



## REVIEW COMMITTEE

**IBEW**



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INTERNATIONAL BROTHERHOOD OF  
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CLAIRE IANDOLI, CHAIRPERSON

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

KIT STICE, SECRETARY

### **Review Committee Numbers 23840 (Customer Care) – (Contact Center) – (Fresno)**

Julia Alburquerque-Kurtz  
Company Member  
Local Investigating Committee

Ray Mendoza  
Union Member  
Local Investigating Committee

#### Subject of the Grievance

The Grievant was terminated for call avoidance in violation of the Contact Center Operations (CCO) Employee Conduct policy.

#### Facts of the Case

Grievant was a Service Representative with a February 17, 2011 date of hire who was later terminated on September 1, 2016 for call avoidance.

Grievant was advised of excessive hold times with customers during Grievant's July 8, 2016, progression plan (monthly work performance evaluation). Grievant acknowledged he understood the CCO Employee Conduct policy and understood that call avoidance was a terminable offense.

It was discovered during the Company's scheduled compliance in July and August 2016 that Grievant was placing customers on hold for anywhere between 2-19 minutes with periods of inactivity and with no business justification. In fact, 18 calls were uncovered where some customers were placed on hold several times during a single call.

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 Company argued that Grievant was well aware of the CCO policy regarding call avoidance and had been advised during his July progression plan regarding excessive hold times. However, 3 days later he began exhibiting the same behaviors.

The Union argued that the Grievant followed the Supervisor's instructions to reduce hold times and the Company's allegations against the grievant are exaggerated. According to the Union, the evidence does not support the allegation of call avoidance.

Decision

The Review Committee agrees to settle this case on a non-precedent setting, non-referable basis. The Company reserves its right to maintain its position that call avoidance is a terminable offense. Notwithstanding the Company's position, the Grievant will be offered a "last chance agreement" to return to work on a Decision Making Leave (DML). The DML will be effective the day the employee returns to work.

The Company will contact the Grievant to arrange to return work within 10 business days of the date of this decision.

As a result of this decision, the Grievant will not be entitled to back pay or out of pocket benefit expenses but shall be reinstated with seniority and other benefits (prior unused sick leave, unused HRA funds, etc.) intact.

Based on the decision above, this case is settled and closed.

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Claire Iandoli, Chairman      Date  
Review Committee

 06/13/2018  
\_\_\_\_\_  
Kit Stice, Secretary      Date  
Review Committee