



Office of Graduate Medical Education

GRADUATE MEDICAL EDUCATION COMMITTEE POLICY NO. 03

A. Subject Leave of Absence from Graduate Medical Training

B. Effective Date: January 16, 2019 (R)

C. Policy Statement

The University of Virginia Health System shall seek to provide its residents and fellows (hereinafter "Trainees") with appropriate time off to ensure the Trainee's well-being and to comply with the sponsoring institution's policies and applicable requirements for accreditation and/or specific specialty/subspecialty board certification. Furthermore, any time away from training must adhere to the department and/or program policies.

D. Definition of Terms

Administrative Leave: An absence from duty with or without pay as approved by the Program Director and as determined by [Medical Center Human Resources Policy 600](#).

Duty: All clinical and academic activities related to residency or fellowship training: patient care (inpatient and outpatient); administrative duties relative to patient care; the provision for transfer of patient care; time spent on in-house call; time spent on clinical work done from home; and other scheduled educational activities.

Family and Medical Leave Act (FMLA): FMLA is a job-protected leave without pay for up to 12 work weeks (26 weeks for qualified Military Care Giver leave) during a leave plan year.

Military Leave: Absence from work for military training or full-time service in the Uniformed Services in accordance with federal and state law.

Professional Leave: Time spent attending professional meetings or conferences, job or fellowship interviews, or taking board examinations or other examinations approved by the Program Director.

Unexcused Leave: An absence from duty not approved by the Program Director.

E. Procedures

1. Requests for Leave

- a) Trainees must submit requests in accordance with Program and Medical Center procedure and policies. Trainees should submit leave requests in a timely fashion, especially if rotating on another service and coverage must be arranged.
- b) Program Directors must approve all leaves of absence.
- c) All leaves of absence must be reported in New Innovations within 30 days of the planned absence.
- d) Leaves of absence resulting from a Disciplinary Action must be coordinated with and reported to the GME Office (GMEO) per GMEO Policy 31.
- e) See below for requests for PPL and FMLA for eligible Trainees.

2. Leaves Available for All Trainees regardless of Length of Employment

- a) **Administrative Leave:** The sponsoring institution provides Administrative Leave in accordance with [Medical Center Human Resources Policy 600](#).
- b) **Military Leave:** The sponsoring institution shall provide the Trainee with the necessary time off from training if called upon by the government for service in the U.S. Armed Forces. For a Trainee in

good standing, re-entry into the program upon completion of any military time shall be guaranteed by the Program Director of the program in which the trainee was granted the leave of absence. The postgraduate level at which the trainee returns to the program shall be at the discretion of the Program Director. The total leave period must be approved by the Program Director and communicated to the GMEO.

- c) **Professional Leave:** This leave is determined and granted by the individual Program Directors. Time spent attending professional meetings, conferences, job or fellowship interviews, or taking board examinations or other examinations is not counted as vacation if the activity is approved by the Program Director.
- d) **Sick Leave:** Trainees are provided up to fourteen calendar days per academic year of paid sick leave, inclusive of time needed for mental health. Beyond this, exceptional cases will be considered on an individual basis. In this regard, up to twenty-eight calendar days of additional paid leave time *may* be granted in cases of unusual illness or disability. Such additional leave would be granted through the GMEO only when the Program Director, DIO, or GMEO deem it acceptable. Paid sick leave does not carry forward.
- e) **Unexcused Leave of Absence:** Disciplinary or remedial action resulting from an unexcused leave of absence shall be at the discretion of the Program Director based on individual Department and/or accreditation requirements and regulations.
- f) **Vacation Leave:** Trainees must be provided fifteen business days of vacation time per academic year (unless otherwise specified by their Program Director). Vacation time does not carry forward, although exceptions can be made on an individual basis when specifically allowed by Trainee's certification board and approved in advance by the Program Director.
- g) **Additional Time for Completing Board Requirements:** In the event that additional training time is required to meet Board eligibility requirements (due to leave or other circumstances), the Trainee must be reappointed, with pay and benefits covered by the GMEO to continue for the extension.

3. Leaves Available to Trainees with Greater than One Year of Employment at UVA (Paid Parental Leave and Family and Medical Leave)

- a) **Paid Parental Leave (PPL):** PPL is available only to those employees who have been employed for at least 12 months and have worked at least 1,250 hours in the previous 12 months before the start of the leave.
 - PPL provides eligible Trainees up to 8 weeks of consecutive paid leave within 6 months of the event (birth, adoption, or placement).
 - PPL runs concurrently with FMLA (see below).
 - PPL is separate from vacation and sick leave (i.e., trainees may take vacation time in addition to approved PPL time).
 - PPL can be taken once in a 12 month period and only once per child.
 - Trainees may use 4 additional weeks of unpaid leave beyond the 8 weeks of PPL utilizing FMLA. Trainees must return to work at the end of the approved 12 weeks of PPL/FMLA time (8 weeks of PPL plus 4 additional weeks of FMLA time).
 - PPL is requested through the Program Director and the GMEO and must be requested at least 3 months prior to the birth, adoption, or placement of a child, if possible.
 - If both parents are eligible trainees, both parents are eligible to take PPL. However, the GMEO requests that both parents not take simultaneous PPL if both parents are being trained in the same program.
 - Unused PPL is forfeited.
- b) **Family and Medical Leave Act (FMLA):** FMLA is available only to those employees who have been employed for at least 12 months and have worked at least 1,250 hours in the previous 12 months before the start of the leave.
 - The FMLA grants up to 12 workweeks of family and medical leave of absence during any 12-month period in accordance with the FMLA to Eligible Employees who wish to take time off from work duties to fulfill family obligations relating directly to the birth of a child, adoption, and/or

placement of a foster child in order to bond and care for the child ; to care for a child, spouse, or parent with a Serious Health Condition, as defined in this policy; or due to the employee's own Serious Health Condition or disability.

- Family and medical leave may not be used for a short-term period (incapacity requiring the absence of less than three calendar days), conditions for minor illnesses, and out-patient surgical procedures with expected brief recuperating periods. It does not provide for intermittent care of a child for commonplace illnesses (e. g., colds and flu).
- For further information about FMLA definitions and procedures, see [the Medical Center Human Resources Policy No. 600](#). The University complies with the Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq., and Regulations 29 C.F.R Part 825).

4. Leaves for Trainees who are Not Eligible for Paid Parental Leave and FMLA

Trainees who do not meet the PPL/FMLA eligibility requirements may take either maternity, paternity or adoption leave as follows:

- a) Maternity Leave:** Maternity leave is granted as four paid, consecutive weeks of exceptional leave; trainees may also take any remaining unused annual sick leave or annual vacation time. The total leave period must be approved by the Program Director who must communicate this to the GMEO.
- b) Paternity Leave:** Paternity leave may be granted as one paid week (seven consecutive days) of exceptional leave; trainees may also take any remaining unused sick time or unused annual vacation time. The total leave period must be approved by the Program Director who must communicate this to the GMEO.
- c) Adoption Leave:** Adoption leave may be granted as four paid, consecutive weeks of exceptional leave for the primary caregiver; trainees may also take any remaining unused sick time or unused annual vacation time. The total leave period must be approved by the Program Director who must communicate this to the GMEO.

Revised/Approved, Graduate Medical Education Committee, 02/16/2005,
Revised/Approved, Graduate Medical Education Committee, 2/20/2008
Revised, GMEC Policy Subcommittee, 1/12/2012
Revised, GMEC Policy Subcommittee, 3/7/2012
Reviewed/Approved, GMEC, May 16, 2012
Revised, GMEC Policy Subcommittee, 12/10/2013
Reviewed/Approved, GMEC, 12/18/2013
Revised/Approved, GMEC, 02/15/2017
GMEC Policy Subcommittee Reviewed/Revised, March 13, 2018
GMEC Approved, March 21, 2018
GMEC Policy Subcommittee Reviewed/Revised: December 11, 2018
GMEC Policy Subcommittee Reviewed/Revised: January 8, 2019
GMEC Reviewed/Approved: January 16, 2019

Appendix A: HYPOTHETICAL SCENARIOS

THESE ARE HYPOTHETICAL SCENARIOS. Please consult, where appropriate, your Board's eligibility guidelines.

Trainee in the second year of employment – Maternity

The trainee has been employed by the MC for over a year, therefore eligible for FMLA and PPL. She has taken 1 week of vacation and 1 week of sick leave in the academic year prior to delivery. She takes 8 weeks of PPL for delivering in January. She then takes another week of vacation in May for a total of 11 weeks of total time off in that academic year. Her specialty board's Policy indicates any time taken over 4 weeks in an academic year (for any reason), must be paid back to the program in order for the Trainee to be eligible for Boards. Trainee owes program back 7 weeks of training time which is added to the end of her training year. Program reappoints trainee for extension time, for which she is re-contracted and re-appointed. Trainee graduates the second week of August.

Trainee in the First year of employment- Paternity

The trainee has been employed by the MC for 6 months when his wife delivers a baby. He is not FMLA/PPL eligible. He has taken 1 week of vacation so far that year. He combines 1 of his remaining weeks of vacation with 1 week of sick leave and 1 week of paternity leave for 3 weeks of leave which he takes 2 weeks after the baby is born. He then takes 1 more week of vacation and 1 week of sick leave for a total of 6 weeks off that year. This specialty board specifically allows him to combine total leave over the course of 2 years of training, as long as he does not exceed 8 weeks total. He, therefore, takes only 2 weeks of vacation the following year, for a combined two-year leave amount of 8 weeks. He meets Board eligibility guidelines and graduates on time.

Two Trainees both in the second year of employment– Double Maternity

Two female pediatrics residents, married to one another, have a baby in March of their second year of residency. Both residents are eligible for 8 weeks of PPL. The delivering resident takes 8 consecutive weeks of PPL beginning on the delivery date. She had previously taken 2 weeks of sick leave and 1 week of vacation. Following the 8 weeks of PPL, she takes an additional 4 weeks of FMLA, unpaid, returning to work after 12 weeks. At that point, she has taken a total of 15 weeks of leave. The American Board of Pediatrics (ABP) allows one month of absence in each year of training. At the end of that academic year, per the ABP, she owes the program back 11 weeks of make-up time at that current PGY level before she can be promoted to PGY3 and in order to remain Board eligible.

The spouse, who has taken 2 weeks of vacation prior to the delivery of their baby, elects to take her 8 consecutive weeks of PPL when her spouse returns to work. The second trainee has taken a total of 10 weeks of leave and owes the program back 6 weeks of make-up time at that current PGY level in order to be promoted to PGY3 before she can be promoted to PGY3 and in order to remain Board eligible.

Trainee in a non- accredited program (or in a non-accredited year in training) in the first year of employment -

Adoption

A fellow adopts a baby in April of their first year of employment. They only took 1 week of vacation during that year. They are not FMLA/PPL eligible. They combine their 2 remaining weeks of vacation, their 2 weeks of sick leave and four weeks of adoption leave and are out for 8 weeks. Their program does not lead to Board certification and there are no eligibility guidelines determine a requirement for time to be paid back. The trainee does not owe the program back any time in order to complete the program and graduates on time.

LEAVE WORKSHEET

The purpose of this worksheet is to help trainees and programs think through both eligibility for leave, amount of leave to be taken and the impact of Board eligibility that the taken leave will have.

| | |
|----------------------------|--|
| Trainee Name | |
| Program | |
| Purpose of Leave Requested | |
| Dates of leave Requested* | |

Will you have been employed with the Medical Center/University for at least 12 months prior to taking the requested leave? YES NO

How much leave will you have *already taken* in this current academic year when you begin this requested period of leave? _____

Does your program lead to Board Certification? YES NO

If YES, answers to the following questions can be found on your Board's website, under initial certification eligibility.

If YES, how much time does your Board allow to be taken off in an academic year? _____

Does time owed need to be made up at the end of the academic year or at the end of the program? _____

Are there any other Board, ACGME or Program stipulations about time that impact your request? (e.g. time can be averaged across several years, time can be forgiven with CCC approval, etc.)

To calculate the impact of this current leave request:

Add all leave taken in this academic year to the amount of leave you are currently requesting. Calculate the amount of time you will be off that exceeds your Board's allowance. This is, potentially, the amount of time you will owe back to the program either at the end of the year, or the end of the program.

What is that figure? _____

This figure will be used to help calculate whether and how much time might be owed back to the program. Please work with your Program and the GME Office to apply for any leaves, and to determine the impact of your leaves on your board eligibility and graduation date.

- Trainees owing back time must be reappointed and recontracted for the make-up time.
- Make up time is paid time, with benefits.
- Programs must follow relevant requirements to request complement increases (GMEC/ACGME) if a trainee's make-up time

*The policy recognizes that leave needs and dates are subject to change.