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**GRADUATE MEDICAL EDUCATION**

**TRAINEE POLICIES AND PROCEDURES**

**POLICY: LEAVE FOR TRAINEES**

**Policy Number: 4.1**

**Chapter: Leave**

**Purpose:**

To outline trainee leave policy including FMLA/MLOA/LOA/sick leave, vacation, educational leave, funeral leave, holidays, and military leave.

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**Policy:**

Each program and trainee is subject to and will abide by this institutional policy regarding trainee leave. If any program desires to make program-specific modifications, those modifications must be reviewed and approved by the GME Office.

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**Procedure:**

**FAMILY MEDICAL LEAVE ACT (FMLA)/SICK TIME –**

Leave taken for medical reasons falls under the Family Medical Leave Act (FMLA) of 1993. The Family Medical Leave policy for trainees at the University of Utah meets the requirements of the Family Medical Leave Act of 1993, allowing up to 12 weeks of leave per year for eligible employees.

- Eligibility:
  - An eligible employee may take leave under the FMLA to care for a Parent, Spouse, Child, and/or the Employee’s Domestic Partner. For purposes of this Section F only, the term “Child” means the biological, adopted, or foster child, stepchild, legal ward, or a child of a person standing in loco parentis, who is either under the age of eighteen or over the age of eighteen and incapable of self-care on a daily basis because of a mental or physical disability that substantially limits one or more major life activities.

**Owner:**

Graduate Medical Education

**Liaison(s):**

University of Utah HR

**Approval Body:**

Graduate Medical Education Committee

**Current Approval Date:**

May 2019

**Current Revision Date:**

May 2019

**Origin Date:**

Historical Information:  
Approval body: Graduate Medical Education Committee  
Approval date: 5/2017  
Policy Owner: Graduate Medical Education

- Must be employed for at least 12 months.
- Requirement:
  - Any leave for medical reasons, as outlined above, in excess of one (1) week must be handled under the Family Medical Leave Act for eligible employees.
- Process:
  - Trainees must inform their program director immediately about any necessary medical leave in order to allow time to arrange clinical coverage.
  - Upon learning that the trainee is requesting FMLA leave, the Program Director or Program Coordinator/Manager must complete a Trainee FMLA Request Form packet and submit the completed forms to the GME Office. **Human Resources and our legal counsel require immediate notification of this request and failure to do so will put our office and your office at legal risk.** This is a required responsibility of the training program that must be followed.
  - Request forms must be submitted to the GME Office **at least 30 days before the FMLA is to begin**, or within two (2) business days in cases of unforeseen emergencies.
  - The GME Office will submit the forms to Human Resources, which will notify all parties of approval or disapproval of the request.
  - HR will process the FMLA ePAF. GME will process the Return From Leave ePAF.
- Paid Time During FMLA:
  - FMLA time is paid for up to eight (8) weeks (including any FMLA/Sick or department MLOA/Sick in the year)
  - FMLA time taken beyond eight (8) weeks in one year is unpaid.
  - Benefits continue throughout the leave. The trainee is invoiced for the employee portion of the premium during any unpaid FMLA time taken beyond 8 weeks and the department covers departmental costs.
- Vacation Use During FMLA:
  - Trainee is required to use one (1) week of accrued vacation time (if available) during the first week of approved FMLA.
  - If one (1) week of accrued vacation time is not available, this week is unpaid and only seven (7) weeks of FMLA, MLOA, or Sick is paid
- Returning from FMLA:
  - The **GME office must be informed of the return from leave date beforehand** so a Return From Leave ePAF may be completed.

- Trainee must provide a physician letter before being allowed to return to their training program for any FMLA leave (with the exception of a six week or longer maternity leave).
- Makeup Time at End of Training:
  - Based on requirements set by the specific specialty board, the Training Program is responsible for determining the amount of time the trainee must make up for board eligibility, if any.
  - **Program must provide the GME office the estimated makeup time when requesting the leave.** This ensures the GME office does not terminate the trainee prematurely.
  - If the use of FMLA requires there be makeup time beyond the trainee's original graduation date, **benefits coverage will continue until graduation and makeup time is paid.**

#### **DEPARTMENT MEDICAL LEAVE OF ABSENCE (MLOA)/SICK TIME**

Medical leave when trainee does not qualify for FMLA (i.e. not employed for at least 12 months, or has already exhausted 12 weeks of FMLA in the year)

- Eligibility:
  - May be available to trainees when not eligible for FMLA (i.e., not employed for at least 12 months, or has already exhausted 12 weeks of FMLA in the year). MLOA's must be approved or denied by the Program Director. (If this is a medical leave and the trainee qualifies for FMLA, the leave must be handled through FMLA – see above). MLOA must be a continuous leave and are not available for intermittent leave cases.
- Process:
  - Trainees must inform their program director immediately of any necessary MLOA in order to allow time to arrange clinical coverage.
  - Upon learning that the trainee is requesting Department MLOA, and if the Program Director approves the leave, the Program Director or Program Coordinator/Manager must have the trainee complete the MLOA Request Form and submit the completed form to the GME Office. **The GME Office requires immediate notification of this request. This is a required responsibility of the training program that must be followed.**
  - The MLOA Request Forms must be submitted to the GME Office at least 30 days before the MLOA is to begin, or within two (2) business days in cases of unforeseen emergencies.
  - The GME Office will keep the forms on file.
- Paid Time During MLOA:
  - MLOA time is generally paid for up to 8 weeks (combined with any previous FMLA used in the current year).

- Any time beyond 8 weeks of previous leave (FMLA or LOA) in the current year of training is unpaid.
- MLOA time taken beyond 8 weeks is unpaid.
- Benefits continue throughout the leave. **The trainee is invoiced for the employee portion of the premium during any unpaid MLOA time taken beyond 8 weeks.**
- Vacation Use During MLOA:
  - Trainee is required to use one (1) week of accrued vacation time (if available) during the first week of approved MLOA.
  - If one (1) week of accrued vacation time is not available, this week is unpaid and only seven (7) weeks of FMLA, MLOA, or Sick is paid
- Returning from MLOA:
  - **The GME office must be informed of the return from leave date beforehand** so a Return From Leave ePAF may be completed.
  - Trainee must provide a physician letter before being allowed to return to their training program for any MLOA leave (with the exception of a six week or longer maternity leave).
- Makeup Time at End of Training:
  - Based on requirements set by the specific specialty board, the Training Program is responsible for determining the amount of time the trainee must make up for board eligibility, if any.
  - **Program must provide the GME office the estimated makeup time when requesting the leave.** This ensures the GME office does not terminate the trainee prematurely.
  - If the use of MLOA requires there be makeup time beyond the trainee's original graduation date, **benefits coverage will continue until graduation and makeup time is paid.**

#### **DEPARTMENT LEAVE OF ABSENCE (LOA) – NON-MEDICAL LEAVE**

- Eligibility:
  - May be available to trainees when not a medical leave. LOA's must be approved or denied by the Program Director. (If this is a medical leave and the trainee qualifies for FMLA, the leave must be handled through FMLA or a MLOA – see above).
- Process:
  - Trainees must inform their program director immediately of any necessary LOA in order to allow time to arrange clinical coverage.
  - Upon learning that the trainee is requesting LOA, and if the Program Director approves the leave, the Program Director or Program Coordinator/Manager must have the trainee complete the LOA Request Form and submit the completed form to the GME Office. **The GME Office requires immediate**

**notification of this request. This is a required responsibility of the training program.**

- The LOA Request Forms must be submitted to the GME Office at least 30 days before the LOA is to begin, or within two (2) business days in cases of unforeseen emergencies.
- The GME Office will keep the forms on file.
- Vacation Use During LOA:
  - Trainee is required to use all accrued vacation (if available) during the LOA.
- Paid Time During LOA:
  - LOA time is unpaid.
  - Benefits may continue throughout the leave. The trainee is responsible for all costs of the benefit premiums.
- Returning from LOA:
  - The GME office must be informed of the return from leave date beforehand so a Return From Leave ePAF may be completed.
- Makeup Time at End of Training:
  - Based on requirements set by the specific specialty board, the Training Program is responsible for determining the amount of time the trainee must make up for board eligibility, if any.
  - **Program must provide the GME office the estimated makeup time when requesting the leave.** This ensures the GME office does not terminate the trainee prematurely.
  - If the LOA requires there be makeup time beyond the trainee's original graduation date, **benefits coverage will continue until graduation and makeup time is paid.**

**Advise the GME office (Breanna Stoll 801-581-2401 or breanna.stoll@hsc.utah.edu) of all actions:**

- When applying for FMLA, MLOA, or LOA
- Dates of the FMLA, MLOA, or LOA leave (start and end)
- If makeup time will be necessary, and approximate dates of makeup time
- Any changes in approved dates
- Problems or questions

### **VACATION**

- All trainees in GME programs shall receive three weeks (15 working days) of paid vacation annually.
  - Vacation may be assigned by the Program Director, or must be arranged with the approval of the Program Director, for appropriate coverage of all rotations.
  - Vacation is non-accruing. At the Program Director's discretion, and with the trainee's permission, it is allowable to grant a

trainee only two weeks of vacation in one year, and four weeks in the following year.

- All trainees in GME programs shall receive one week (5 working days) of personal/professional development (PPD) time annually.
  - PPD must be arranged with the approval of the Program Director and may be unavailable on certain rotations.
  - PPD is non-accruing. PPD may be used in the same way as vacation but is intended to allow opportunity for trainees to attend medical, mental health, and dental care appointments in fulfillment of ACGME Common Program Requirement VI.C.1d).(1), and/or conferences, job interviews or other professional development activities.
  - PPD will be reported to the GME Office in the same manner as vacation time.

### **HOLIDAYS**

The following days will be considered holidays in accordance with University of Utah Hospital policy. Trainees will observe University of Utah Hospital holidays.

New Year's Day	First day in January
Martin Luther King Day	Third Monday in January
President's Day	Third Monday in February
Memorial Day	Last Monday in May
Independence Day	4 <sup>th</sup> day in July
Pioneer Day	24 <sup>th</sup> day in July
Labor Day	1 <sup>st</sup> Monday in September
Thanksgiving Day	4 <sup>th</sup> Thursday in November
Friday following Thanksgiving Day	4 <sup>th</sup> Friday in November
Christmas Day	25 <sup>th</sup> day in December

- Trainees must work with their departments to cover holidays. Trainees may be required to work on holidays. Many departments have a holiday call schedule, and many departments allow trainees to take call from home on holidays. Trainees may come in for rounds on holidays, but may leave the hospital after that as determined by their training program. Trainees must work with their program to cover call schedules and clinical rotations on holidays. Trainees will be paid for these days regardless of the number of hours worked, if any.
- Holidays are in addition to vacation days.

### **EDUCATIONAL LEAVE/EXAMS/CERTIFICATIONS**

- All trainees are required to obtain a medical license, and meet ACLS requirements or obtain other certifications depending upon the department.
- Training program must allow a trainee time off with pay to sit for any exams necessary to receive these licenses or certifications.

- Additionally, program directors may grant permission for trainees to attend national meetings or other seminars, or to present research papers. Such permissions are department-specific and must have program director approval.

#### **JURY DUTY**

- For the period during which a trainee is necessarily absent from work in compliance with an official requirement to appear for jury services, or a subpoena to appear as a witness at a trial, deposition, or other official proceeding, the employee will continue to receive full pay. The employee is expected to deliver to the University Hospital Cashier, for deposit to the University's general funds, any fees received in accordance with law for compelled attendance as a juror or non-expert witness.
- Employees are expected to report daily to work before and after jury service or attendance as a witness, whenever feasible, in order to give as much attention as possible to regular duties.
- This policy does not apply when an individual appears in court on his or her own behalf (e.g., to pay traffic fines or as a party to a civil law suit).

#### **FUNERAL LEAVE**

- Trainees are entitled to three (3) days of funeral leave in the event of a death of an immediate family member. Immediate family members include the trainee's spouse, children, parents, grandparents, spouse's parents, spouse's grandparents, spouses of children, siblings and their spouses, and grandchildren.

#### **MILITARY LEAVE**

- Any trainee who is a member of the National Guard or any organized reserve branch of the United States Uniformed Services is entitled to a leave of absence with pay not to exceed fifteen (15) working days per year for time spent on duty at annual encampments or rifle competitions or other duties in connection with the reserve training and instruction requirements of the United States Uniformed Services or National Guard.

#### **MAKEUP TIME FOR EXCESSIVE TIME AWAY FROM TRAINING**

- Each specialty board has its own requirements regarding board eligibility and the time absent from the training program. If a trainee is away from his/her training program for any reason (vacation, FMLA/sick, MLOA, jury duty, military leave, etc.), and the cumulative number of days absent exceeds the board eligibility requirements, that trainee must make up the time necessary to be eligible for board exams.
- The trainee must work with the Program Director and/or Program Coordinator to determine the specific specialty board eligibility requirements. Makeup time beyond the trainee's original graduation

date is paid and the trainee's benefits continue.