

Cancer Pain Service



David Cundiff, M.D.

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(213) 226-7499

Feb. 26, 1993

To: Sol Bernstein, MD
From: David Cundiff, MD *D. Cundiff*
Re: Third level grievance of Dr. Goldstein's assignment of my duties and time scheduling

As you know I met with Dr. David Goldstein, Robert Navarro and you on February 24, 1993 concerning my unresolved grievance (filed September 22, 1992) with Dr. Goldstein. You noted Dr. Goldstein's memorandum to me dated January 12, 1993 defining my work schedule as, "8:00 AM to 4:30 PM which includes a half hour lunch but does not include two fifteen minute breaks" on Monday through Friday. You noted my response to this memo, dated January 12, 1993 which requested the flexibility to use "E" time when my duties are lighter and OA time when my duties are heavier. You noted Dr. Goldstein's reply in a memo dated January 14, 1993 denying me any flexibility in my work schedule.

You noted that, in compliance with Dr. Goldstein's directive for pre approval of absence or overtime, I submitted to him a detailed, day by day account of my proposed schedule for the months of January and February 1993. You noted that he systematically approved any "E" time and systematically denied any "OA" time. For instance, on the day of our meeting, February 25, 1993, Dr. Goldstein approved my request to arrive at work at 2 PM. However, he did not approve my request to work on County time until 9 PM in order to finish my work of the day. He therefore allowed me only 2 1/2 hours of County time for that day.

I submitted to you that this kind of capricious exercise of his position of authority over me, threatens me, my livelihood and that of my family. This constitutes a breach of trust in our relationship as employee and supervisor. You agreed that Dr. Goldstein was inappropriate in his directive of January 12, 1993 singling me out of the General Internal Medicine Section for this kind of arbitrary treatment. Therefore, I request that you or Dr. Goldstein write me a memo cancelling the aforementioned memo of January 12, 1993. Please send copies to Dr. Richard Tannen and Mr. Jeffrey Mossoff.

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We went on to discuss Dr. Goldstein's refusal to sign my time cards for the end of January 1993 and the middle of February 1993. The issue concerned 16 hours of overtime accrued for days scattered throughout these pay periods in which I worked more than 8 hours. We discussed that these two pay periods contained 152 hours and I clocked only 134 1/2 hours, giving 17 1/2 net "E" hours for these periods.

I changed my time cards for the end of January 1993 and the middle of February 1993 under formal protest. I submit that again that I am receiving prejudiced treatment from Dr. Goldstein, violating the trust of our relationship.

Like me the other members of the General Internal Medicine Section are required to work an average of 40 hours per week for the LAC-USC Medical Center. Like me other GIM Section physicians have major day to day, week to week and month to month fluctuations in LAC-USC time demands. For instance, during the four months when we attend on medicine wards, our time demands are considerably more than during non attending months. However, unlike me most other GIM Section physicians have significant duties at the USC Hospital. Dr. Goldstein strongly encourages private practice and permits these physicians the flexibility to integrate the 40 hour County responsibility with private practice duties. This is a fitting and appropriate policy serving the needs of the physicians, the Department of Medicine and the USC Hospital.

I have been treated differently than the USC physicians in our Section because I am not involved in USC private practice. Dr. Goldstein's refusal to sign my time cards reflects that I am treated differently because of my different status from USC academic tract physicians. This issue has major implications concerning the relationship of LAC-USC Medical Center with USC University Hospital. Supervisors like Dr. Goldstein manage personnel for both entities and are therefore in a position to shift the County resources over to USC Hospital purposes. For instance, if I were to quit working at LAC-USC, Dr. Goldstein may be able to hire a replacement who works overtime at USC Hospital as well as averaging 40 hours a week LAC-USC.

You directed Robert Navarro to review the GIM Section implementation of Dr. Goldstein's policy of managing overtime and "E" time on a day to day, week to week, and month to month basis. I request a written report of Mr. Navarro's findings. Please also reinstate my 16 hours during the late January and early February pay periods, bringing the total for these two pay periods up to 134 1/2 hours.

Again I request your formal written response to this grievance.