



REVIEW COMMITTEE

IBEW



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

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

KIT STICE, SECRETARY

Pre-Review Committee Number 23777 (Customer Care) – (Call Center) – (Sacramento)

Julia Albuquerque-Kurtz
Company Member
Local Investigating Committee

Eddie Moreno
Union Member
Local Investigating Committee

Subject of the Grievance

This case involves a Service Representative who 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 hire date of 9/23/13. Grievant served as a "Blended Agent" who would take general calls and answer e-mails when call volume was low.

The CCO Conduct Policy provides in pertinent part, "You should be aware that 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 workstation. This includes using any telephonic features to avoid receiving or responding to calls." Grievant admitted she was aware of the CCO Conduct Policy

Grievant was observed doing emails while there were over 1,000 calls in queue. This was in violation of the Agent GenRef policy which states in pertinent part, "...you must follow the process in order to ensure you will receive a call first if there are any calls in queue."

When Grievant's Supervisor questioned her about her high "After Call Work" status, Grievant started using a different call status such as "Outbound." Grievant's Supervisor conducted an investigation and discovered from January 1, 2016 through May 15, 2016, Grievant used the "Outbound Call" state 120 times over a period of 95 work days.

Discussion

The Union argued that the Company's decision to terminate the employee was too severe as there was no negative impact to the Company. According to the Union her actions do not warrant termination but a lesser discipline, such as a DML.

The Company argued that when the Supervisor brought up concerns with her high "After Call Work" status, she started using a different call status such as "Outbound". The Company believed she did this to manipulate her compliance statistics.

Decision

The Review Committee has reviewed this case at length. The Review Committee agrees to reinstate the Grievant on January 2, 2019, provided Grievant takes and passes the Company's drug screening test. Grievant's reinstatement will include:

- 1) No backpay from date of termination.
- 2) Upon return to work, Grievant will be issued a DML for conduct;
- 3) Upon return to work, Grievant will be placed at the "End of 3 year wage step" of \$33.29.
- 4) Seniority and benefits will remain intact. Any unused sick leave will be restored. However, Grievant will not be entitled to any out of pocket expenses during her leave.

Based on this decision, this case is settled and closed on a non-precedential, non-referable basis.

Claire Ica 12/19/18
Claire Iandoli, Chairman Date
Review Committee

Kit Stice 12-19-18
Kit Stice, Secretary Date
Review Committee