

<b>Policy 2.200</b> Graduate Medical Education Committee
<b>Section</b> Resident Support/Conditions for Appointment
<b>Subject</b> Leave for Residents/Fellows
<b>Policy Requirements</b> ACGME Institutional: IV.B.2.i, IV.B.2.j; IV.G.1; IV.G.2 ACGME Common: VI.C.2. UAMS Administrative Policies: 4.1.08, 4.6.04, 4.6.08, 4.6.11 and 8.4.04
<b>Version History</b> Date developed: 1/89 Revisions Approved: 2/2004, 12/2006, 6/2009, 12/2011, 6/2012, 12/2014, 10/2019, 9/2020, GMEC Date Legal Review: 9/2020

## Purpose

To define the policy for vacation and other leaves of absence, consistent with applicable laws. To ensure that Accreditation Council of Graduate Medical Education (ACGME)-accredited programs provide residents/fellows with accurate information regarding the impact of an extended leave of absence upon board eligibility.

## Definitions

**Sick Leave:** Paid absence from scheduled work for reason of illness or injury.

**Family Medical Leave Act:** The Family and Medical Leave Act of 1993 (“FMLA”) requires certain employers to allow eligible employees to take up to 12 weeks of leave (paid and/or unpaid) to care for a newborn or newly adopted child, to recuperate from their own serious illness, to care for certain seriously ill family members, and to care for service members injured in the line of duty, or qualifying exigency. An eligible employee is one who has at least 12 months of employment with the State of Arkansas and has worked at least 1,250 actual work hours during the previous 12-month period. Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable.

**Leave of Absence:** Unpaid absence from the educational activities of the residency/fellowship program when no sick or vacation leave exists to cover the absence and it is leave other than FMLA-qualified leave.

**Annual/Vacation Leave:** Paid absence from the residency/fellowship program.

**Professional or Educational Leave:** Paid time away from the training site for educational or professional meetings.

**Holiday:** Paid time off only if trainee's scheduled assignment (clinic) is closed.

**Military Leave:** Absence from the residency/fellowship program to fulfill obligations of the National Guard or any of the Uniformed Services of the United States as defined in 38 U.S.C. 4303.

**Policy**

Resident/fellow physicians are in the unique position of having a role as students and employees. Although brief periods of leave usually can be accommodated, time away from the residency or fellowship program may affect not only the trainee's ability to sit for boards, but also may negatively impact the program financially and through its accreditation status. Extending the trainee's time in a program may not be possible due to the lack of salary funding, and/or fines imposed by the U.S. Citizenship & Immigration Service (USCIS). Additionally, the program may not receive approval from the ACGME to increase the resident/fellow complement for the additional educational time.

Information on leave outlined by specific specialty boards can be found on the American Board of Medical Specialties web site at: <https://www.abms.org/about-abms/member-boards/>

Each program must establish and implement a written policy and procedures for leave based on this Graduate Medical Education Committee (GMEC) policy and in compliance with institutional, common and specific program requirements of the ACGME and the criteria for board eligibility outlined by program-specific board specialties.

It is the responsibility of the Program Director to:

1. Keep accurate records of sick leave, vacation leave, leaves of absence, professional or educational leave and training status not only for billing purposes but also to have adequate information for Board certification;
2. Determine whether the resident/fellow will be required to spend additional time in the program to compensate for time in remediation or for an extended leave period and be eligible for certification for a full training year;
3. Provide the resident/fellow with the program's written policy concerning the effect of leave, for any reason, on satisfying the criteria for completion of the residency/fellowship program. The program's policy will contain information on access to eligibility requirements, usually found on the American Board of Medical Specialties web site: <https://www.abms.org/about-abms/member-boards/>;
4. Provide resident/fellow in writing, the consequences of exceeding the amount of leave set by the ACGME and/or the Specialty Board; and,
5. Notify the Assistant Dean for Housestaff Affairs to discuss the accounting of the leave, financial compensation, and record keeping requirements.

It is the responsibility of the resident/fellow to:

1. Notify the Program Director as soon as possible about the need to take leave for any reason;
2. Supply the necessary written information about the reason for any type of leave; and,
3. Gain a thorough understanding of the effect the leave will have on meeting the requirements of the residency or fellowship program and board certification.

## **Sick Leave Policy**

Sick leave for medical reasons will be granted with pay for a **maximum of 12 days during each academic year** of the residency/fellowship program. Sick leave does not accrue. Sick leave may not be borrowed from future credits. Residents/fellows do not receive payment for unused sick leave at the completion of the program. Any day that the resident/fellow is on the schedule to work will be charged as sick leave if the resident/fellow is unable to work due to illness. To access sick leave a resident/fellow must notify the Program Director or his/her designee. The specific procedure for notifying the Program Director of brief absences due to illness is developed within the individual program.

Each program will inform its residents/fellows of the specialty Board regulation on time away from the program vs. Board eligibility.

## **Family Medical Leave Act Policy**

[UAMS Administrative Guide Policy 4.6.11](#) outlines the policy and procedures for use of FMLA. Residents/fellows must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable.

## **Bereavement Leave Policy**

Sick leave may be granted to employees due to the death or serious illness of a member of the employee's immediate family. Immediate family is defined as the father, mother, sister, brother, spouse, child, grandparent, grandchild, in-laws or any other person acting as a parent or guardian of an employee. The Program Director may grant sick leave for death or family illness in an amount which is reasonable for the circumstances.

## **Leave of Absence (non FMLA qualified) Policy**

The Program Director has the sole authority to grant a leave of absence for a resident/fellow. Prior to making a final decision regarding the request for leave of absence, the Program Director must contact the Assistant Dean for Housestaff Affairs to discuss the accounting of sick leave, vacation time, restrictions about family medical leave, financial compensation (stipends and benefits), and the record keeping requirements.

## **Military Leave Policy**

The Uniformed Services Employment and Reemployment Rights Act does not apply to residents/fellows enrolled in the Graduate Medical Education (GME) program. Residents/fellows who are members of the National Guard or any of the Uniformed Services of the United States may be called to duty in such uniformed service. The resident/fellow shall notify the Program Director in writing upon learning that he/she has been called to duty in a uniformed service. Prior to leaving the program for active duty, the resident/fellow and Program Director shall discuss the tentative plans for the trainee's return to the program including the level of re-entry. Within the abilities of the program to accommodate the trainee's re-entry in the program, the duration of absence from the program and the trainee's activities during the absence, the program will make every effort to ensure that the resident/fellow re-enters the program at the level commensurate with his/her abilities.

## **Vacation Leave Policy**

Each Program Director has the authority to determine the length and scheduling of vacation time for residents/fellows within the program. **The annual vacation allowance is 21 days (15 weekdays plus weekends)**. Vacation time does not accrue. Vacation leave may not be borrowed from future credits. Residents/fellows do not receive payment for unused vacation leave at the completion of the program. For example: a resident/fellow scheduled in an outpatient clinic that is open Monday –Friday will use 7 days of vacation in order to be away from that pay source for a Monday – Friday vacation.

Each program will inform its residents/fellows of the specialty Board regulation on leave used vs. Board eligibility. Vacation leave must be approved by the appropriate department/program representative. An individual Program Director may alter the amount of leave but only in order to comply with the American Board of Medical Specialties requirements.

The nature of some educational experiences may preclude taking vacation time. In this case, the Program Director shall communicate this decision to Program Directors of visiting residents in a timely manner so that this can be considered when preparing the overall rotation schedules.

In addition to the annual vacation days that are given on a yearly basis, each resident or fellow will also be allotted five (5) additional vacation days for use by the resident or fellow at their discretion during the entirety of the individual's residency or fellowship period at the University of Arkansas for Medical Sciences (UAMS). These five vacation days are given whether the length of the program is a one-year program or a multi-year program.

## **Professional or Educational Leave Policy**

Programs will define and allocate professional and educational leave up to a maximum of 5 days per year, in addition to sick and vacation time. Professional and educational leave may not be carried over from one year to the next.

Job or further educational training interview days may not be counted as professional or educational leave. Professional or educational leave may be used to take primary or subspecialty boards. USMLE exams may be taken using professional or educational leave.

Special exceptions for more than 5 days per year will be considered by the DIO under this policy. Those exceptions include but are not limited to: advanced recognition, exceptional research or academic performance. Exceptions should be requested in advance of the registration deadline/leave date.

A UAMS Request for Travel Authorization should document professional or educational leave. See UAMS Administrative Guide Policy 8.4.04.