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- DECISION
 LETTER DECISION
 PRE-REVIEW REFERRAL

Review Committee File No. 1402-76-6
East Bay Division Grievance No. 1-17-76-17

Statement of the Case

This grievance concerns the discharge of Ms. E. Lacy, Customer Services Clerk, Oakland, for alleged continuing irresponsible job conduct and unacceptable job performance culminating in the events described below of February 3 and 4, 1976.

Discussion

The grievant was first employed March 8, 1971 as a Clerk D, Customer Services Department, Oakland. She later progressed to Counter and Credit Clerk C in the Oakland Office (July 1975). At the time, Ms. Lacy had successfully completed Phase I of the Customer Services Training Program (August 31, 1973); the Energy and Rates Program (December 5, 1973); and was appropriately considered by her supervisor to be qualified to handle customer questions with regard to their account and other diverse public-contact duties on the counter. During that period of time, Ms. Lacy was disciplined and counseled for her poor attendance and job performance. The thrust of the letter was to put her on notice that her work performance displayed an irresponsible attitude towards her job and, of further importance here, continued failure to respond to counseling by improving her job performance and attendance record would lead to more serious discipline. To firmly impress upon her the seriousness of the situation and the fact that her employment was in jeopardy, she was given a two-day disciplinary layoff without pay. This action was confirmed by the letter of October 9, 1975.

Subsequent to the disciplinary layoff, the grievant transferred laterally from her position on the counter to the ACDS phone section on the second floor of the Oakland Office as a Customer Services Clerk. This occurred on November 17, 1975. The transfer was permitted even though she was under active counseling at the time because the functions on the phone are similar to those that she performed on the counter. Additionally, as pointed out above, the grievant had successfully completed the training program prerequisite to such a transfer and, in fact, both before her appointment as a Clerk C and afterwards, she had been temporarily upgraded to Customer Services Clerk for short periods of time during the last three years. Thus, as she was entitled to such a transfer under the provisions of the Labor Agreement, there was no reason to deny her that opportunity.

Shortly after reporting on the new job, she was again tardy on five separate occasions, which prompted further counseling. On December 15, the Lead Clerk reported that the grievant was away from her desk and talking to another

clerk, and he found it necessary to tell her to return to her desk and take waiting calls. Later that same day, the Lead Clerk again had to instruct the grievant to return to her phone; whereupon the grievant simply ignored him and continued her discussions for ten more minutes, and then left the work area to go on a break. Finally, at about 5:05 PM on January 6, 1976, the grievant and another phone clerk engaged in a heated shouting match. The grievant was at her station and the other phone clerk, who was off duty, was across the room near the exit door. The exchange reached the point that it became necessary for the supervisor to step between the two females before a physical confrontation developed. The testimony makes it evident that although the grievant may or may not have started the argument that her choice of words contributed to its continuation and the disruption of other employees' efforts to serve customers on the phone. The grievant and the other employee were counseled and warned that should this happen again they both would be in serious trouble.

Lastly, the Committee is faced with her misconduct of February 3 and 4, 1976. As the incidents involved on February 3 and 4 necessarily result from the scheduled phone audit being made of the Oakland Customer Services Department, we will briefly outline the procedure involved. At this office, the monitoring station is located in the front of the room containing the employee-manned ACDS phone equipment. The auditor is in plain view of the phone-answering employees. Additionally, the phone clerks are aware that an audit is being performed. The auditor makes note of the dialogue between the clerk and customer and comments as to those that are handled well and those that are handled poorly. It is significant here to note that not once did Ms. Lacy deny that she had knowledge of the fact that the phones were being audited. In fact, to the contrary, she admitted that she knew that the audit was in progress.

The auditor testified at the proceedings below and at the Review Committee hearing that in addition to monitoring other calls, he audited 12 separate calls received by the grievant; three of which were handled satisfactorily and nine others unsatisfactorily. The nine unsatisfactory responses involved situations of the grievant putting the customer on hold and then turning and continuing a personal conversation with other clerks around her. On one call, the customer hung up after waiting without further response for three or four minutes. In another instance, the customer made a credit inquiry and Ms. Lacy put her on hold and then proceeded to walk around the office to the Gas Dispatch Room; all the time chatting with her fellow workers and then returned to her desk and disconnected the customer without explanation for having done so. In another, she received a call and after hearing the customer say "hello," she did not answer and hung up; however, leaving her green light on, which would indicate that she had a customer on the line; leaving the line punched in for approximately four or five minutes during which other calls could not be transferred to her. In total, even in the fact of her admission that she knew that the phones were being audited, there were nine calls over the two-day period that displayed an indifferent attitude towards the customers' problems.

As pointed out by Mr. Girard, Office Customer Services Supervisor, at the Review Committee hearing, the reason to continue the audit on the second day rather than to make an immediate confrontation was to give the grievant the benefit of doubt that her conduct on the phone that day was not as it seemed to be and also to allow District supervision to verify what the Division auditor had previously encountered if the misconduct were repeated. The record is clear that the grievant's handling of the customers on the following day was no different even though she admits an awareness that the audit was taking place.

Decision

On the basis of the record submitted to and further developed by the Review Committee, the Review Committee concludes that Ms. Lacy has, over the past year, demonstrated a deliberate irresponsible and indifferent attitude towards her employment, notwithstanding repeated counseling and discipline. Further, that when she had a desire to do so, she could be a capable and able employee in the performance of her public-contact work, both at the counter and on the phone. To this extent then, the Review Committee finds that there was just and proper cause for discharge.

This case is closed without adjustment, and the discharge upheld.

FOR UNION:

W. H. Burr
E. R. Sheldon
L. N. Foss

By *L. N. Foss*

Date *July 9, 1976*

FOR COMPANY:

J. A. Fairchild
P. Matthew
D. J. Bergman

By *D. J. Bergman*

Date *7-9-76*