

24.1; 607: A Fresno CC Cust. Svc. Rep. who was discharged for work avoidance was reinstated with backpay and with benefits intact, but was given a WR in the work performance category for one year.

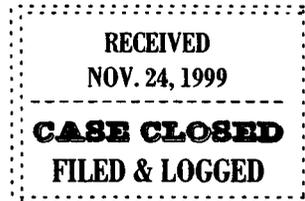


REVIEW COMMITTEE



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- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

Fresno Division Grievance No. FRO-99-27
Fact Finding No. 7023-99-181
Pre-Review Committee No. 2236

NORA WOODS
Company Member
Local Investigating Committee

JIM LYNN
Union Member
Local Investigating Committee

Subject of the Grievance

This case concerns the discharge of a Customer Services Representative from the Fresno Call Center for work avoidance, specifically, intentionally withholding dialogue from customers giving the customers the impression that the call had not been received, therefore the customer terminated the call.

Facts of the Case

The grievant had five years of service and no active discipline at the time of discharge. She did, however, have two active coaching and counselings both dated May 14, 1999. One was for unavailability, she had used all of her sick leave by that time. The other was for work performance, for being excessively chatty with customers.

On July 6, 1999 a Customer Services Representative was upgraded to Team Leader. She noted that the Call Quality Monitoring (CQM) was behind and made assessing the level of proficiency of the employees on her team her first priority. She reviewed the previous CQM documents on the grievant and found that one was conducted by regular Team Leader in May 1999 and one by a Quality Assurance Specialist in March 1999. The temporary Team Leader was aware the grievant had received a coaching and counseling after the March CQM for excessive talking with customers. She wanted to have another CQM performed because she believed it would demonstrate improved performance and she would be able to provide positive feedback to the grievant. The temporary Team Leader called the CQM Specialist to ask when the grievant would next be reviewed. The CQM Specialist indicated the grievant was close to the top of the list and would be monitored soon. The temporary Team Leader requested it be done immediately.

The CQM review was conducted by the Specialist on July 9. Ten calls were monitored. There were three calls where the grievant's handling of the calls was questionable. On Call #7, the grievant greeted the customer but there was no further dialogue for one minute 15 seconds and the customer hung-up. Call #8 was one minute 45 seconds with the customer saying "Hello" a couple times with no response from the grievant. The customer hung-up. The third call, #9, the grievant greeted the customer after two minutes and 13 seconds.

On July 13 the CQM feedback session, as well as, the investigation into these incidents was conducted. The grievant did not specifically remember these calls but indicated she may have taken time between calls to complete a form, and another time having completed a variance report to indicate she was completing a tag between 9:48 and 9:57 a.m. with the additional note that a call came in while she was logged out. One other possible explanation offered by the grievant was that she may have been up walking around looking for a Sr. Service Rep. for help. A review the agent trace report for July 9 indicated that the variance report was applicable to Call #6, not any of the ones leading to discharge. The grievant was familiar with the proper way to handle "ghost calls".

Several attempts were made to contact customers 7, 8, and 9 but they were unsuccessful.

Discussion

Company reviewed the Call Center Conduct Summary in effect at the time states in part:

"A core expectation of Call Center customer contact representatives is to facilitate full and complete work effort, conversation and dialogue with each customer, and provide comprehensive, quality service, at all times...Intentional (and inappropriate) disconnection of customer calls in progress or equivalent action such as withholding/blocking conversation and dialogue so the customer concludes the call...Behavior or actions of this nature constitute serious misconduct and will subject an employee to disciplinary action, up to and including discharge."

Company opined that the grievant's failure to follow the "ghost call" procedure led the customers to conclude the call and have to call back for service, having a direct impact on the customer. As noted in the above policy answering customer calls is a core expectation, the essence of a Service Representative's job, and failure to carry out that responsibility is just cause for discharge.

Union opined that discharge of a five year employee in this situation with no active formal discipline is too severe. The Union noted there were no customer complaints about her performance and that it was only through CQM that the Company discovered these problems. Further, the Union opined the grievant offers a plausible explanation for the dead air time.

Company noted that because of continuing problems with inappropriate handling of customer calls, a revised Call Center Conduct Policy was communicated and implemented in July 1999, after the grievant's discharge. That policy makes it clear that certain behaviors, including those which are the basis for this grievance, may result in immediate discharge.

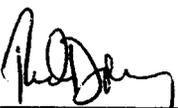
A review of the grievant's attendance record indicates that it was unsatisfactory. The grievant over the course of her career has been absent on sick leave and leave of absence for a total of 10% of the time. Usage at the rate of 80 hours per year, which is considered excessive if on an on-going basis, is 3.8%. In addition, the grievant has had eight one-half months of absence related to an industrial injury. All totaled, the grievant has been unavailable 14 1/2 months out of 61 months or 24% of the time.

Decision

Based on the fact that the policy in place at the time of this grieved discharge could have been interpreted by employees that discipline short of discharge would be administered, the PRC agrees to close this case as follows:

- Reinstatement to Customer Services Representative at the Fresno Call Center.
- Backpay retroactive to 09/13/99, with benefits intact, except for vacation per Section 8.5(a). No offsets from outside earnings.
- Written Reminder in the Work Performance category effective for one year from July 30, 1999.

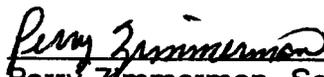
This case is considered closed on the basis of the foregoing without prejudice to the position of either party.

for 

 Margaret A. Short, Chairman
 Review Committee

11-23-99

 Date



 Perry Zimmerman, Secretary
 Review Committee

11-22-99

 Date