

**House Officers Association
Grievance #21-10818**

RESPONSE TO ASSOCIATION GRIEVANCE

I. Introduction

On May 6, 2021, the University of Michigan (“University” or “Employer”) received House Officers Association (“HOA” or “Union”) Grievance #21-10818, alleging that the Employer violated the parties’ Collective Bargaining Agreement by failing to provide the HOA with copies of documents related to meetings of the Graduate Medical Education Committee (“GMEC”). The Union alleged a violation of Article XXI, but did not cite any specific portion of Article XXI that it believes was violated. The Union did cite, as a basis for its grievance, the following portion of Article XXXI:

Paragraph 255: “Association members will brief the Association on updates from committee meetings as needed. Minutes, communications and agendas of committees containing an Association member will be available upon request to the Association Administrator.”

II. Analysis

The GMEC is an academic committee that provides oversight of the administration of the University’s graduate medical education training programs, ensuring compliance with the requirements of the Accreditation Council for Graduate Medical Education (ACGME), American Board of Obstetrics and Gynecology (ABOG), Commission on Dental Accreditation (CODA) and Council on Podiatric Medical Education (CPME) requirements, as well as institutional ACGME accreditation. The ACGME provides accreditation for 96% of the University training programs, as well as the institution itself. Specifically, the ACGME Institutional Requirements stipulate the establishment of a GMEC, as well as its responsibilities, which must include peer review and oversight of ACGME accreditation and recognition statuses of the Sponsoring Institution and each of its ACGME-accredited programs.

GMEC membership includes the Chief of Staff, the Associate Dean for Graduate Medical Education, the Assistant Dean for Graduate Medical Education, a Patient Safety Event Team member, and several Program Directors. Pursuant to ACGME requirements, membership on the GMEC also includes House Officers. Article XXXI, paragraph 253, of the CBA specifies how those House Officers will be selected: the HOA appoints two (2) members as its representatives on the GMEC each academic year, while two additional House Officers are elected at large from among the bargaining unit members. The topics covered at GMEC meetings are highly sensitive and confidential. As required in the ACGME Institutional Requirements, they include: monitoring of program and institutional accreditation status, applications for accreditation of new programs, requests for permanent changes in House Officer complement, major changes in a program’s structure, curriculum, or duration of education, appointment of new Program Directors, and monitoring of the programs’ Annual Program Evaluations to identify underperforming programs.

The HOA made a formal request on February 15, 2021, pursuant to paragraph 255 of the CBA, for “all minutes, communications, and agendas of the GMEC from July 2020 to date.” The Employer provided the agendas and minutes by uploading them to a shared folder accessible by the HOA Executive Director, Robin

Tarter. On March 24, 2021, the HOA asserted a right to receive copies of documents reviewed by the GMEC as part of an academic grievance proceeding for Dr. E.P. held on October 26, 2020, as well as “everything pertaining to the GMEC under the current collective bargaining agreement.” The Employer responded on March 29, 2021, by providing a copy of the letter sent by Dr. Sybil Biermann, Associate Dean for Graduate Medical Education, to Dr. Marschall Runge, Executive Vice President for Medical Affairs, dated October 27, 2020, reporting on the outcome of Dr. E.P.’s academic grievance. The Employer provided this letter because it constituted a communication by the GMEC, pursuant to paragraph 255. On May 25, 2021, the HOA requested a copy of the letter sent by Dr. Biermann to Dr. Runge reporting the outcome of another academic grievance heard by GMEC on April 26, 2021, for Dr. J.B. The Employer complied with this request on June 1, 2021, providing a copy of that letter, dated April 28, 2021.

In numerous communications since February 15, 2021, the HOA has continued to assert a right pursuant to paragraph 255 to receive copies of all documents referenced as attachments in the agendas and minutes of the GMEC. The Employer has declined to provide copies of all of the documents referenced as attachments in the agendas and minutes, or otherwise reviewed by the GMEC in the course of its deliberations, because they are not communications of the GMEC pursuant to paragraph 255.

III. Conclusion

Paragraph 255 of the CBA is very specific that the HOA may receive, upon request, copies of “minutes, communications and agendas” from committees with HOA representatives. Contrary to HOA’s assertion, paragraph 255 does not provide that HOA is entitled to receive copies of “everything pertaining to the GMEC,” or all documents referenced as attachments in the minutes or agendas, or other documents reviewed by GMEC members that do not constitute “communications” by the GMEC. The Employer has complied with paragraph 255 by providing agendas and minutes from GMEC meetings, as well as copies of specific GMEC communications requested by the HOA. To the extent there are additional communications by the GMEC that the HOA would like to receive copies of, the Employer remains prepared to respond appropriately to those requests. With regard to the HOA’s expressed interest in receiving copies of documents related to academic grievance proceedings held by GMEC involving HOA bargaining unit members, the appropriate avenue for HOA to obtain copies of documents related to those academic proceedings is from the members themselves.

The grievance has failed to establish a violation of Paragraph 255 or any other provision of the CBA. For the foregoing reasons, the grievance is denied.

FOR THE UNIVERSITY REVIEW COMMITTEE: s/ Wade Baughman
Lead Labor Relations Advisor

Date emailed to the HOA: June 11, 2021