

MEMORANDUM OF AGREEMENT Monitoring & Recording of Calls

This Memorandum of Agreement confirms the understanding between the Companies and the Union regarding the monitoring and recording of calls for service assurance and evaluative purposes. This agreement applies to Call Centers in the Consumer Markets Group (CMG), Small Business Solutions, National Customer Support, AT&T Business Solutions Customer Care Ordering, and the Credit and Collections organization.

Call Centers that do not currently have the ability to record calls will follow the terms and conditions of the prior Monitoring MOA's until recording equipment is installed. AT&T Business Solutions Group will follow MOA 95-20, Credit and Collections and the National Customer Support Organizations (NCSC and Broadband repair) will follow MOA 71-7. For the first sixty (60) days after a Broadband repair center implements supervisory monitoring, monitored calls will be used only for coaching and development purposes.

- Customer calls recorded for service assurance will not result in employee discipline unless Call Handling/Customer Contact Misconduct violations are involved. Call Handling/Customer Contact Misconduct violations include: slamming, cramming, fraud, deliberate falsification of records, intentionally disconnecting customers, intentionally not following required disclosures, privacy violations, customer mistreats, work avoidance, camping to avoid calls, inappropriate message or conversation content, and performing personal activities when scheduled to serve customers. Work performance issues are not to be considered or construed as Call Handling/Customer Contact Misconduct.

For the first ninety (90) days following the effective date of this Agreement or, for those organizations which do not have recording capability, the first ninety (90) days following the Department's implementation of recordings, prior to meeting with employees to discuss Call Handling/Customer Contact Misconduct violations regarding calls recorded for service assurance, a review of such calls will be conducted by a Labor Relations Manager and a National Union Representative.

- Recorded calls and monitoring used for evaluative purposes are intended to result in enhanced training and coaching and will take place as described below:

To be done only when a visual indicator has notified all employees in the workgroup and a published monthly or weekly recording and monitoring schedule at the team/section level has been provided to employees. Supervisors will have the ability to reschedule a recording or monitoring session when necessary due to unforeseen circumstances, e.g., called in sick, personal tragedy, etc.

Shall be limited to no more than eight (8) calls per month. Such evaluative recording and/or monitoring of an employee will take place no more than two (2) days per month and will be limited to one (1) session each day.

New employees for six (6) months following initial training will have no limit to the number of evaluative calls recorded and/or monitored and will not be notified of evaluative recording or monitoring by either a visual indicator or a published schedule.

Coverage of an employee should take place as soon as possible, but must take place within twenty-four (24) hours of the evaluative call being monitored. However, for evaluative recorded calls, management review of the call must take place within one (1) week of the recording and coverage of the recorded call must take place within twenty-four (24) hours following the review of the recorded call.

Retention of recordings will be no more than thirty (30) days, at which time the recording will be destroyed, unless the recording will be used to substantiate disciplinary action. Where the recording is used to substantiate disciplinary action, it shall be retained for no more than ninety (90) days. Within the ninety (90) day recording retention period, a copy of the recording will be provided to the Union upon request for purposes of problem solving or the grievance process. By the end of the ninety (90) day recording retention period, if the Union requested a copy of the recording, the recording must be returned to the Companies. In addition, by the end of the ninety (90) day recording retention period, the Companies will transcribe the recorded call and the recording will be destroyed. The Companies will provide a copy of the transcription to the Union upon request; when all appeal processes are concluded, the transcription must be returned to the Companies and it will be destroyed. To ensure compliance with legal and regulatory customer privacy requirements, a Non-Disclosure Agreement will be signed by the appropriate Union representative prior

to receiving a copy and/or transcription of the recorded call and applicable screen shots.

No employee will be dismissed solely as a result of evaluative recording and/or monitoring, unless Call Handling/Customer Contact Misconduct violations are involved. Call Handling/Customer Contact Misconduct violations include: slamming, cramming, fraud, deliberate falsification of records, intentionally disconnecting customers, intentionally not following required disclosures, privacy violations, customer mistreats, work avoidance, camping to avoid calls, inappropriate message or conversation content, and performing personal activities when scheduled to serve customers.

- Simultaneous monitoring and recording will be used solely for coaching and development of management personnel and will be done only with the concurrence of the monitored employee.
- Monitoring or recording of calls that is performed by anyone other than management shall be used for coaching and development and may not be used for evaluative or disciplinary purposes. Employees receiving Relief Differential are not management.
- Desk Top Screen shots will be used primarily for coaching and training purposes.
- Local Union representatives will be provided recording usage reports upon request or in the problem resolution process.
- To facilitate implementation, the Companies agree for sixty (60) days from the installation of the recording equipment in each office, to use recorded calls and screen shots for coaching purposes only.
- The Companies will provide the Local Union with thirty (30) days notice of the date the recording equipment is to be installed in an office to provide information and answer any questions. The Union will have full participation in the creation and implementation of any communication plan. Participation will include the CWA Local Presidents or their designee and Company Vice Presidents or General Managers or their designee. Joint communication sessions for employees will be scheduled in work groups to describe the recording and monitoring process and the contents of this MOA.

GLOSSARY OF TERMS

Administrative Monitoring – A random sampling that provides the utility with an overall evaluation or index of the quality of service provided by an office or workgroup, without reference to or identification of an individual employee.

Coach – One who guides and directs performance growth and development.

Deskside – Monitoring that is done at the desk of the employee being monitored.

Development – Any activity focused on improving or enhancing an employee's performance or behavior.

Discipline – Any action taken by the coach that carries negative consequences for non-performance.

Monitoring – A third-party listening to both sides of the telephone conversation between two other parties.

Simultaneous Monitoring – Two or more managers monitoring the same call at the same time for the purpose of coaching and development of management personnel. Simultaneous monitoring is done only with the concurrence of the monitored employee.

Supervisory Monitoring – Monitoring to train and supervise individual employees in their performance of telephone service assignments.

Work Performance Issues – Issues directly related to the day-to-day job assignment and job functions such as attendance, average handling time, sales objectives, and related measurements of work standards.

Effective date/language: With ratification

Termination date/language: With expiration of the 2016 Collective Bargaining Agreement

Applies to:

Pacific Bell Telephone Company (Except Appendix E)	<u>X</u>	SBC Global Services, Inc.	_____
Nevada Bell Telephone Company (Except Appendix E)	<u>X</u>	Appendix E	_____
AT&T Services, Inc.	<u>X</u>		

Communications Workers of America

AT&T West

Agreed: Ellen West
Ellen West
Area Director - CWA

Agreed: Jon Irean
Jon Irean
Director – Labor Relations

Date: 10-14-2017

Date: 9/14/2017

**PROPOSED CHANGES AND ADDITIONS TO THE
MONITORING AND RECORDING CALLS Q&A**

Below are questions and answers to facilitate implementation and understanding of the 2017 Monitoring and Recording of Calls Memorandum of Agreement (MOA).

FROM THE MEMORANDUM OF AGREEMENT

“Customer calls recorded for service assurance will not result in employee discipline unless Call Handling/Customer Contact Misconduct violations are involved... Work performance issues are not to be considered or construed to be Call Handling/Customer Contact Misconduct.”

QUESTION	ANSWER
<p>1. What is “service assurance”?</p>	<p>It is the process of listening to recordings for assessing customer care and identifying process improvement opportunities and will not be conducted by the team/section manager or the team/section manager’s supervisor.</p> <p>Service Assurance monitoring will occur at any time without notice.</p> <p>When reviewing recordings for service assurance, employees will not be subject to discipline unless there is a Call Handling/Customer Contact Misconduct violation.</p>
<p>2. What are examples of Call Handling/ Customer Contact Misconduct violations?</p>	<p>Examples include: slamming, cramming, fraud, deliberate falsification of records, intentionally disconnecting customers, intentionally not following required disclosures, privacy violations, customer mistreats, work avoidance, camping to avoid calls, inappropriate message or conversation content, and performing personal activities when scheduled to serve customers.</p>
<p>3. What are examples of “work performance issues”?</p>	<p>Work performance issues are areas in which an employee needs training, coaching or development in order to be proficient or in order to meet standards, e.g., Average Handle Time, conformance, hold procedures, transfer procedures, adherence and contact guide procedures.</p>

FROM THE MEMORANDUM OF AGREEMENT

“To be done only when a visual indicator has notified all employees in the workgroup and a published monthly or weekly recording and monitoring schedule at the team/section level has been provided to employees. Supervisors will have the ability to reschedule a recording or monitoring session when necessary due to unforeseen circumstances, e.g., called in sick, personal tragedy, etc.”

QUESTION	ANSWER
4. What is considered a visual indicator?	<p>Offices could have different types of visual indicators. Current examples include: moving message boards, lights, signs, etc. (Note: moving message boards are to be used for business items only when being used for notification.)</p> <p>All employees must have knowledge of what that indicator is. The visual indicator needs to stay in place when any evaluative monitoring or recording is taking place.</p> <p>If evaluative monitoring stops and recordings are not scheduled for evaluative use, the indicator must be removed. No exceptions.</p>
5. Does this mean we have to use both a visual indicator and provide a schedule?	<p>Yes. All employees will receive a schedule of what day their team/section will have recorded calls used for evaluative purposes. It will be published either monthly or weekly.</p> <p>In addition, managers are expected to listen to monitored or recorded calls for evaluative purposes in accordance with the published schedule and visual indicator.</p>
6. Can evaluative calls be rescheduled?	<p>Yes. Scheduling changes may occur due to a manager or rep being ill, or other situations requiring the manager or rep to be out of the office. Such changes should be minimal and communicated with as much advance notice as possible.</p>

FROM THE MEMORANDUM OF AGREEMENT

“Shall be limited to no more than eight (8) calls per month. Such evaluative recording and/or monitoring of an employee will take place no more than two (2) days per month and will be limited to one (1) session each day.”

QUESTION	ANSWER
7. How is a "session" defined for monitoring recorded calls for evaluative purposes?	<p>A session for evaluative monitoring begins when a manager opens the first recorded call for an employee. The session continues as long as that manager is opening calls for the same employee in consecutive order, up to the 8 allowed per month.</p> <p>Recorded calls can only be used for evaluative purposes if they occurred on the days shown in the pre-published schedule, and while a visual indicator was posted for all employees.</p>
8. Can more than eight (8) calls be recorded?	<p>Yes, however only eight (8) recorded calls may be used for evaluative purposes each month. The calls used for evaluation on a scheduled day will be consecutive.</p> <p>There is no limit to the number of recorded calls used for coaching purposes. Recorded calls may be an effective coaching tool. Employees can benefit from feedback on recorded calls reviewed for coaching purposes.</p>
9. Will recorded calls obtained while an employee is working an overtime opportunity or on a holiday be used for evaluative purposes?	<p>No, in offices where local agreements have been reached to not conduct evaluative monitoring on overtime or holidays in order to encourage volunteers to work overtime and holidays. However, if a call extends beyond an employee's normal end of day, the call may be used for evaluative purposes, subject to the provisions of the MOA.</p>
10. Are we recording outbound calls?	<p>Yes. Employees who make or take calls from a workstation with recording infrastructure will be recorded.</p> <p>Since conference calls and warm transfers may involve employees in other departments not covered by this agreement, those recordings would not be available to employees or managers of those other departments.</p>
11. Will outbound calls placed during closed time be recorded?	<p>Yes, but those calls would not be used for evaluative purposes, unless those same call types are evaluated today.</p>

12. How does customer notification work on outbound calls?	Employees calling customers from a workstation with recording infrastructure will need to give notice at the beginning of an outbound call, until a systematic approach is established. A script will be provided.
13. Are calls made to other employees recorded?	All calls placed or received from a workstation with recording infrastructure are recorded. If a customer contact involves interactions with other employees, the entire contact is subject to the evaluative process. Calls made solely from employee to employee are not subject to evaluative monitoring. (See number 10 above.)
14. Can an employee be recorded for evaluative purposes more than two (2) times a month?	No. Recording an employee for evaluative purposes is limited to 8 calls per month and will take place on no more than 2 days per month. Monitoring for developmental or coaching purposes can occur at any time during the month.
15. How do we handle a customer who requests not to be recorded?	Offer a call back and make arrangements with your manager to place that call from a workstation that is not part of the recording infrastructure. OR Transfer the caller to a manager's desk or a workstation not part of the recording infrastructure, and move to that desk to finish the call.

FROM THE MEMORANDUM OF AGREEMENT

"New employees for six (6) months following initial training will have no limit to the number of evaluative calls recorded and/or monitored and will not be notified of evaluative recording or monitoring by either a visual indicator or a published schedule.

QUESTION	ANSWER
16. What is considered initial training?	The six (6) month period begins following an employee's placement into the position or when an employee officially completes initial training (IT), whichever is applicable.

FROM THE MEMORANDUM OF AGREEMENT

"Coverage of an employee should take place as soon as possible, but must take place within twenty-four (24) hours of the evaluative call being monitored. However, for evaluative recorded calls, management review of the call must take

place within one week of the recording and coverage of the recorded call must take place within twenty-four (24) hours following the review of the recorded call.”

”Retention of recordings will be no more than thirty (30) days, at which time the recording will be destroyed, unless the recording will be used to substantiate disciplinary action. Where the recording is used to substantiate disciplinary action, it shall be retained for no more than ninety (90) days.”

QUESTION	ANSWER
<p>17. When will an evaluative recorded call that is reviewed Friday or Saturday be covered with the employee?</p>	<p>If the employee is not working on Saturday, feedback may be given on Monday.</p> <p>If the employee is off work, then feedback must occur on the day the employee returns to work.</p> <p>Recorded calls used for evaluative purposes must be reviewed by management within one week of the recording and feedback must be provided within 24 hours of the manager’s review.</p> <p>However, live monitored calls used for evaluative purposes should be covered within twenty-four (24) hours, so feedback sessions should be planned accordingly.</p>
<p>18. Will coverage of evaluative recorded calls include listening to the call by the employee?</p>	<p>Employees can learn from listening to well handled calls and calls that need improvement, and should be allowed to listen to any calls of interest. Employees must be allowed to listen to evaluated calls, or portions thereof, where a “not met” score was given.</p> <p>Managers should schedule sufficient time for feedback sessions in order for employees to listen to evaluative recorded calls, or portions thereof, scored as “not met.”</p>
<p>19. Can recordings be retained more than 30 days?</p>	<p>Yes, if the recording will be used to substantiate disciplinary action, but only in accordance with the terms of the MOA.</p>

FROM THE MEMORANDUM OF AGREEMENT

“No employee will be dismissed solely as a result of evaluative recording and/or monitoring, unless Call Handling/Customer Contact Misconduct violations are involved.”

QUESTION	ANSWER
20. What does this mean?	Any discipline issued by the Company is subject to the “just cause” provisions of the Collective Bargaining agreement.

FROM THE MEMORANDUM OF AGREEMENT

“Simultaneous monitoring and recording will be used solely for coaching and development of management personnel and will be done only with the concurrence of the monitored employee.”

QUESTION	ANSWER
21. Does this apply to both live and recorded calls?	Yes.
22. Can we count these monitored calls as evaluative?	No. Calls monitored simultaneously by local management personnel will not be used for evaluative or disciplinary purposes for the monitored employee.

FROM MEMORANDUM OF AGREEMENT

“Desk Top Screen shots will be used primarily for coaching and training purposes”.

QUESTION	ANSWER
23. What does this mean?	Desk Top Screen shots are another tool used by management to coach and train employees for effective call handling and customer interactions.

FROM THE MEMORANDUM OF AGREEMENT

To facilitate implementation, the Companies agree for sixty (60) days from the installation of the recording equipment in each office, to use recorded calls and screen shots for coaching purposes only.

QUESTION	ANSWER
24. When will the 60 day period begin?	The sixty (60) day period will begin when the recording equipment begins recording calls. Specific dates will be provided to each employee as part of the deployment communications.

25. Will managers continue to do evaluative monitoring during the first 60 days?	Yes. Management may continue to perform live evaluative monitoring during the sixty (60) day period, and terms of the applicable supervisory monitoring MOA remain in effect.
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Please refer additional questions to your local manager or Local Union representative.