

HOA Grievance/Complaint

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

Date: August 5, 2023

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 and the University of Michigan House Officers Association (HOA).

SUMMARY:

On 7/20/23 the Association was provided with a copy of the Department of Anesthesiology Interim Policy on Resident Absence from Training. The policy contains the following provision under Section A: Vacation that is identical to the language in P109 of the HOA Agreement:

“Vacation shall be scheduled to meet the requirements of the Employer on a departmental basis with due consideration given to the Employee's wishes as to time and duration. The actual scheduling of vacations shall be the responsibility of the Program Director or equivalent level of supervision. Such vacations will be scheduled as a regular and routine part of service assignments over the course of the year.”

Despite this, the policy goes on to state the following:

“Vacation weeks are determined by a lottery method for each class in the CA 1-3 years. This lottery is conducted by the Chief Residents in the spring of each academic year. Vacation slots are determined in consultation with the Program Director and the Associate Program Director / Director of Resident Scheduling. The most senior residency class will choose first. Vacation during the internship is determined by the Assistant Program Director / Internship Director and Internship Coordinator according to the trainees’ requests in consultation with the Program Director and associated rotation departments.”

A lottery to determine vacation scheduling directly contradicts the purpose of P109 of the contract which clearly requires the department to take House Officer preference for when their vacation is taken provided it does not impede operations. A lottery system and random drawing precludes House Officers of their contractual right to have their preferences known for the scheduling of their own vacation time.

A fair and just resolution for this grievance would be for the Department of Anesthesiology to end the practice of a vacation lottery and make any impacted House Officers whole.

On Behalf of the Association,



Dominic Barbato

Staff Associate

University of Michigan House Officers Association.