

# HOA Grievance/Complaint

To: Hakim Berry, Director of Labor Relations  
Kristya Smith, HOA Contract Administrator  
Brian Sumner, HOA Contract Administrator

Date: April 11, 2024

## **CONTRACT VIOLATION:**

Article XIII: Paid Time Away and any and all other relevant or implicated provisions of the current Collective Bargaining Agreement (CBA) between the University of Michigan Regents (Employer) and the University of Michigan House Officers Association (HOA).

## **SUMMARY:**

On 4/2/24 [REDACTED] was provided with an FMLA notice that [REDACTED] had been approved for coverage due to a serious health condition. The serious health condition was related to an absence from Covid-19 beginning on or about 1/6/24. [REDACTED] was told by the Department of Anesthesiology that in spite of [REDACTED] FMLA coverage for that leave [REDACTED] would be required to either accept a training extension or burn vacation leave to avoid one.

The ABA's most current Absence from Training Policy allows House Officers to be absent for 60 working days (defined in the policy as "12 weeks") in years 1-3 of the program without any impact on training length. The policy also provides House Officers in Anesthesiology an additional 40 days (defined in the policy as "8 weeks") that can be granted. The policy states it is "designed to align with circumstances covered by the Family and Medical Leave Act" and allows for the additional 40 days to be granted for conditions such as a serious medical event, the sickness of a family member, or the birth of a child.

Article XIII Section B of the CBA permits House Officers Serious Illness Leave for incidents of serious disabling injury or illness with a duration of one week or more. Section A of Article XIII also permits Sick Leave for House Officers in order to prevent employees from performing work while acutely ill.

██████████ condition met all of the above. ██████ was acutely ill with Covid-19, was required to be off of work for it, and met the criteria for serious illness such that the Employer determined she was FMLA eligible. These are all the criteria for use of leave provided in both the CBA and under the ABA policy for avoiding training extensions for cases of serious illness. Nonetheless, the Department has to date not requested the use of the permitted additional 40 days for ██████████.

A fair and just resolution for this grievance would be for ██████████ to be permitted to use Serious Illness Leave to cover ██████ absences, for the Department to ask that such absences to be counted towards her 40-day allotment under ABA policy, and that ██████ be made whole.

On Behalf of the Association and ██████████



Dominic Barbato

Director of Organizing and Representation

University of Michigan House Officers Association.