

**House Officers Association
Grievance #22-11282**

RESPONSE TO ASSOCIATION GRIEVANCE

I. Introduction

On October 4, 2022, the University of Michigan (“University” or “Employer”) received House Officers Association (“HOA” or “Union”) Grievance #22-11282 on behalf of all House Officers in the Electrophysiology Fellowship Program (the “Program”), alleging that [t]he Employer has assigned the House Officers work that is outside their job description, has no clinical or educational value, and negatively impacts their schedules. The Union alleged a violation of:

Article XVIII [“Work Environment”] and any and all other implicated provisions of the Collective Bargaining Agreement (CBA) between the University of Michigan Regents and the University of Michigan House Officers Association (HOA).

II. Background

Article XVIII of the CBA (“Work Environment”), in paragraphs 148-149, provides a mechanism by which a House Officer, or the Union on their behalf, may raise concerns about the appropriateness of the House Officer’s work assignments:

148. [W]hen a House Officer is required or decides, on the basis of direct assignment or in the exercise of professional judgment and in the best interest of good patient care, to perform the principal duties of hospital-related job classifications, whether professional or non-professional, but the House Officer believes the task should be performed by another category of personnel because the time involved in the performance of the task prevents the House Officer from delivering other important medical care on a timely basis, the following procedure should be utilized by the House Officer.

149. Following completion of the task, immediately contact the House Officer's Program Director, or designee, who will make a decision on the appropriateness of the direct assignment or the House Officer's exercise of professional judgment, or, at the option of the House Officer, make contact with the HOA administrator and they will contact the Administrative Liaison for the University.... The Administrative Liaison will promptly investigate the situation and respond in writing[.]

On September 9, 2022, the HOA contacted the Administrative Liaison, Scott Marquette, Associate Chief Operating Officer, to raise concerns about House Officers in the Program being assigned the task to carry the Electrophysiology Department’s device on-call pager. The HOA asserted that this work has no educational value, is outside the scope of a House Officer’s job description and is not part of their Program curriculum.

Mr. Marquette investigated and promptly responded in writing to the HOA on September 16, 2022. Mr. Marquette’s response clarified that carrying the device on-call pager was, in fact, within the scope of the House

Officers' training. His response noted that the model providing device management as a part of on-call duties has been previously used during Electrophysiology rotations, and therefore was not a new responsibility for the House Officers, but a return to previous practice. Mr. Marquette also shared that a permanent team to cover all device management 24/7 is being developed, with institutional resources approved and recruitment underway.

On October 4, 2022, the HOA filed this grievance, asserting it had been informed on September 27, 2022 that carrying the device on-call pager would be assigned to House Officers on a "seemingly permanent basis." The grievance further stated that:

[t]his work, is outside the Electrophysiology Fellows' job classification and description. It has no clinical or educational value for the Fellows and negatively impacts their schedules.

The grievance fails to state any remedy being sought.

III. Analysis

The University administers a two-year Clinical Cardiac Electrophysiology Fellowship Program which has 9 House Officers enrolled in the current academic year. House Officers in this program are trained to remotely manage assistive cardiac devices implanted in patients, such as pacemakers. Management of these devices includes receiving pages when there is data received from a device indicating a need for attention or adjustment, and appropriately responding on an expedited basis. Device management is performed during various rotations within University residency and fellowship programs. At some point, the task of carrying the device on-call pager within the Electrophysiology Department was temporarily assigned to Nursing staff to reduce the on-call burden. This temporary re-assignment was unsustainable, so the duties were returned to House Officers within the Program. The assignment of on-call device management does not reflect a change in scope of work, nor frequency of on-call responsibilities.

In response to the HOA's concerns raised on September 9, 2022, the Employer did communicate many strategies implemented to reduce on-call burden on House Officers including extending the call pool to include other job classifications and utilizing vendors for in person device management. These changes have already reduced House Officer device management to ten days per month. This averages out to roughly one day per month, per House Officer, with additional reductions anticipated. Additionally, in response to HOA's concerns, the Employer announced that implementation of a 24/7 device management team is anticipated on or before December 31, 2022.

The HOA's grievance rests on several erroneous assertions and conclusions. The HOA asserts that carrying the device on-call pager is outside the scope of the House Officer's training Program and has no clinical or educational value. House officer coverage for this responsibility is consistent past practice in the Electrophysiology Fellowship Program and is considered a component of training competency. This aspect of care can be provided by House Officers during other scheduled work hours, and the on-call frequency itself is not changed. The hours that House Officers are assigned to carry the device on-call pager are counted as part of their clinical and educational work hours for their training Program, as defined by paragraph 64 of the CBA. Additionally, the task of carrying the device on-call pager has not been assigned to Electrophysiology Fellowship Program House Officers on a "seemingly permanent basis" as the Employer has communicated to HOA that the task would be reassigned to a 24/7 device management team. This communication included a timeline for team implementation.

Finally, the HOA has not asserted any facts demonstrating that the University failed to meet its obligations to investigate and respond to the work assignment concerns, pursuant to Article XVIII. Paragraph 149 requires that the Administrative Liaison, upon receipt of work assignment concerns from the HOA, will “promptly investigate the situation and respond in writing.” The Administrative Liaison did so, providing a written response to HOA on September 16, 2022.

For all the reasons stated above, Union has failed to establish any violation of Article XVIII or any other provision of the CBA.

IV. Conclusion

The grievance has not identified a violation of Article XVIII or any other provision of the CBA and does not identify a requested remedy. Electrophysiology Fellowship House Officers carrying the device on-call pager is consistent with past institutional practice, is fully within the scope of their training program, and does not represent an inappropriate work assignment. For the foregoing reasons, the grievance is denied.

FOR THE UNIVERSITY REVIEW COMMITTEE: s/Wade Baughman
Interim Director of Labor Relations

s/ Raya York
Labor Relations Advisor

Date emailed to the HOA: November 3, 2022