

24.1; 607: A San Jose CC Service Rep. who was discharged for disconnecting customer calls was reinstated as a Utility Clerk in Richmond; 50% backpay less outside earning or unemployment; career preclusion from the SR classification; DML for 1 year following reinstatements; and, non-precedential settlement.



**Pacific Gas and
Electric Company**

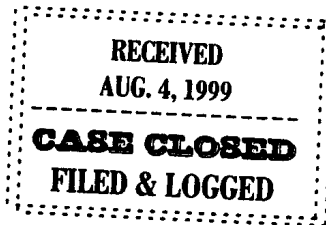
REVIEW COMMITTEE



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MARGARET A. SHORT, CHAIRMAN

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

Review Committee File No. 1825
Arbitration Case No. 233

Subject of the Grievance

This case concerns the discharge of a Service Representative from the San Jose Call Center for intentionally and inappropriately disconnecting customer calls. In addition, there was evidence of telephone system manipulation to avoid customer calls.

Facts of the Case

The grievant was hired February 12, 1985 in a Physical Bargaining Unit classification and continued in that bargaining unit until placement at the San Jose Call Center on December 4, 1995. She was discharged May 29, 1998. At the time of discharge, she had no active discipline.

Company received five customer complaints concerning the grievant's handling of their calls. These complaints spanned a four-week period. On May 27, 1998 the grievant was being remote monitored when she again hung up on a sixth customer. The supervisor called back each of the customers that called to complain. Each of the customers stated that the grievant was rude to them and then hung up. After the call involving the remote monitoring, the supervisor spoke to the grievant about the six calls. The grievant denied that she was rude and that she hung up on customers. The grievant was subsequently terminated.

Discussion

Company opined that the grievant's behavior was totally unacceptable. Company cited the Call Center Employee Conduct Supplement which admonishes employees that intentional disconnection of customer calls or intentional efforts using the phone system to avoid calls are considered serious acts of misconduct and subjects the employee to disciplinary action up to and including discharge. The grievant exhibited a pattern of ongoing misconduct over several weeks. It was the continuous nature of this behavior that justified discharge.

Union opined that discharge was too severe for a long service employee and that the first complaint should have been promptly brought to the grievant's attention so that she could correct her behavior. Union further opined that prior to this case, Company had not discharged employees with no active discipline for disconnecting customers and cited PRC 2093 and 2097 in which the grievants received Decision Making Leaves under similar (not exact) circumstances.

DECISION

This case was scheduled for arbitration. Shortly before the arbitration hearing, the parties agreed to the following settlement without prejudice:

- Reinstatement as a Utility Clerk in Richmond
- 50% backpay less outside earnings or unemployment
- Career preclusion from the Service Representative classification
- DML for one year following reinstatement
- Non precedential settlement

This case is closed based on the foregoing and the adjustment contained herein.

For the Company:

Margaret A. Short
Ernie Boutte
Gary Heitz
Kenneth E. Lewis

By: Margaret Short
Date: 8/3/99

For the Union:

Perry Zimmerman
William R. Bouzek
Ed Dwyer
Sherrick A. Slattery

By: Perry Zimmerman
Date: 8-3-99