

## Residents and Fellows' Union Organizing Efforts FREQUENTLY ASKED QUESTIONS

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This document has been prepared as a resource for residents and fellows to answer frequently asked questions about union organizing efforts. If you would like additional information, please send your inquiry to [AskGMEnow@stanford.edu](mailto:AskGMEnow@stanford.edu).

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### Stanford Health Care's Commitment to Residents and Fellows

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**1. Q: What is Stanford Health Care's perspective on the efforts of residents and fellows to have CIR/SEIU be their union representative?**

**A:** We respect the rights and opinions of all of our residents and fellows. Stanford Health Care declined to voluntarily recognize CIR/SEIU because we believe it is up to you to choose whether or not to join a union. It is every resident and fellow's decision, and, under the National Labor Relations Act, each resident and fellow has the right to express their views on union representation through a secret ballot election conducted by the National Labor Relations Board (NLRB). This election will likely happen in the next 3-4 weeks.

**2. Q: How will a possible residents and fellows' unionization effort**

**A:** We are committed to providing the highest levels of education and training to prepare our residents and fellows to deliver exceptional patient care, become preeminent in their chosen specialty, and be remarkable health care leaders. The success of your education and

**impact the graduate medical education experience at Stanford?**

training experiences depends in large part on the direct relationship you have with your program leadership and clinical program departments.

This direct relationship is invaluable as it allows us to optimize the experience for each of our 1,456 residents and fellows across our 170 residency and fellowship programs. We want to make sure you are aware that if a union represents you, that relationship will have to shift to be between Stanford Health Care and the union.

**3. Q: Would residents and fellows have a stronger voice if a union represented them?**

**A:** We don't think so. Here's why: We believe that when residents and fellows have their own voice and the ability to express their opinions and desires directly to us, it is more powerful and effective for them and our patients. In a union environment, those messages may be factored in with many other potentially competing voices, and then delivered to us by the union through filters. This "indirect" method may not accurately or completely express individual views.

**4. Q: Does this mean a union contract is a "one-size-fits-all" agreement across all departments?**

**A:** Yes. Under a union contract, residents and fellows across departments may find themselves subject to a "one-size-fits-all" situation. The union will become the exclusive bargaining representative for the entire group, making it difficult to consider the unique needs and preferences of all residents and fellows and their departments. This means what may be important to specific training programs may not be on the top priorities of the negotiation committee.

## Election Process and Voting

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**5. Q: What's the latest update on the union process that's underway?**

**A:** A formal petition has been filed by the Committee of Interns and Residents, SEIU with the NLRB regional office. This means that a secret ballot election will take place where residents and fellows will vote on whether or not they wish to be represented by the union.

The NLRB will decide on the election details, but we anticipate the election will likely take place in 3-4 weeks and will be a mail ballot election where residents and fellows will vote by mail.

**6. Q: Why is it critical for all residents and fellows to vote?**

**A:** The outcome of the election is determined by a simple majority (50% +1) of only those who actually vote. For example:

- 1,456 Eligible Voters
- 200 Vote (101 vote Yes for the union; 99 vote No)
- Result: All 1,456 eligible voters are now represented by the union, even those who voted no or didn't vote at all.

It's important to know should this pass, you cannot opt out of union membership or dues.

That is why it is so critical that eligible residents and fellows vote so your voice is included in this important decision.

**7. Q: What can we expect during the election process?**

**A:** You can expect that the next several weeks may be an intense and emotional time for everyone involved. We ask that everyone affected by this remain respectful of everyone's views and remember that we are all connected in our shared commitment to providing the very best care for our patients and a preeminent educational environment. We are here to support you.

## Negotiations/Collective Bargaining

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**8. Q: What is collective bargaining? Unions often talk about what they will get for employees, can a union guarantee this outcome?**

**A:** During a campaign, unions have significant leeway to “promise” higher wages, more benefits, and other changes. However, CIR/SEIU cannot guarantee any of that will actually happen. Collective bargaining is a give-and-take process between management and the union to discuss wages, benefits and terms and conditions of employment. There are no guarantees.

This means that the highly competitive total compensation and benefits package residents and fellows already have today goes on the negotiation table and must be bargained anew. At the end of bargaining, they may get the same, more or less.

**9. Q: How long can it take to negotiate a contract?**

**A:** On average, first contracts can take over 500 days to negotiate, sometimes even longer. There is no set timeline for reaching an agreement. This means that even if the decision is made to create a union, the outcome of the negotiation may not occur for another 18 months.

For example, we know of an organization involved in a NLRB secret ballot election in November 2019 with the first bargaining session held in February 2020. They are still bargaining two years later with no immediate end in sight.

**10. Q: What happens during bargaining periods?**

**A:** During the lengthy bargaining period, there is a legal requirement called “status quo” that requires wages and other terms and conditions of employment to remain the same throughout unless both parties agree to make changes.

In some instances, during this status quo period, the hospital may choose to provide new benefits or enhance current ones for its workforce. As part of this process, those enhancements may not be made available to the group represented by the union for quite some time due to the status quo obligation and the practicalities of union negotiations.

For example, we have learned of an organization that enhanced parental leave benefits and added health care coverage for gender identity surgeries. These new benefits were

immediately available to those not represented by the union but unfortunately, they were delayed for the union represented employees because of the pending negotiations over a first contract.

**11. Q: Do you have to pay dues regardless of whether you voted for the union or not? How much are the dues?**

**A:** Yes. Should this pass, all fellows and residents will have to pay dues regardless of how you voted.

According to CIR/SEIU, dues are 1.6% of your gross salary. This means for residents and fellows who are PGY I, II and III, union dues will be approximately \$1,200 per year.

**12. Q: If the union represents all residents and fellows and they don't like the contract, can they opt out?**

**A:** No. Once a union represents a group of residents and fellows, the contract that is negotiated applies to all of the residents and fellows in that bargaining unit. Generally, the residents and fellows would not be allowed to "opt out" of a union contract he or she doesn't like, nor would a resident or fellow be allowed to disregard portions of the contract that he or she doesn't agree with. No changes that can be made to the contract until it expires or unless both Stanford Health Care and the union mutually agree.

**13. Q: Does the union offer a "trial" period, and if residents and fellows do not like union representation can they withdraw from the union?**

**A:** No. There is no "trial" period associated with unions. A union is presumed to represent employees for as long as the contract remains active unless employees become dissatisfied and take action to vote out the union. Under the law, employees have the right to vote to "decertify" the union. The process is a difficult one that is quite complex and there are time limits and rules about when/how this can happen. Employers cannot assist in any way to decertify the union.