



REVIEW COMMITTEE



PACIFIC GAS AND ELECTRIC COMPANY
LABOR RELATIONS DEPARTMENT
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INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, AFL-CIO
LOCAL UNION 1245, I.B.E.W.
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CLAIRE IANDOLI, CHAIRPERSON

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

KIT STICE, SECRETARY

Review Committee Numbers 23861, 23862 & 23882 (Customer Care) – (Call Center) – (San Jose)

Julia Albuquerque-Kurtz
Company Member
Local Investigating Committee

Ray Mendoza
Union Member
Local Investigating Committee

Subject of the Grievance

This case involves three Employees who received Decision-Making Leaves (DMLs) for call avoidance in violation of the Contact Center Operations (CCO) Employee Conduct policy.

Facts of the Case

Intradiem is a training tool, implemented in June 2013 to provide Call Center employees with work updates, program changes and training all while sitting at their desks. The program was provided through the employees' computer and was intended to be used by employees when call volume was down.

From approximately June 22, 2017 until July 15, 2017, the Grievants repeatedly assigned themselves Intradiem topics, including slide shows and videos (including Hot Topics, ECI Refresher, CSOS Podcast Outage Team, FMO Process Changes, etc.) but they would never complete the program (i.e., they failed to click to the last or next to the last slide) thus resulting in Intradiem offering the employees' the program again.

In some cases, the Grievants took the same assignment for 26 times without completion. The manipulation of CCO programs to reduce the frequency of calls is a form of call avoidance as stated in the CCO Supplemental Conduct Summary.

Call avoidance ranged from 163 minutes for one Grievant to 217 minutes for another Grievant. In summary, the Grievants avoided between 2.71 hours to 3.61 hours of customer calls, which caused their co-workers to have to pick up the calls they were avoiding.

In addition to the three Grievants who were issued DMLs, four other employees were terminated for manipulating the same system, but whose behaviors and time used was more egregious.

The Contact Center Operations Employee Conduct Summary Supplement provides in pertinent part, "You should be aware that engaging in serious misconduct may result in immediate termination. Examples of serious misconduct include...Manipulating of the telephone console or CCO programs and equipment to reduce the number or frequency of calls received or responded to by the employee at his/her work station. This includes using any telephonic features to avoid receiving or responding to calls."

Discussion

The Union argued that the Company's decision to terminate some employees but not all the employees established disparate treatment. They viewed the cut-off between those receiving DMLs and those who were terminated as an arbitrary determination.

The Company argued the penalty of DML was justified because the sole duty of a Customer Service Representative is to answer Customer calls. The Grievants neglected their primary duty to the Customer and overburdened their co-workers. Additionally, the Company argued there was no disparate treatment because the penalty, termination versus DML, was based upon specific behaviors and the severity of the call avoidance.

Decision

The Committee agrees to settle these cases on a non-precedent setting, non-referable basis. The DMLs have since been deactivated and are moot. The Committee agrees to close these cases without adjustment.

Claire Landoli 6/11/18
Claire Landoli, Chairman Date
Review Committee

Kit Stice 06/07/2018
Kit Stice, Secretary Date
Review Committee