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LOMA LINDA UNIVERSITY MEDICAL RESIDENTS VOTE YES ON UNION



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In the culmination of a months-long organizing effort, resident physicians at Loma Linda University Health voted to unionize on June 22. The historic vote is the latest chapter in the most prominent recent showdown between a Seventh-day Adventist health care institution and organized labor.

According to the National Labor Relations Board, which held the election, the final margin was 361 in favor of joining the Union of American Physicians and Dentists, 144 against. Approximately two-thirds of the 805 eligible resident physicians submitted a ballot.

“We won,” the resident organizing committee wrote on Instagram. “After years of hard work we finally did it.”

Despite the victory, LLUH indicates that it will continue to contest the union effort.

“By law and under the NLRB’s procedures, this outcome is not yet certified and is subject to review, including in federal court,” Richard Hart, president of LLUH, wrote in an email immediately following the vote.

Residents who have been part of the organizing effort still celebrated the victory.

“I am incredibly proud of my coresidents and fellows for choosing to stand up for themselves and improve working conditions for themselves and generations to come,” Darya Tajfiroozeh, a pediatric resident physician, wrote in a message to *Spectrum*. “Let our voices never be silenced again.”

Organizers first collected enough signatures to hold a union election in February, but LLUH challenged the effort in court and in NLRB proceedings. Throughout a 12-day hearing in March and April, LLUH made its case to the NLRB that medical residents are students rather than employees and that as a religious education institution, it can’t be forced to negotiate with a union.

In a separate lawsuit against the NLRB, beginning in federal district court and later appealed to the Court of Appeals for the DC Circuit, LLUH made similar arguments. On May 25, a panel of three judges denied LLUH’s request for an emergency injunction and expedited appeal. With the court declining to intervene, the union vote was set to continue.

During the lead-up to the election, LLUH continued to try and convince residents to vote no. “Voting for the union is a yes vote to giving away your voice to a union with no experience dealing with private, religious educational institutions,” one brochure said. “Are you leaving a legacy or years of legal issues?” another mailing asked residents.

In interviews with *Spectrum*, residents in favor of unionization have cited long hours, poor working conditions, and low pay as motivating factors. LLUH increased the benefits package for residents in early 2023, a move that some residents have said was too little too late.

LLUH’s religious status has also been a key element of the labor hearings and court cases. The institution cited writings by Ellen White against unions and elicited testimony from Adventist leaders about the church’s historical anti-union stance. The union countered that the medical residency programs don’t require participants to be members of the Adventist Church or promote any specific Adventist teachings. According to one document shared during the NLRB hearing, less than 20 percent of the approximately 800 residents are Adventist.

A corporate restructuring in 2012 has factored into the legal arguments. The Loma Linda University Health Education Consortium was created to contain the graduate medical education programs, forming a separate legal entity from the medical center and the rest of the university. Past legal cases have granted stronger religious freedom claims to educational institutions than health care facilities.

The LLUH union effort follows the recent trend across the country of an increasing number of medical residents seeking to unionize. This month, 2,500 residents and fellows at Mass General Brigham, one of the largest programs in the country, voted to form a union. The Committee of Interns and Residents, the largest resident union in the United States, reports to have added 10,000 members in the last two years.

Next Steps

For the resident physicians at LLUH, a long road remains ahead. The lawsuit currently before the US Court of Appeals has final briefs scheduled for September and October. Even without such legal challenges, negotiating a first union contract can take months. According to the US Department of Labor, more than half of new bargaining groups fail to reach an agreement with the employer within the first year. Since medical residencies normally last three to six years, delays will mean fewer of the current residents see a first union contract—even if the courts ultimately rule that LLUH has to go to the bargaining table.

In his message to the LLUH community following the election, Richard Hart said that the institution would continue to assert religious freedom arguments under the First Amendment and the Religious Freedom Restoration Act.

“While we continue to have the greatest respect for our residents and fellows, we will pursue our constitutional and legal objections based on the teachings of our faith, which guide all aspects of the medical education we provide,” he wrote.

While LLUH has positioned the legal battle as Adventist beliefs versus a secular labor union, some Adventist resident physicians have been left to reconcile LLUH’s presentation of their faith.

“All of this has been very difficult for me as an Adventist, just seeing how Loma Linda has chosen to weaponize being Adventist,” a resident who has been part of the union organizing committee, speaking on the condition of anonymity due to concerns of reprisal, told *Spectrum* after the vote. “They’re weaponizing Adventism for their own corporate use and greed.”

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