



PACIFIC GAS AND ELECTRIC COMPANY
2850 SHADELANDS DRIVE, SUITE 100
WALNUT CREEK, CALIFORNIA 94598
(925) 974-4282

MARGARET A. SHORT, CHAIRMAN

DECISION
LETTER DECISION
PRE-REVIEW REFERRAL

REVIEW COMMITTEE

RECEIVED by LU 1245
SEPT. 26, 2001

**CASE CLOSED
FILED & LOGGED**

IBEW



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
SALIM A. TAMIMI, SECRETARY

Review Committee No. 12738 Call Center Operations – San Jose

Adrienne Hampton
Company Member
Local Investigating Committee

Debbie Mazzanti
Union Member
Local Investigating Committee

Subject of the Grievance

This case concerns the discharge of a 21-year Sr. Service Representative I for disconnecting two customers effective May 18, 2001.

Facts of the Case

On April 19, 2001 a customer call was referred to the grievant from a Service Representative. According to the grievant, when she came on the line, the customer was screaming obscenities and demanding that his deposit be waived. The customer also wanted the name of the Service Rep that had transferred his call. The grievant declined to give the other employee's name and repeated her own name several times.

The grievant indicated she heard the phone slam down. She asked several times "Sir are you there:" to which there was no response. After a number of seconds the grievant released the call. She said the display was blank, not showing a phone number, as if the customer was gone. The grievant indicated during the original investigation that there was no one for her to transfer the call to, and then at the LIC stated she thought she could handle the call.

The customer reported that the grievant was rude as soon as she came on the line, stating her name very sternly. He stated he requested the grievant's supervisor three or four times before she provided him with the name. The customer called back within three minutes to complain about the grievant's handling of his call.

Subsequent investigation indicated the customer was several months past due on his payment and that was the reason for the deposit request. The deposit was paid on June 26, 2001.

The second incident again began with a transferred call. According to the grievant as she came on line, she overheard the customer saying to someone in the background, "Watch the s--- that I pull here." After stating her name, the grievant testified that the customer said the Meter Reader threw something over the fence that made his dog sick. The customer demanded \$1000 and he wanted someone out right away to pay for the damages. Further the customer wanted the grievant to send him a letter confirming this arrangement.

The grievant stated she told the customer she could send him a form to complete for his claim but that she could not do what the customer wanted. Further, the grievant repeatedly suggested to the customer that he take his dog to the vet as a first priority. According to the grievant the customer said he was going to the local office to register his complaint and that he was hanging up.

During the original investigation, the grievant stated that she and the customer "hung up simultaneously". At the LIC, the grievant stated she heard the phone being put down, heard a conversation in the background and tried to get the customer back on line by saying, "sir, sir". When he did not return, she considered the call to be concluded since the customer said he was going to the local office. She then released the call. Grievant completed a help tag for the customer's claim to be investigated. On that tag she indicated the customer was using profanity and she released the call.

The customer stated the grievant kept advising him to file a claim then all of a sudden she hung up. He found it rude and insulting. The customer did call in again to complain.

The record indicates that a claim form was mailed to the customer on April 25 but does not indicate whether a completed form was ever returned or if the alleged incident with the dog ever occurred. The record also does not indicate that the Meter Reader who read the customer's meter was identified or questioned.

The grievant's PD Log contained seven positive contacts on her job performance, five from customers and two from supervision. There were no active coaching and counseling or formal discipline entries.

Discussion

Company noted the Mocon Trace Reports and the grievant's own testimony clearly indicate the grievant disconnected the two calls. It has been clearly communicated to Call Center employees that they are to wait until a customer disconnects before ending the call. The Call Center Conduct Summary is also clear that discharge may result from disconnecting customer calls and the Summary had been reviewed by the grievant.

Company noted that the Call Center Conduct Summary issued in 1999 resulted in the filing of a Business Manager's grievance resulting in Review Committee No. 11613. That decision upheld Company's right and intention of discharging employees for releasing calls.

Finally, Company argued that there are procedures for referring calls to a lead clerk or Team Lead rather than disconnect. The grievant knew these procedures but chose not to follow them. Since the grievant is in a lead classification, it is expected that she would be proficient in handling the more difficult calls.

Union argued that the penalty of discharge is too severe for this factual situation. In this instance, the grievant did talk with the customers and attempt to satisfy them; she didn't try to avoid work as in some prior cases. Union stated that Service Representatives have to put up with difficult customers day in and day out, therefore, Company should give that some consideration as a mitigation to discharge. Union further argued that the intent of Positive Discipline is to change behavior, not to be punitive.

Union stated that to their knowledge, there have not been repeat offenders. Early on, when the Call Centers were first established there were Written Reminders issued for disconnects. The resulting grievances upheld the Written Reminders at a non-precedential level (Fact Finding). Union argued they could have referred the cases to Pre-Review and then agreed to the Written Reminder thereby establishing precedent at the WR level but in the interest of settling grievances at the lowest possible step, they settled at Fact Finding. Thereafter, Company began issuing Decision Making Leaves for disconnects. These grievances were referred to PRC and upheld, thereby establishing the penalty at the DML level. Still not satisfied, Company then raised the bar to discharge which in the Union's opinion is too high.

Union also noted the discharge that was upheld at PRC when a Service Rep held on to a call for 38 minutes when there was no customer. Union stated the employee runs the risk of being discharged if they hang up too soon or not soon enough. If the Company does not want employees to disconnect, they should disable the release button.

Decision

After a very lengthy discussion, the parties agreed to settle this case by reinstating the grievant with benefits in tact as a Service Representative with back pay at the Service Rep rate. The grievant will be placed on a DML effective for one year from her date of return.

The Review Committee is in agreement that discharge may still result from disconnecting calls even if the employee has no active discipline under certain circumstances. By way of example, if a situation arises in a future case with facts similar to those in Arbitration Case 240, then discharge would be appropriate.

This case is closed on the basis of the foregoing adjustment and understanding.

For the Company:

Margaret A. Short
Ernie Boutte
Dave Morris
Malia Wolf

For the Union:

Sam Tamimi
William R. Bouzek
Ed Dwyer
Sherrick A. Slattery

By: Margaret A. Short

By: Sam A. Tamimi

Date: 9/13/01

Date: 9-13-2001