



## REVIEW COMMITTEE



PACIFIC GAS AND ELECTRIC COMPANY  
LABOR RELATIONS DEPARTMENT  
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INTERNATIONAL BROTHERHOOD OF  
ELECTRICAL WORKERS, AFL-CIO  
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CLAIRE IANDOLI, CHAIRPERSON

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

KIT STICE, SECRETARY

### Review Committee Numbers 23856, 23857, 23858 & 23859 (Customer Care) – (Call Center) – (San Jose)

Julia Alburquerque-Kurtz  
Company Member  
Local Investigating Committee

Ray Mendoza  
Union Member  
Local Investigating Committee

#### Subject of the Grievance

This case involves four Employees who were terminated 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 9 to 35 times without completion. The failure to complete the assignment was a form of call avoidance and resulted in the manipulation of CCO programs to reduce the frequency of calls to the Grievants.

Call avoidance ranged from 343 minutes for one Grievant to 503 minutes for another Grievant. In summary, the Grievants avoided between 5.71 hours to 8.38 hours of customer calls, which caused their co-workers to have to pick up the calls they were avoiding.

In addition to the four Grievants who were terminated, three other employees were given a DML for the same reasons, but who used less time than the terminated Grievants.

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 termination 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 the severity of the call avoidance.

Decision

The Review Committee agrees to settle these cases 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 Grievants 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 each Grievant to arrange to return work within 10 business days of the date of this decision.

As a result of this decision, the Grievants 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, these cases are settled and closed.

Claire Ian      6/11/18  
Claire Iandoli, Chairman      Date  
Review Committee

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