

**House Officers Association
Grievance #23-11623**

RESPONSE TO ASSOCIATION GRIEVANCE

I. Introduction

On August 4, 2023, the University of Michigan (“University” or “Employer”) received House Officers Association (“HOA” or “Union”) Grievance #23-11623, alleging the Department of Anesthesiology Interim Policy on Resident Absence from Training violated the parties’ Collective Bargaining Agreement. The policy acknowledges that House Officer “vacation weeks are determined by a lottery method for each class . . .” In its grievance, the Union alleges:

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.

Further, as its basis for the grievance, the Union cited the Employer violated the following portions of the parties’ Collective Bargaining Agreement:

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).

II. Analysis

Despite the Department of Anesthesiology’s reference to a lottery method for determining House Officer vacation weeks in its Interim Policy on Resident Absence from Training, this method or system for vacation requests was in place prior to the recent writing of the Interim Policy and constitutes no change to the process the Department has utilized for vacation requests in recent past years. Furthermore, the Interim Policy does not delineate the entirety of the vacation request process, but rather provides a general overview of the process. There are, in fact, two phases to the Department’s vacation request process. The first phase is not inclusive of a lottery system and provides for House Officers to request two weeks throughout the course of the block schedule. Approvals of requests are proportioned equally across each class. When an excessive number of requests for the same week cannot be accommodated, the Department works directly with the requesting House Officers to determine priority, need, and whether their respective times requested provide for any flexibility. Final approval in such instances is then provided after these additional considerations are taken into account.

The second phase of the request process occurs shortly following completion of the first phase and includes a lottery consistent with the manner described in the Interim Policy. In accordance with these lottery results, House Officers request their remaining two weeks of vacation based upon remaining availability.

Nonetheless, this second phase still provides consideration for priority and need, to the extent flexibility during any given requested week still exists and operations are not impeded.

To this end, after evaluating the entirety of the Department of Anesthesiology vacation request and approval process, paragraph 109, as cited by the Union, has not been violated, as “the Employee’s wishes as to the time and duration” for scheduling vacations has indeed been taken into account by the Department throughout the entirety of the process. Furthermore, the Union has not identified any specific instances when “due consideration” was not given to a House Officer and their request, as ultimately required under Paragraph 109 of the contract.

III. Conclusion

Based upon the foregoing reasons, the grievance is denied. The Union’s grievance failed to establish a violation of Paragraph 109 or any other provision of the Collective Bargaining Agreement. Furthermore, this grievance is untimely. The Union has raised this issue well past the twenty (20) day timeline provided for in Article XX of the Collective Bargaining Agreement, considering the Department of Anesthesiology has utilized this same method in years previous to now.

FOR THE UNIVERSITY REVIEW COMMITTEE: s/ Brian Sumner

Senior Labor Relations Specialist

Date emailed to the HOA: September 8, 2023