



# CHARGE

Michigan Department of Licensing and Regulatory Affairs  
Employment Relations Commission (MERC)  
Labor Relations Division  
313-456-3510

Authority: P.A. 380 of 1965, as amended.

**INSTRUCTIONS: File an original and 4 copies of this charge (including attachments) with the Employment Relations Commission at: Cadillac Place, 3026 W. Grand Boulevard, Suite 2-750, PO Box 02988, Detroit MI 48202-2988 or 611 W. Ottawa St., 2nd Floor, PO Box 30015, Lansing, MI 48909. The Charging Party must serve the Charge on the opposing side within the applicable statute of limitations, and must file a statement of service with MERC. (Refer to the "How to File a Charge" document under the "Forms" link at [www.michigan.gov/merc](http://www.michigan.gov/merc).)**

Complete Section 1 if you are filing charges against an employer and/or its agents and representatives. —or—  
Complete Section 2 if you are filing charges against a labor organization and/or its agents and representatives.

**1. EMPLOYER AGAINST WHICH THE CHARGE IS BROUGHT** Check appropriate box:  Private  Governmental

Name and Address:  
University of Michigan Health System  
1500 E. Medical Center Drive  
Ann Arbor, MI 48109

**2. LABOR ORGANIZATION AGAINST WHICH THE CHARGE IS BROUGHT**

Name and Address:

**3. CHARGE**

Pursuant to the ~~Labor Mediation Act (LMA)~~ or Public Employment Relations Act (PERA) (*cross out one*), the undersigned charges that the above-named party has engaged in or is engaging in unfair labor practices within the meaning of the Act.

**On an attached sheet** you must provide a clear and concise statement of the facts which allege a violation of the LMA or PERA, including the date of occurrence of each particular act and the names of the agents of the charged party who engaged in the complained of conduct. The charge should describe who did what and when they did it, and **briefly** explain why such actions constitute a violation of the LMA or PERA.

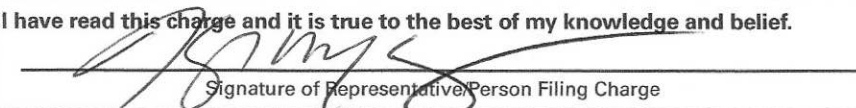
The Commission may reject a charge for failure to include the required information. However, it is not necessary to present your case in full at this time. Documentary material and exhibits ordinarily **should not** be submitted with this charge form.

4. Name and Address of Party Filing Charge (Charging Party)  
(if labor organization, give full name, including local name and number)  
University of Michigan House Officers Association

Telephone Number:  
( 734 ) 936-9205

5. List ALL related MERC case(s) (if any): \_\_\_\_\_  
(Name of parties)  
Case No.: \_\_\_\_\_ Judge: \_\_\_\_\_  
Case No.: \_\_\_\_\_ Judge: \_\_\_\_\_

I have read this charge and it is true to the best of my knowledge and belief.

  
Signature of Representative/Person Filing Charge

Email:  
kamccoy@gmail.com  
Telephone/Cell No.:  
253-224-0181  
Fax No.:  
608-203-5708

Print Name and Title:  
Kyle A. McCoy, Attorney

Street Address:  
5502 Upland Trail

City: Middleton

State:  
WI

Zip Code: 53562

The Department of Licensing and Regulatory Affairs will not discriminate against any individual or group because of race, sex, religion, age, national origin, color, marital status, disability, or political beliefs. If you need assistance with reading, writing, hearing, etc., under the Americans with Disabilities Act, you may make your needs known to this agency.

### §3 Basis of Charge

1. The House Officers Association (“HOA”) and the University of Michigan (“University”) (collectively the “parties”) are party to a labor contract covering all physicians and dentists taking part in a training program at the University (“house officers”). At this time the unit is comprised of approximately 1,200 house officers.
2. On or around March 19, 2019 the Employer announced changes to employee parking rules and access (to be effective April 26, 2019), that will severely, negatively impact HOA unit members' terms and conditions of employment. On March 22, 2019 the Employer announced a delay in implementing the changes, but only until "later this summer." On August 12, 2019 the Employer implemented its unilateral changes.
3. The parties' collective bargaining agreement (“Agreement”) includes, at Article XVIII, provisions for parking under special circumstances (on call designations, emergency consults and off-site assignments). These limited provisions, of course, illustrate that not all disputes related to parking are *ipso facto* covered by the parties' Agreement.
4. The sweeping changes announced on or around March 19, 2019, which concern conditions of employment, are mandatory subjects

and outside the scope of Article XVIII; therefore, the disputes are subject to bargaining, not the grievance procedure.

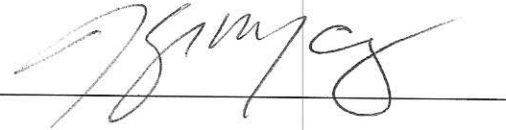
5. On March 23, 2019 the HOA demanded to bargain both the announced changes and their effect upon unit employees.
6. On March 25, 2019 the Employer denied that it had any legal obligation to bargain, and refused to meet for any such purpose.
7. On March 25, 2019 the HOA requested information regarding current unit and non-unit parking usage in order to police the Agreement and to engage in bargaining.
8. On April 23, 2019, the parties met to discuss the changes, but the Employer again refused to bargain and, to date, has not answered many of the HOA's presumptively relevant information requests.
9. By the above conduct, the Employer violated §§10(1)(a) & (e) of the Public Employment Relations Act (PERA), 1965 PA 379, as amended, MCL 423.210(1)(a).

The HOA respectfully requests that the Commission issue an order that the Employer: (1) reverse its changes to parking rules and access; (2) bargain with the HOA over any future, like changes; (3) answer the HOA's information requests; and (4) post a Notice to All Employees regarding the violations.

CERTIFICATE OF SERVICE

The undersigned certifies that on August 22, 2019 the foregoing ULP Charge was served on the person(s) listed below by U.S. Mail:

Gloria A. Hage  
Senior Associate General Counsel  
The University of Michigan  
5010 Fleming Administration Bldg.  
503 Thompson Street  
Ann Arbor, MI 48109

A handwritten signature in black ink, appearing to read "K. McCoy", is written over a horizontal line.

Kyle A. McCoy