Policy 2.200 Graduate Medical Education Committee
Section Resident Support/Conditions for Appointment
Subject Leave for Residents/Fellows
Policy Requirements ACGME Institutional: 1.12.e; 4.8.; 4.8.a.-g. UAMS Administrative Policies: 4.6.06; 4.6.11 UAMS COM GMEC Policy: 2.120
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Purpose: To address various leave types available for residents/fellows and outline the process for leave consistent with applicable laws and Accreditation Council of Graduate Medical Education (ACGME) requirements.

Policy: The College of Medicine (COM) Graduate Medical Education Committee (GMEC) policy acknowledges that **r**esident/fellow physicians are in the unique position of having a role as students and employees. This policy defines the types of leave available and associated processes. This policy outlines responsibilities for both the program director and resident/fellow related to leave and states how the COM GMEC provides oversight to the implementation of this policy.

Process: Each ACGME-accredited program must have a written leave policy housed in New Innovations and available for review by residents/fellows at all times. Each program's written policy must be based on this GMEC policy and in compliance with ACGME institutional, common and specific program requirements and the criteria for board eligibility outlined by program-specific board specialties.

<u>Program Director Responsibilities</u>

- Keep accurate records of all leave outlined in this policy and ensure leave is accurately entered in New Innovations.
- Determine whether the resident/fellow will be required to spend additional time in the program due to an extended leave period and whether resident/fellow will be eligible for certification for a full training year.
- Provide the resident/fellow notice in writing of the consequences of exceeding the amount of leave set by the ACGME and/or the Specialty Board; and,
- Notify the Assistant Dean for Housestaff Affairs, if it is determined that the leave will extend the resident's/fellow's training. See COM GMEC Policy 2.120.

<u>Resident/Fellow Responsibilities</u>

- Notify the Program Director as soon as possible about the need to take leave for any reason.
- Follow the program's process for leave requests and provide any required documentation.

- Understand the impact of leave on the successful completion of the residency or fellowship program and board eligibility.
- Ensure leave is accurately entered in New Innovations.

Leave Types

ACGME Medical, Parental or Caregiver Leave: Per ACGME requirements, starting with their first day of employment, every resident and fellow in an ACGME-accredited residency program is entitled to a total of six weeks approved medical, parental, or caregiver paid leave during their residency or fellowship program. ACGME medical, parental or caregiver leave may be requested in blocks or specific increments to total six weeks. During this leave period, trainees will be paid 100% of their salary. Health and disability insurance benefits for residents/fellows and their eligible dependents will continue. Residents/fellows will utilize vacation or sick leave as their minimum of one week of paid time reserved for use outside of the six weeks of approved medical, parental or caregiver leave of absence taken.

Some or all portions of medical, parental or caregiver leave may fall under the FMLA. Residents/fellows must follow UAMS and COM GME policies related to FMLA.

ACGME medical, parental or caregiver leave must be approved by Program Director, Designated Institutional Official (DIO), and Assistant Dean for Housestaff Affairs prior to the start of this leave. This ACGME medical, parental or caregiver leave is only available through the process outlined below.

Process to Request ACGME Medical, Parental or Caregiver Leave

1. The resident/fellow must send a request via email to their Program Director in order to use their approved paid six-week medical, parental or caregiver leave. Though the trainee may share the details of their request with their Program Director, they are only required to disclose the category of their leave (medical, parental, or caregiver).
2. The Program Director must meet with the resident/fellow to:
    a. review the medical, parental or caregiver planned leave dates,
    b. discuss impact of leave with resident/fellow and provide accurate information regarding impact of extended leave of absence (all leave used to date, proposed medical, parental or caregiver leave, future leave in current/subsequent academic years) upon the criteria for satisfactory completion of the program and upon a resident's/fellow's eligibility to participate in examinations by the relevant certifying board(s),
    c. draft a written plan to ensure all requirements for successful completion of program and for board eligibility will be met, and
    d. review the UAMS COM GME Medical, Parental or Caregiver Leave Request Form and obtain the resident's/fellow's signature on that form.

    The written plan for leave must be submitted as part of the online medical, parental or caregiver leave process and placed in the resident's/fellow's personnel file.

    If written plan for leave includes the potential for extension of training, the Program Director must follow the process outlined in COM GMEC Policy 2.120.

3. Once Program Director and resident/fellow have met and a written plan has been developed, the program will complete the online medical, parental or caregiver leave process, which includes the submission of both the UAMS COM GME Medical, Parental or Caregiver Leave Request Form and the written plan for resident/fellow's successful completion of the program. This information will be reviewed by the COM GME and Housestaff Office.
4. The Housestaff Office will provide written communication to the program and the resident/fellow regarding approval of request and next steps.
5. Resident/fellow must comply with all processes outlined in this policy and their program's leave policy to include submission of FMLA paperwork and communication with Housestaff Office on a regular basis.
6. Program must ensure that leave is accurately logged in the residency management software.
7. At least one week before the end of the approved leave, the resident/fellow must email their Program Director to confirm their return-to-work date and must additionally communicate with Assistant Dean for Housestaff Affairs as required to ensure their process is properly completed. The Program Director will confirm in writing the resident/fellow's return to work with the Assistant Dean for Housestaff Affairs on their first day back.

Bereavement Leave: Sick leave may be used by residents/fellows due to the death of a member of the resident/fellow'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.

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

Interview days may <u>not</u> be counted as educational leave. Educational leave <u>may</u> be used to take primary or subspecialty boards and/or USMLE exams.

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

Family and 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. 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. FMLA leave may run concurrently with other leave taken under this policy.**

Court and Jury Duty Leave: Leave will be granted for residents/fellows that are required to participate in local, state or federal jury duty or who are subpoenaed to testify as a witness in a matter within the

resident/fellow's scope of employment. Residents/fellows will be required to provide documentation of participation in jury duty or as a subpoenaed witness to program leadership prior to release from work. Residents/fellows will not be required to use vacation or sick leave for court and jury duty leave as described in this section.

Leave of Absence: Leave of Absence is unpaid absence from the educational activities of the residency/fellowship program when no sick leave, vacation leave or ACGME Leave exists to cover the absence. Prior to requesting leave of absence status, the Program Director must contact the DIO and 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: Military leave is the absence from a 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. The Uniformed Services Employment and Reemployment Rights Act (USERRA) applies to residents/fellows enrolled in a 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 should, if possible, notify the Program Director in writing upon learning that he/she has been called to duty in a uniformed service. Appropriate documentation should include the resident's/fellow's name, the dates of the orders or annual training, and a contact person in the resident's/fellow's unit who can verify the need for leave. When possible, 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. Following an approved military leave of absence, the resident/fellow will be reinstated to the position vacated. The resident/fellow must successfully complete all requirements of the program as determined by the ACGME in order to graduate. Depending on the length of the military leave of absence, this may require extended time in the resident/fellowship which will be determined by the Program Director and Clinical Competency Committee when the fellow returns. The program will make every effort to ensure that the resident/fellow re-enters the program at the level commensurate with his/her abilities.

Sick Leave: Sick leave, paid absence from scheduled work for reason of illness or injury, 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 accrual. 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. The process for requesting sick leave must be outlined in each program's leave policy.

UAMS Holiday Leave: Residents/fellows do not receive paid time off for holidays as identified under the official UAMS Employee Holiday Calendar. Residents/fellows may receive holidays as paid time off only if the scheduled assignment (clinic) is closed or if vacation is utilized.

Vacation Leave Policy: Residents/fellows receive **21 days of vacation leave (15 weekdays plus weekends)** annually. 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. Vacation time does not accrue. Vacation leave may not be borrowed from future accrual. Residents/fellows do not receive payment for unused vacation leave at the completion of the program.

The process for requesting vacation leave must be outlined in each program's leave policy. The Program Director has the authority to determine the length and scheduling of vacation time for residents/fellows within the program.

Vacation Leave - Additional Leave during Training: In addition to the annual vacation days that are given on a yearly basis, each resident/fellow will also be allotted five (5) additional vacation days for use by the resident/fellow during their residency/fellowship program. These five vacation days are available whether the length of the program is a one-year program or a multi-year program.

Impact of Leave on Resident/Fellow Training Time:

Leave may impact a resident/fellow's ability to graduate on time or impact board eligibility in the following ways:

- The State of Arkansas requires 12 full months of PGY-1 for US Graduates. Graduates of foreign medical schools should refer to the Code of Arkansas Rules 17 CAR § 140-301 for information regarding the application for an unrestricted medical license. Longer leave could impact Arkansas licensure and require additional months of training to receive an unrestricted license.
- The resident/fellow's accrediting board will have clear guidelines on how many weeks of training are required to qualify for their board-certifying examination. 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/member-boards/contact-an-abms-member-board/. If leave exceeds time or educational limits required by a particular board, it may impact the ability to take board examinations or become board certified and could require additional months of training to take certifying exams and become board certified. The impact of an extended leave of absence upon the criteria for satisfactory completion of the program and upon a resident's/fellow's eligibility to participate in examinations by the relevant certifying board(s) must be discussed and documented by the Program Director with the resident/fellow before the resident/fellow's leave begins.
- Residents/fellows must meet all program requirements for successful completion of training program.

COM GMEC Oversight

The COM GMEC provides annual oversight of implementation of this policy as part of the yearly leave report to GMEC. Additionally, the resident agreement of appointment must contain information regarding the various types of leave outlined in this policy.