



DEPARTMENT OF VETERANS AFFAIRS
UNDER SECRETARY FOR HEALTH
WASHINGTON DC 20420

JUL 07 2008

Sharon M. Helman, Director
Spokane VAMC
4815 N. Assembly St.
Spokane, WA 99205

Dena Corwin, President
National Federation of Federal Employees
Local 1641
4815 N. Assembly St.
Spokane, WA 99205

Dear Ms. Helman and Ms. Corwin:

I am responding to the issue raised in Acting Director Hal Blair's memorandum of January 18, 2008, concerning an Unfair Labor Practice (ULP) charge filed by NFFE Local 1641 regarding the scheduling of physicians at the Spokane VAMC.

Pursuant to delegated authority, I have decided on the basis of the enclosed decision paper that the issue presented by this ULP is a matter concerning or arising out of professional conduct or competence and thus not subject to collective bargaining.

Sincerely yours,

A handwritten signature in cursive script that reads "Michael J. Kussman".

Michael J. Kussman, MD, MS, MACP
Under Secretary for Health

Enclosure

**Title 38 Decision Paper
VA Medical Center- Spokane, WA
VA 08-XX**

FACTS:

On August 5, 2007, newly appointed Chief of Staff Nirmala Rozario, M.D., identified a patient care access issue resulting from the Spokane VA Medical Center's (VAMC) process for assigning weekend duty to primary care physicians and hospitalists at the VAMC. Primary care physicians and hospitalists (inpatient physicians) with a regular tour of duty of Monday through Friday from 8:00 AM to 4:30 PM were assigned to cover weekends on a rotating basis; when a physician performed this duty, he or she was then given two days off during the week. This scheduling caused a shortage of physicians in the Primary Care Clinic during the week, resulting in a reduction of the number of patients that could be seen and longer patient wait times.

On September 12, 2007, Dr. Rozario met with the Dena Corwin, President of National Federation of Federal Employees (NFFE) Local 1641 to discuss proposed changes to the system of assigning physicians to cover weekends. (Attachment 1). The initial plan provided that hospitalists and primary care physicians would rotate approximately once every seventh week to do weekend rounds. The scheduled physician would complete the rounds (approximately 2-4 hours) and then leave the VAMC. He or she would then work his/her normal Monday through Friday tour.

On September 14, 2007, Ms. Corwin stated that VA Handbook 5011 Part II, Chapter 3 (Attachment 2) precluded Dr. Rozario from scheduling a physician to work Monday through Friday, do rounds on the weekend and then work Monday through Friday again, as this would not allow the physicians two non-duty days in the administrative work week.

On September 18, 2007, Jacqueline Ross, Chief of Human Resources, sent Ms. Corwin an email reminding her that management was awaiting her input based on the September 12th meeting (Attachment 3). On September 25, 2007, Ms. Corwin requested to bargain the schedule changes (Attachment 4).

On November 5, 2007, Dr. Rozario revised her physician coverage plan and submitted it to Ms. Corwin (Attachment 5). This revised plan provided that hospitalists and primary care physicians would rotate weekend rounding duty and that two physicians would round each week, but would hand over cases to the Medical Officer of the Day after rounding rather than staying on station the entire weekend day. Moreover, the revised plan provided that physicians taking weekend rounds would not be scheduled for direct patient care on the Monday morning following the rounds and would use that time for indirect patient care activities. Moreover, if the weekend rounds resulted in long hours, physicians