

**STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM**

IN THE MATTER OF:

**University of Michigan,
Respondent**

Case No: 01-21-2022

**Agency: Michigan Employment
Relations Commission**

v

**University of Michigan House Officers
Association,
Charging Party**

**Administrative Law Judge:
Travis Calderwood**

**RESPONDENT, UNIVERSITY OF MICHIGAN'S
ANSWER TO UNFAIR LABOR PRACTICE CHARGE**

Respondent, University of Michigan (“the University”), by and through its counsel, University of Michigan Office of the Vice-President and General Counsel, answers the House Officer’s Association (“the Union”) Unfair Labor Practice Charge in the above referenced matter as follows:

1. Answering paragraph one, the University admits that the University and the Union are parties to a labor contract. In further answer, the University denies that the contract covers all physicians and dentists in training programs at the University of Michigan.
2. Answering paragraph two, the University admits that it announced it would seek Emergency Categorization Status from the Accreditation Council for Graduate Medical Education (“ACGME”) and that the ACGME granted the request, which was limited to 29 days in duration. The University denies the remaining allegations in paragraph 2 and, with respect to Emergency Categorization Status, specifically avers that its purpose is to provide a process for managing *accreditation concerns*, not workloads, resulting from pandemic-related educational disruption.
3. Answering paragraph 3, the University denies the allegations contained in that paragraph.
4. Answering paragraph 4, the University admits that the allegations.
5. Answering paragraph 5, the University admits that it declined to bargain with the Union.

6. Answering paragraph 6, the University denies the allegations.
7. Answering paragraph 7, the University denies the allegations.
8. Answering paragraph 8, the University is without knowledge or information regarding the allegation that departments expressed a desire to provide additional pay to unit members. In further answer, the University denies the remaining allegations in paragraph 8.
9. Answering paragraph 9, the University denies the allegations.

AFFIRMATIVE DEFENSES

1. The request for Emergency Categorization Status related to the University's ACGME accreditation status is related exclusively to the educational and training aspects of the house officer's program and is therefore not subject to bargaining.
2. Emergency Categorization Status did not result in any changes to the house officers wages, hours or working conditions, or at most, resulted in de minimis changes and thus there was no duty to bargain.
3. The Union waived its right to bargain under paragraph 269 of the Collective Bargaining Agreement.

Respectfully submitted,

OFFICE OF THE VICE PRESIDENT
AND GENERAL COUNSEL

By: *Gloria A. Hage*
Gloria Hage
Attorney for the University of Michigan
Office of the VP and General Counsel
Ruthven Building, Suite 2300
1109 Geddes Avenue
Ann Arbor, MI 48109-1079

ghage@umich.edu

Dated: February 17, 2022