

Vacation and Leave(s) of Absence Policy

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Department Generating Policy	Graduate Medical Education		
Prepared By	R. Jason Thurman, MD	Title	DIO
Dept / Committee Approval (If Applicable)	GMEC	Date	02/22/2022
ACGME Standard	IV.H, IV.B.3.a).(2)		

Purpose

To provide information on vacation and leave(s) of absence, including medical, parental, and caregiver leaves of absence.

Definitions

All current definitions are stored in the Health Education Services, LLC Glossary of Terms (HES Terms). HES Terms are consistent with the ACGME Glossary of Terms whenever possible.

Policy

All HES-sponsored Programs must adhere to all applicable ACGME accreditation requirements as expressed in the Institutional, Common and/or specialty-/subspecialty-specific Program requirements. In compliance with these standards reflected in this policy, HES as Sponsoring Institution will ensure that Resident/Fellows receive paid time off inclusive of vacation, sick, bereavement, jury duty and one-time medical, parental or caregiver leave and leave(s) of absence compliant with applicable laws. These allowances will be effective the day the Resident/Fellow is required to report.

Paid Vacation

Paid vacation is an employee fringe benefit that allows Resident/Fellows to be absent from work with pay. Resident/Fellows receive four weeks of paid vacation each academic year. No cash payment will be made in lieu of taking paid vacation.

Leaves of Absence

Under certain circumstances, HES-sponsored Programs may provide paid time off for sick, bereavement, jury duty, and one-time medical, parental or caregiver leave(s) of absence, compliant with applicable laws. These allowances will be effective the day the Resident/Fellow is required to report.

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Paid Sick Leave

Resident/Fellows receive discretionary paid sick leave up to two weeks which may be used in the event of a Resident/Fellow’s inability to work due to illness, injury, or family emergency involving immediate family members; spouse, unmarried dependent children to age 19 or 25 if full-time student, physically or mentally disabled child regardless of age if unmarried and primarily dependent upon employee for support, and step-children residing with employee; or to secure necessary treatment for medical conditions. Consideration will be given to other emergency situations on a case-by-case basis.

In accordance with standards of professionalism and team-based care, it is expected Resident/Fellows will not excessively use or abuse paid sick leave and will only use leave when absolutely necessary as outlined above. The Program Director may use discretion in approving paid sick leave and may request verification of the reason for the absence. To utilize paid sick leave, Resident/Fellows must verbally notify their Supervising Physician and Program Director as far in advance as possible, but no later than the beginning of the workday, whenever possible. If the Program has other call-in requirements, the Resident/Fellow is responsible for following the Program policy and protocols. To ensure absences are tracked in accordance with applicable laws, a medical certificate or other documentation in support of paid sick leave extending three or more consecutive work days, or more than three days intermittently in a two week period, may be required.

Residents/Fellows requiring more than two weeks of paid sick leave must seek approval for either the One-Time Medical, Parental, Caregiver Leave or, when eligible, Family and Medical Leave (FMLA). Depending on the terms of coverage, paid sick leave may be used to supplement short-term disability programs. Paid sick leave may not be used to supplement a Resident/Fellow’s workers’ compensation benefits, nor may paid sick leave be used during a Resident/Fellow’s voluntary separation notice period.

Bereavement

Resident/Fellows may be granted time off with pay for bereavement leave in the event of a death in the family. Resident/Fellows may be granted up to two weeks (14 days) off from work with pay in the event of the death of an immediate family member (parent, sibling, spouse, or dependent child). Bereavement leave for other losses or extension of bereavement leave may be granted at the discretion of the Program Director.

Jury Duty or Witness

The Resident/Fellow should notify the Program immediately when called for jury duty. The Resident/Fellow will receive their base wage or salary for the time served up to two weeks (14 days) or longer, if required by state law, if these days fall during the Resident's/Fellow's regular schedule. This includes time spent reporting for an interview or examination for jury duty, even if not chosen to serve. If a Resident/Fellow is dismissed prior to the end of a previously

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scheduled shift, the Resident/Fellow is not expected to report to work for the balance of the shift. Following the completion of service, the Resident/Fellow must provide a statement from the court clerk certifying the times and dates of actual jury service.

Approved One-Time Medical, Parental, Caregiver Leave

During a Resident/Fellow's tenure in each unique ACGME-accredited Program to which they are appointed, the Resident/Fellow may be granted a paid, one-time medical, parental, or caregiver leave of up to six weeks (42 days) in duration. The one-time medical, parental or caregiver leave may be used in the event of a Resident/Fellow's inability to work due to serious illness, injury, medical condition, or other qualifying reasons consistent with applicable laws. Resident/Fellows with a one-time paid medical, parental, or caregiver leave greater than six weeks may receive an additional week (7 days) or more time off with pay, granted at the discretion of the Program Director.

To ensure absences are tracked in accordance with applicable laws, medical certificate or other documentation in support of the leave extending three or more consecutive work days, or more than three days intermittently in a two week period may be required.

Leave of Absence Options

Under certain circumstances, HES-sponsored Programs provide options for leaves of absence compliant with applicable laws.

Family and Medical Leave Act (FMLA)

Unpaid leave under FMLA may be granted to Resident/Fellows who have completed at least one year of training and a minimum of 1,250 hours worked during the previous 12-month period. "Hours worked" excludes time paid but not "worked" such as paid vacation, personal or sick leave or unpaid leave. Leave may be taken for any of the following reasons:

- Incapacity due to pregnancy, prenatal medical care, or child birth
- Care for Resident/Fellow's child following birth, adoption or foster care placement
- Care of a Resident/Fellow's family member (spouse, step-child, child, or parent) with a serious health condition (as defined in the FMLA)

- A Resident/Fellow’s own serious health condition that makes the employee unable to perform the employee’s job
- Qualifying military exigency leave or military caregiver leave (as addressed below)

With the exception of “military caregiver leave” as defined below, FMLA will be granted for a period of up to 12 weeks or longer if required by state law, in any rolling 12-month period.

When applicable, the one-time paid medical, parental or caregiver leave may run concurrently with or consecutively to FMLA at the discretion of the Resident/Fellow. In the event that either option presents itself, it is recommended that the Resident/Fellow work with the Program

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Director and Human Resources (HR) to determine the option(s) that best serve the interest of the Resident/Fellow with the understanding that extended leave(s) may have an impact on the duration of the Resident/Fellow’s training.

Resident/Fellows will continue existing group health coverage and other insurances during FMLA. If in an unpaid status, the Resident/Fellow will be required to prepay or make timely payments for premiums for enrolled coverage. Resident/Fellows must pay any outstanding group medical plan premiums due before seeking to return to work. The HR Department can provide more information regarding insurance continuation, premiums due and pay, well as, required notice for requesting leave and protocols for returning from an approved FMLA leave.

Personal Leave of Absence

For other types of leave or those not eligible for FMLA, Resident/Fellows may request a personal leave of absence. Any personal leave granted is unpaid, but any applicable paid vacation and sick leave may be approved for use during personal leave. Resident/Fellows may generally continue existing group health coverage and other insurances on personal leave as long as the employee prepays or makes timely payments for any coverage. Resident/Fellows must pay any outstanding group medical plan premiums due before seeking to return to work. The HR Department can provide more information regarding insurance continuation during personal leave as well as any premiums due.

Resident/Fellows on a personal leave are responsible for communicating with HR and their Program Director regarding their continued need for personal leave. Resident/Fellows on a personal leave are also responsible for keeping the Program up to date with any records of maintenance of license/certifications necessary for training. Grants of personal leave ineligible for FMLA do not necessarily hold the Resident/Fellow’s training position nor guarantee that the Resident/Fellow will be placed in his/her original PGY-level upon returning from leave.

Military Leave

Resident/Fellows are entitled to such military leave, reinstatement, and re-employment as is required by State and the Federal USERRA Law.

Health and Disability Insurance Benefits

The health and disability insurance benefits for Resident/Fellows and their eligible dependents must begin on the day the Resident/Fellow is required to report and continues during any approved sick, parental/caregiver, bereavement, jury duty, and one-time medical leave of absence as long as benefit premiums are satisfied.

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Impact of Extended Leave(s) of Absence on Training and Board Eligibility

Extended leave(s) of absence may affect the Resident/Fellow’s ability to complete training as scheduled and/or may affect a Resident/Fellow’s eligibility to participate in examinations by a relevant certifying board. The Resident/Fellow’s Program Director is responsible for communicating timely and accurate notice of the effect of leave(s) of absences on the ability of the Resident/Fellow to satisfy requirements for Program completion and board eligibility.

Process for Submitting and Approving Requests

Programs must create and maintain a policy consistent with the standards set forth herein and which clearly outlines the process for requesting paid vacation and leave(s) of absence. The policy must be available to the Resident/Fellows at all times in New Innovations. Resident/Fellows entering their first year of training in the program must receive education on how to access the policy and adhere to the outlined process for requesting paid vacation or a leave of absence.

Process for Documenting Submission and Approval of Requests

Documentation of all requests for leave(s) of absence, excluding personal health information documents, and their outcomes must be stored in the Resident/Fellows’ personnel file and notes section within New Innovations. Personal Health Information documentation is to be stored in HR’s employee health files.

Responsibilities of the Sponsoring Institution

- Review the institutional policy maintained in New Innovations at least annually to ensure ongoing

ACGME-compliance and provide feedback to the Program when needed

- Notify all Program Directors and Program Coordinators of any ACGME requirement or changes to the institutional policy which would require Program-level process change
- Ensure compliance with all ACGME Vacation and leave(s) of absence requirements

Responsibilities of the Program

- Ensure the institutional policy for GME Vacation and leave(s) of absence for Resident/Fellows is available for review by Resident/Fellows at all times in New Innovations
- Revise the Program policy for GME Vacation and leave(s) of absence for Resident/Fellows based on changes to the institutional policy that would require Program-level process change or feedback from the Sponsoring Institution
- Notify the Resident/Fellows of changes to the Institutional or Program Policy • Provide each applicant invited to interview for a Resident/Fellow position a written or electronic copy of the institutional policy for GME Vacation and Leave(s) of Absence for Resident/Fellows • Utilize the HES Contract/Agreement of Appointment template that directly provides reference to

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the institutional policy for GME Vacation and Leave(s) of Absence for Resident/Fellows • Provide to and educate Resident/Fellows on the process for submitting requests for paid vacation and leaves of absence

- Communicate to Resident/Fellows accurate information regarding the impact of an extended leave of absence upon the criteria for satisfactory completion of the program and eligibility to participate in examinations by the relevant certifying board(s)

Additional Resources

- ACGME Glossary of Terms, Effective 04/15/2021
- HES Glossary of Terms, Effective 11/29/2021
- ACGME Institutional Requirements, Effective 07/01/2022
- ACGME Common Program Requirements, Effective 07/01/2022

DATE OF ORIGATION: 12/28/2021

AUTHORIZED BY: GMEC

PREPARED BY: R. Jason Thurman MD, DIO

DATES OF REVISION: 02/22/2022, 03/30/2022

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AREAS AFFECTED: GME