASSOCIATION,  
LOCAL 11, AFSCME

AWARD

The grievance is denied. The Arbitrator believes that the general theme of the poem was such that it was directed at a fellow employee, but that is not relative to the discipline imposed. The discipline imposed related to taking a document out of the hand of the supervisor which document could be the basis of an investigation. In that respect, I believe that the reprimand for the same or similar incidents is appropriate. "Similar incidents" refers specifically to incidents relating to (1) any writing which is composed on company time and/or distributing on company time, which can reasonably be deemed offensive to an employee and/or (2) willfully taking a document out of the hands of the supervisor, which could be used as a basis for an investigation.

The warning in question will be considered issued as of October 7, 1986 and will be expunged in accordance with the collective bargaining agreement from grievant's record on October 7, 1987.

I will retain jurisdiction if the employer claims that there was a repetition of this incident since I am placing a relatively strict interpretation on the reprimand's language of "similar behavior".



---

JONAS B. KATZ, Arbitrator

Issued at Cincinnati, Hamilton County,  
Ohio, this 24th day of July, 1987.