

## Charleston Area Medical Center

### Office of Graduate Medical Education

#### Leave

Leave time is subject to review by all parties involved with the resident or fellow assignment, with sufficient advance notice and appropriate consideration for patient care. Vacation, educational leave, planned leave of absences, and flex days must be approved in advance by the Program Director responsible for the resident/fellow and the Program Director and the attending of the service to which the resident/fellow is assigned. Residents/fellows should follow the leave application processes outlined by the Program Director in their respective Program unless otherwise noted in this leave policy.

Residents/fellows are expected to be in attendance for the full contract term unless they are on scheduled leave or granted a leave of absence. Attendance or approved leave is required for the duration of the contract even if the resident/fellow has completed all program requirements before the contract's end date. Leave times are allotted per PG-year, not per Academic year. New allotments of leave are available once a resident/fellow promotes to the next PG level.

#### Board requirements regarding absences from the training program

Most specialty boards have policies regarding the impact that absence from the training program has on specialty board eligibility. **Residents/fellows should be aware of their specific program and certifying board requirements regarding absences from the training program when requesting time off.** Excess time off may result in an extension of the residency program.

#### Vacation leave:

All residents/fellows are allocated three (3) weeks of vacation during the PG year. The vacation time must be taken in three seven-day blocks. The Program Director may, at their discretion, allow smaller increments to be used for one of the weeks in one PG year. The Program Director may, at their discretion, assign vacation as appropriate to meet educational or patient care requirements and has the authority to approve or deny individual vacation requests. Vacation time is allocated with the understanding that it will be used within the allotted time period. No vacation days can be carried over. To apply for vacation, a resident/fellow should follow the guidelines, including how early requests should be submitted, established in their respective program.

A work week block is counted as seven (7) consecutive days. Once vacation is assigned or approved, changes to the schedule are not permitted without expressed approval of the program director or as otherwise defined by program policy. Residents/Fellows are responsible for notifying all necessary individuals, including paging operators, of changes to a published or posted schedule that occur because of a change.

There is no compensatory vacation leave for holidays worked by the resident/fellow.

Efforts will be made to respect cultural preferences when considering holiday schedules. The program director will structure or assign leave during holiday periods to ensure quality patient care, while considering equity, fairness, and compliance with duty hour requirements.

*\*Note: Pharmacy residents have a slightly different vacation policy to ensure the programs are in alignment with the ASHP program requirements and board eligibility requirements. Pharmacy residents should abide by their program policy regarding vacation time.*

### **Educational leave:**

Educational leave is provided at the discretion of the program director to support educational activities that require the resident/fellow to be excused from clinical duty. Most frequently, residents/fellows use educational leave to attend a specialty-focused meeting or board review course. A maximum of seven (7) days can be approved during an academic year for the purposes of attending approved activities. Educational leave time may not be accumulated and carried over to the following academic year. All educational leave must be approved in advance following the guidelines outlined by their respective program.

### **Well-Being Days:**

All Residents/Fellows receive a maximum of three (3) paid Well-Being Days per academic year. Unused Well-Being Days do not carry over to the following academic year. Well-Being Days must be used in one full day increments and require pre-approval by the program director.

Well-Being Days are intended to assist residents/fellows in managing personal issues (such as health appointments or other scheduled well-being appointments) or life events (such as home, family or personal situations that require time away from work). Well-Being Days are not intended to extend approved vacation time or holidays, substitute for unapproved vacation time or holiday requests, to be taken to avoid work assignments (such as night or weekend shifts), or to replace the use of any other leave covered in this policy for which the resident/fellow is eligible.

In a resident/fellow's senior year when fellowship/post training interviews may occur, or in the case of a preliminary program resident/fellow interviewing for a categorical position, three (3) additional well-being days may be granted exclusively for the purposes of interviews. The program director may request documentation of a scheduled interview.

Well-Being Days should be scheduled in advance via written request to the Program Director using the leave approval process designated in your program.

Unless requested for an interview, a resident/fellow is not required to disclose why they wish to use a Well-Being Day; however, the program director or designee may ask a resident/fellow to voluntarily self-disclose, especially if concerned about Resident/Fellow well-being or if concerned that the policy is being used inappropriately. **If the program cannot accommodate the time away due to patient care needs, the program director or designee may deny a resident/fellow's request to use a Well-Being Day.** For any denials, the program director or designee will notify the resident/fellow of the reason for the denial.

### **Bereavement leave:**

Residents/fellows are eligible to receive time off with pay in the event of the death of a family member or relative. This leave provides up to three (3) scheduled workdays with pay for immediate family members and one (1) scheduled workday for an immediate relative. The program director or their designee must approve any bereavement leave request. Immediate family members are defined as: spouse, child, stepchild, parent, brother, sister, grandparent, grandchild, foster parent, stepbrother, stepsister, or stepparent, son-in-law, daughter-in-law, or parent-in-law. Immediate relatives are defined as: nephew, niece, aunt, uncle, great grandparent, brother-in-law, or sister-in-law. Proof of relationship or attendance may be requested. Bereavement days should be requested following the guidelines established by your respective training program.

### **Sick leave:**

Residents and fellows are provided with a maximum of five (5) total sick days per academic year for their own personal illness. Any resident/fellow off for three or more consecutive days will need to have approval from Employee Health to return to work. For any absences after three total days, residents and fellows may need to provide a doctor's excuse. The intent of providing a sick leave benefit is to ensure uninterrupted salary income in the event of an illness. Sick leave will be paid in conjunction with worked time in a fourteen (14) day pay period regardless of the days in which the actual illness occurred. Therefore, weekend days are counted in sick leave calculations for residents/fellows. Resident sick time is not to be used to care for a sick relative. Time off for family must be counted as vacation time or scheduled as a Flex Day. To utilize a sick day, residents/fellows should follow the guidelines established by their respective training program.

#### **Paid Medical, Parental, and Caregiver (PMPC) leave:**

Residents and fellows are entitled to a total of six (6) weeks of paid medical, parental, and caregiver (PMPC) leave once during their residency/fellowship program starting from their first date of employment. During PMPC leave, residents/fellows will receive one hundred percent (100%) of their pay and benefits including the continuation of health and disability insurance benefits and their eligible dependents. PMPC leave time is separate and in addition to, vacation, sick and flex days and is designed to coincide with Family Medical Leave, when applicable. Under this policy, residents/fellows who are granted an approved leave of less than six week would be eligible for additional leave. Requests beyond the six weeks of PMPC would be managed using different forms of leave/leave of absence.

Residents/fellows may apply for this leave at any time during their program, beginning with their first day of employment agreement. To apply, residents/fellows must first obtain a copy and complete the "Intent to Apply for PMPC leave" form available from their program coordinator. For non-emergent leave, requests should be made at least four weeks prior to the anticipated leave period, or at the earliest date possible. In an emergent situation, the resident/fellow should complete the request for leave as soon as feasible and submit to the program coordinator. Once the "Intent to Apply for PMPC Leave" has been submitted to the respective program director and the GME office at [gme@camc.org](mailto:gme@camc.org), the resident/fellow will then also apply directly for Family Medical Leave (FML) by calling the FML intake line at 304-388-3924. A member of the CAMC HR or GME team will follow back up with the resident/fellow about their FML request to discuss next steps.

Residents/fellows should discuss their leave plans as soon as they identify a need, to minimize disruptions to patient care and to plan for implications of the leave. Certifying boards have differing requirements and vary on the number of training dates inclusive of vacation, sick, PMPC, and other leave types a resident/fellow can miss during residency or fellowship. When the total amount of missed days exceeds the number allowed by the certifying specialty board, additional time may need added to the end of the residency or fellowship training period. If a resident/fellow misses the completion of certain rotations, required as part of residency or fellowship training, additional time may need added to make up for the training. The program director will provide an impact on training letter to the resident/fellow to communicate the impact the leave period will have on residency/fellowship training dates.

Residents/fellows can use PMPC leave to cover absences related to parental leave (birth, adoption, placement for adoption, or fostering), a personal illness/injury, or family member's illness/injury to include spouse, child, or parent.

- Parental leave must be taken within ninety (90) days after delivery, adoption of a child or placement of a child for foster care.

- To be eligible for PMPC leave for personal illness/injury, residents/fellows must provide medical certification from their own physician.
- To be eligible for PMPC leave for a family member's illness/injury, residents/fellows must provide medical certification from the official physician of the family member. Caregiver leave can be taken for the care of a sick spouse, child, or parent. Caregiver leave for any other family member would require an exception from GME and HR leadership.

### **Extended absences beyond PMPC leave:**

Any resident/fellow anticipating an extended absence from the training program must communicate with their program director, program coordinator and the central GME office. The program, the GME office and CAMC Human Resources must all be aware of the time off to ensure that a resident/fellow continues to receive the appropriate pay, benefits, and training credit during the absence.

For absences that exceed the six-week absence outlined in PMPC leave policy, additional leave time options are available. Other leave options include, but are not limited to, additional vacation leave, sick leave, Flex Days, short term disability, FMLA or unpaid leave.

### **Short-term Disability:**

Residents/fellows are encouraged to sign up for short-term disability coverage during orientation. Short-term disability, if elected, is effective beginning their first day of employment with CAMC. Residents/fellows electing to use short-term disability are required to use five (5) days of vacation time, or five (5) days of non-paid time in the event there is no vacation balance, before short-term disability coverage takes effect. If residents/fellows do not elect short-term disability, unused vacation or other leave can be used to maintain pay. If residents/fellows have no vacation or other options for paid time off, residents/fellows will be unpaid for time off beyond the benefit offered in the PMPC leave benefit. To apply for short term disability directly, the resident/fellow would file a claim with New York Life at 1-888-842-4462 or online at [www.myNYLGBS.com](http://www.myNYLGBS.com).

### **Authorization to return to work:**

If a resident/fellow misses three (3) consecutive days of work due to illness, including parental leave, Employee Health must release the resident/fellow prior to returning to work. Residents/fellows are required to provide physician documentation outlining the return-to-work date and any work-related restrictions to the Employee Health office.

### **Family medical leave:**

The Family and Medical Leave Act (FMLA) provides residents/fellows up to 12 weeks of leave (unpaid, paid or combination of paid and unpaid) in a 12-month period provided the resident/fellow has completed twelve (12) months of total service with the company and has worked 1,250 hours in the previous twelve (12) months.

Residents/fellows apply at the Human Resources Office for Family Medical Leave (FML). Once applied, resident/fellow will receive a summary of this policy titled "Your Rights and Responsibilities Under the Family and Medical Leave Act of 1993 (FMLA)" and will be asked to sign that they received the form.

Family Medical Leave (FML) may be requested through the Human Resources Office for one or more of the following reasons:

- The birth of a child, or to care for such child (leave must be concluded no later than 12 months after date of birth); or

- A child's placement for adoption or foster care (leave must be concluded no later than 12 months after date of adoption); or
- To care for a spouse, child (age 18 or under), or parent (but not parent-in-law) who has a serious health condition; or
- A Resident/fellow's serious health condition that prevents the employee from performing one or more essential functions of the job.
- Qualifying exigency arising out of the fact your spouse, son, daughter, or parent is on active duty or call to active-duty status in support of a contingency operation as a member of the National Guard or Reserves.
- You are the spouse, son, daughter, parent or next of kin of a covered service member with a serious injury / illness.

Intermittent FML approvals will not exceed thirty (30) calendar days unless expressly indicated by Employee Health and documented on a FML approval letter.

Residents/fellows with spouses who also work at CAMC are required to notify the company as such at the time of FML application for birth, adoption or to care for each employee's own parent with a serious health condition. Employees will be limited to share a maximum of twelve (12) weeks FML time off in a 12-month period. Failure of the Resident/Fellow to provide such information may result in the loss of Family Medical Leave protection for all or part of the leave.

**FML is an "unpaid" bank of time;** however, you may be required to concurrently use accrued benefits to generate pay (i.e., vacation days, PMPC leave) and in some cases you may voluntarily request/apply to use other pay sources (i.e. short term disability benefits, long term disability benefits, sick days). In all cases, Residents/Fellows must exhaust all forms of paid leave before being approved for unpaid leave by the Program Director.

#### Medical Certification for Paid Medical, Parental or Caregiver Leave and Family Medical Leave (Certificate of Health Care Provider Form)

CAMC requires a Certificate of Health Care coverage to be completed by the healthcare provider that is treating the Resident/Fellow or family member for the PMPC or FML reason requested. This certification is required for all applications of PMPC or FML regardless of reason. This certification must be returned no later than 15 calendar days after the form is received from the Human Resources Office.

It is the Resident/Fellow's responsibility to deliver the certification to the healthcare provider and conduct any necessary follow up to ensure that it is completed and returned on time to Employee Health. Failure to meet the 15-calendar day time frame may result in the delay or denial of the PMPC or FML request.

Once the certification has been returned to Employee Health, a verbal decision of "approved" or "denied" will be conveyed to the Resident/Fellow. A written notice will be issued to the Resident/Fellow, Program Director, GME office, and the Human Resources Office within a reasonable period of time documenting the decision.

CAMC may require a second medical opinion at the expense of the company. If the first opinion (health care provider chosen by the Resident/Fellow) and the second opinion (health care provider chosen and paid for by CAMC) differ, CAMC may require a binding third opinion from a healthcare provider approved jointly by the company and Resident/Fellow (paid for by CAMC).

#### Employee Responsibility of Advance Notification of the Need for Leave

To the extent foreseeable, the Resident/Fellow must give the Program Director a minimum of 14-calendar days' notice of the need for Family Medical Leave unless it is not practicable due to unforeseen circumstances that would prevent such notification. If the leave is not foreseeable, absent unusual circumstances, employee must comply with the employer's usual and customary notice and procedural requirements for requesting leave.

If leave will be used for planned medical treatment for the employee or family member (i.e., scheduled medical appointments) it is the employee's responsibility to make a reasonable effort to consult with the manager/supervisor to schedule those appointments outside the work schedule and/or to minimize the disruption to the company.

The company reserves the right to inquire about advance notice and scheduling efforts of the employee to the extent necessary to determine if a reasonable effort was made. Failure to meet proper notice requirements may result in the delay or denial of FML coverage.

### Job Protection and Benefits

The Resident/Fellow and Program Coordinator are responsible for tracking used and remaining FML hours. The starting total hours will be issued to the Resident/Fellow at the time of FML application through Human Resources.

While on Family Medical Leave the Resident/Fellow will be entitled to medical benefits with the same premium payment, as they would have if they were not on Family Medical Leave. Those premiums will be deducted from the paycheck, or in some cases, when an employee is placed on a "Leave of Absence," they will be notified in writing that it will be necessary for the Resident/Fellow to pay premiums directly to the company (i.e., personal check). Failure to make required benefit payments (30 days in arrears) may result in the loss of benefit coverage and in some cases may result in new waiting periods for certain benefits. If loss of benefits occurs, the Resident/Fellow (and family members where applicable) will be notified of their COBRA rights for continuation of coverage.

It should be noted that extended leaves might also extend the anticipated residency/fellowship completion date accordingly.

### Returning To Work

Residents/fellows return to the same or an equivalent position and general terms and conditions of employment and benefits if the employee returns to work prior to the exhaustion of Family Medical Leave. However, an employee has no greater right to restoration or to other benefits than if the employee had been continuously employed during the leave period. "Equivalent position" is defined as one with the same pay, benefits, working conditions, shift and status held prior to the leave. Employees who do not return to work upon the expiration of their PMPC or Family and Medical Leave may be terminated.

Upon returning to work from each PMPC or Family Medical Leave occasion, the Resident/Fellows must be evaluated by Employee Health no later than two business days after the employee's return to work date. In some cases, such as for short term disability or Workers' Compensation, Employee Health must evaluate the Resident/Fellow prior to returning to duty. This evaluation includes a fitness for duty exam, verification of medical information, and advance notice requirement analysis. Failure to complete this required step in the PMPC or FML process may result in the forfeiture of coverage and may result in termination of employment.

Residents/Fellows who have been released to return to work from a leave of absence and do not report to

Employee Health for fitness for duty determination within two business days may be terminated from employment.

If a Resident/Fellow is released to return to work from PMPC or FML with medical restrictions which prevent them from performing all the essential functions of the job, the Resident/Fellow will not be entitled to the original position.

If a Resident/Fellow is utilizing intermittent PMPC or FML and is not able to meet work responsibilities or required status hours, (i.e., full-time = 80 hours a pay period) the company may require the Resident/Fellow to transfer temporarily to an available alternative position with equivalent pay and benefits if qualified for the position and it better accommodates recurring periods of leave better than the Resident/Fellows regular job. An alternative position for these purposes does not have to have equivalent duties and may require a status change, work schedule change or change in duties to an alternative position or assignment to accommodate the reoccurring Family Medical Leave. When the employee is fully again able to perform all the essential functions and meet the work schedule requirements, they will be restored to the original status and assignment.

#### Workers' Compensation, Short Term Disability and FML

Workers' Compensation leave greater than three calendar days and FML will automatically run concurrently if the Resident/Fellow's condition qualifies for Family Medical Leave. Employee Health will utilize the OSHA form as the medical certification to verify that a Workers' Compensation illness or injury also qualifies under the FMLA as a "serious health condition".

Prior to the expiration of the FML entitlement, the Resident/Fellow may not be forced to return to work in a light duty assignment. However, if a Resident/Fellow refuses to accept a medically approved light duty assignment, the FMLA does not prevent state workers' compensation laws from suspending the payment of workers' compensation benefits as a result of the Resident/Fellow's refusal.

A Resident/Fellow does not have to exhaust vacation days, short term disability benefits, and sick days while receiving Workers' Compensation benefits.

Short term disability leave and Family Medical Leave will automatically run concurrently if the Resident/Fellow's condition qualifies for FML. Employee Health will utilize the Short-Term Disability Certification form as the medical certification to verify that a STD illness or injury also qualifies under the FMLA as a "serious health condition".

Matters not specifically covered in this section will be controlled by the provisions of the Family Medical Leave Act of 1993.

**Extension of Residency Due to Leave Time**

In general, extended absences will require extension of the training program subject to the program requirements in each department and specialty board requirements. Residents/fellows are entitled to timely notification from the program regarding the effect that time away from the training program will have on meeting training requirements necessary for program completion, graduation, and board eligibility.

**Signatures:**

GMEC Chair:	<div>Arthur B Rubin, DO, FACOP, MHA</div> <div>Art Rubin, DO</div>	<div>Digitally signed by Arthur B Rubin, DO, FACOP, MHA Date: 2024.06.26 10:39:34 -04'00'</div> <div></div>	<div></div> <div>Date</div>
DIO:	<div>Dinchen Jardine</div> <div>Dink Jardine, MD</div>	<div>Digitally signed by Dinchen Jardine Date: 2024.06.25 07:57:46 -04'00'</div> <div></div>	<div>25 Jun 24</div> <div>Date</div>