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; 2.6.c; 4.2.b.2; 4.3.a.9.; 4.3.a.10; 4.8 ACGME Common: 6.14 UAMS Administrative Policies: 4.1.08, 4.6.11, and 8.4.04
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Purpose

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

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.

The College of Medicine (COM) Graduate Medical Education Committee (GMEC) will provide annual oversight of implementation of this policy regarding vacation and leaves of absence, including medical, parental and caregiver leaves of absence. Additionally, the resident agreement of appointment must contain information regarding vacation and leaves of absence including medical, parental and caregiver leave.

Each program must establish and implement a written policy and procedures for leave based on this 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. 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/.

It is the responsibility of the Program Director to:

1. Provide information to any applicants invited for an interview regarding institutional policies for vacation and leaves of absence, including medical, parental, and caregiver leave.
2. Keep accurate records of all leave outlined in this policy and trainee's training status not only for billing purposes but also to have adequate information for board certification.
3. Monitor compliance of resident/fellow leave entry using the residency management software.
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/member-boards/contact-an-abms-member-board/.
4. 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,
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;
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; and,
4. Log all leave in the residency management software.

Bereavement Leave Policy

Sick leave may be granted to COM 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. The Program Director may grant sick leave for death in an amount which is reasonable for the circumstances.

Family and Medical Leave Act Policy

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.

Jury Duty Policy

Leave may be granted for residents/fellows that are required to participate in local, state or federal jury duty. COM residents/fellows will be required to provide documentation of participation in jury duty to program leadership prior to release from work. Residents/fellows will not be required to use vacation or sick leave for jury duty.

Holiday Leave Policy

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.

Leave of Absence (non FMLA qualified and non ACGME Caregiver Leave) Policy

Leave of Absence is the paid or 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. 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

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 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.

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 <u>not</u> be counted as professional or educational leave. Professional or educational leave <u>may</u> be used to take primary or subspecialty boards. USMLE exams <u>may</u> be taken using professional or educational leave.

Special exceptions for more than 5 days per year will be considered by the Designated Institutional Official (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.

Sick Leave Policy

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 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 and the impact on board eligibility.

Vacation Leave Policy

Residents/fellows receive **21 days of vacation leave (15 weekdays plus weekends)** on an annual basis. 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 credits. Residents/fellows do not receive payment for unused vacation leave at the completion of the program.

The Program Director has the authority to determine the length and scheduling of vacation time for residents/fellows within the program. Each program will inform its residents/fellows of the specialty board regulation on leave used and impact on 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.

Vacation Leave: Additional Leave during Training

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 during the entirety of the individual's residency or fellowship period at UAMS. These five vacation days are available whether the length of the program is a one-year program or a multi-year program.

Medical, Parental or Caregiver Leave Policy

Per ACGME requirements, starting with their first day of employment, every resident and fellow in an ACGME-accredited residency program is entitled to six-weeks approved medical, parental, or caregiver paid leave at any one time during their residency or fellowship program. 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. 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. Unused weeks of medical, parental or caregiver leave are not considered part of a bank of vacation days to be used later.

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

Process to Request Medical, Parental or Caregiver Leave

1. The resident/fellow must send a request via email to their Program Director in order to use their one-time 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 (all leave used to date, proposed medical, parental or caregiver leave, future leave in current/subsequent academic years) on successful completion of program and board eligibility,
    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/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 also placed in the resident/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 Offices.
4. The Housestaff Office will provide written communication to 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 an 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 the resident/fellow's return to work with the Assistant Dean for Housestaff Affairs on their first day back in writing.

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:

a. If a resident/fellow is not in good standing in their residency or fellowship and is not meeting ACGME milestones, Program Directors and Clinical Competency Committees may require additional time in program to meet milestones required for successful graduation.

b. The State of Arkansas requires 12 full months of PGY-1 for US Graduates and 36 full months (PGY-1, PGY-2, and PGY-3) of training for international graduates to receive an unrestricted license. Longer leave could impact Arkansas licensure and require additional months of training to receive an unrestricted license.

c. 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. 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.

d. Resident/fellow must meet all program requirements for successful completion of training program.