



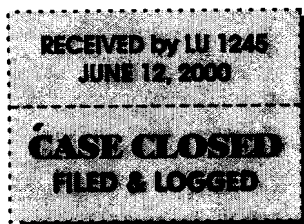
## REVIEW COMMITTEE



PACIFIC GAS AND ELECTRIC COMPANY  
2850 SHADELANDS DRIVE, SUITE 100  
WALNUT CREEK, CALIFORNIA 94598  
(925) 974-4123

MARGARET A. SHORT, CHAIRMAN

DECISION  
LETTER DECISION  
PRE-REVIEW REFERRAL



INTERNATIONAL BROTHERHOOD OF  
ELECTRICAL WORKERS, AFL-CIO  
LOCAL UNION 1245, I.B.E.W.  
P.O. BOX 4790  
WALNUT CREEK, CALIFORNIA 94596  
(925) 933-6060  
BOB CHOATE, SECRETARY

Business Manager's Grievance No. IR-IBEW-99-08  
**Review Committee Decision No. 11613**

Stacy Scharlatt  
Company Member  
Local Investigating Committee

Kathy Maas  
Union Member  
Local Investigating Committee

**Subject of the Grievance**

This case concerns an employee conduct supplement issued in July 1999 for Call Center employees.

**Facts of the Case**

An Employee Conduct Supplement to Standard Practice 735.6-1 has been in effect at the Call Centers since at least June 1996 (Call Centers have been in operation since summer 1995). The 1996 Supplement contained two examples of misconduct. It was revised in August 1998 and two more examples of misconduct were added. These policies stated: "BEHAVIOR OR ACTIONS OF THIS NATURE CONSTITUTE SERIOUS MISCONDUCT AND WILL SUBJECT AN EMPLOYEE TO DISCIPLINARY ACTION UP TO AND INCLUDING DISCHARGE."

In July 1999 the supplement was again revised. It listed six examples of misconduct; the last three examples had the same admonition of consequence as stated in the paragraph above. However, the first three examples of misconduct included the admonition: "Examples of serious misconduct that may subject an employee to **immediate discharge** include but are not limited to the following:

- Disconnecting a customer during a call in progress. This includes calls where dialog has not yet been initiated by the customer or the employee, and calls where the customer concludes the call has been ended because the employee has ceased communicating, or blocked dialogue.

- Manipulating of the telephone console or other Call Center equipment to reduce the number or frequency of calls received or responded to by the employee at his/her assigned work station. This includes using the Aux, Mute, or Hold features to avoid receiving or responding to calls.
- Threatening a customer."

On July 30, 1999 Union filed a Business Manager's grievance alleging that the policy violated the Positive Discipline Agreement and the Clerical Agreement. The correction requested was to rescind the July 1999 Conduct Supplement.

#### Discussion

The Union presented Review Committee Decision 1547 and cited Arbitration Case 51 in support of their position that they must grieve a policy when they first become aware or they are estopped due to acquiescence from grieving the subsequent application of the policy to an individual employee.

Company cited the language in Section 7.1 noting its right to discipline or discharge employees for just cause. Company also noted that the July 1999 supplement says employees "may (emphasis added) be subject to immediate discharge" and that means that the facts will determine whether discharge is the appropriate discipline or something less severe. Company believes that certain behaviors are so serious that they might warrant termination even if the employee had no active discipline and that employees should be made aware of the consequence. Company further explained that due to technological advances, management is now able to demonstrate with evidence whether an employee disconnected or otherwise manipulated a customer call.

After a lengthy discussion, Union agrees that the Company has the right to discharge for just cause whether they have a policy that states so or not. Such discharges are subject to challenge in the grievance procedure. The Union further agrees that the Company has emphasized to Call Center employees, by way of the conduct supplement, that certain misconduct could lead to their discharge.

The Review Committee noted that this is a case where there is really nothing to be gained by arbitration since the parties are in agreement that Company has the right to terminate, Union has the right to challenge a termination, and the parties agree that the misconduct cited in the supplement is very serious.

#### Decision

In the spirit of the Partnership, Company agreed to revise the word **immediate** from the Call Center Conduct Supplement. The Company agrees to continue to communicate the expectations to the Call Center employees noting the seriousness of certain behaviors and the Union acknowledges that those employees have been warned of the possible consequences of their actions.

This case is closed on the basis of the foregoing understandings.

**For the Company:**

Margaret A. Short  
Ernie Boutte  
Dave Morris  
Malia Wolf

**For the Union:**

Bob Choate  
William R. Bouzek  
Ed Dwyer  
Sherrick A. Slattery

By: Margaret Short  
Date: 6/9/00

By: Bob Choate  
Date: 6/9/00