

**University of Utah
Division of Plastic Surgery
Leave Policy**

FAMILY MEDICAL LEAVE ACT (FMLA)

This University of Utah Health trainee leave policy meets the requirements of the Family Medical Leave Act of 1993, allowing up to 12 weeks of leave per rolling calendar year for eligible employees. Although FMLA must be offered to all eligible trainees, it is acceptable for the trainee, with the program and GME Office approval, to choose a DLOA instead.

- Eligibility:
 - An eligible employee may take leave under the FMLA for the following qualifying reasons:
 - To care for a spouse, domestic partner, parent, son or daughter with a serious health condition.
 - Birth of a son or daughter or to care for a newborn child.
 - Placement of a son or daughter with employee for adoption or foster care.
 - A serious health condition that makes employee unable to perform the functions of their job.
 - A "Qualifying Exigency" arising out of the fact that a spouse, son, daughter, or parent is a covered military member on active military duty or has been notified of an impending call or order to active military duty in support of a contingency operation.
 - To care for a covered service member with a serious injury or illness incurred in the line of active military duty, if the employee is a parent, spouse, son, daughter or next of kin (closest living relative) of the covered service member.
 - Must be employed by University of Utah Health for at least 12 months. Must have worked at least 1,250 hours over the previous 12 months from start of leave.
- 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 and submit a "GME Request for FMLA or DLOA" form to the GME Office. **Human Resources and our legal counsel require immediate notification of this request.** This is a required responsibility of the training program that must be followed.
 - Leave 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 sign and submit the forms to Human Resources for review and final determination, which will notify all parties of approval or denial of the request.
 - For medical reasons other than maternity/paternity, HR may require the trainee to submit a "Certification of Health Care Provider" for an explanation of the medical condition.
 - HR will process the FMLA ePAF. GME will process the Return From Leave ePAF.
- Returning from FMLA:
 - The **GME Office must be informed of the return from leave date beforehand** in order for a Return From Leave ePAF to be completed.

- Trainee must provide a signed physician release to return to work to Human Resources for all medical conditions, with the exception of a maternity/paternity longer than six (6) weeks for vaginal delivery and eight (8) weeks for C-section.

DEPARTMENT LEAVE OF ABSENCE (DLOA)

A Department Leave of Absence (DLOA) may be considered if a trainee does not qualify for FMLA (i.e. not employed for at least 12 months); the trainee chooses not to use FMLA; or for a non-medical leave. Although FMLA must be offered to all eligible trainees, it is acceptable for the trainee, with program approval, to choose a DLOA instead.

- Eligibility:
 - DLOA can be taken for up to twelve (12) weeks including any FMLA time taken in a rolling calendar year. Additional time requires a request for an ADA for medical or an ELOA for non-medical.
 - DLOA can be taken for the trainee's own medical or non-medical reasons.
 - Any trainee is eligible for a DLOA with the approval of the Program Director and the GME Office.
- Process:
 - Trainees must inform their Program Director immediately of any necessary DLOA in order to allow time to arrange clinical coverage.
 - Upon learning that the trainee is requesting a DLOA, the Program Director or Program Coordinator/Manager must complete and submit a "GME Request for FMLA or DLOA" form to the GME Office. **Human Resources and our legal counsel require immediate notification of this request.** This is a required responsibility of the training program that must be followed.
 - Leave Request Forms must be submitted to the GME Office **at least 30 days before the DLOA is to begin**, or within two (2) business days in cases of unforeseen emergencies.
 - The GME Office will keep the forms on file.
- Returning from DLOA:
 - The **GME Office must be informed of the return from leave date beforehand.**
 - It is the program's responsibility to ensure the trainee is fit to return to work.

ACCOMMODATIONS UNDER THE AMERICANS WITH DISABILITIES ACT (ADA):

In the event a trainee is in need of additional leave outside of the FMLA or DLOA leave referenced and provided within this policy, they may apply for medical leave as an accommodation under the ADA.

- Eligibility:
 - A trainee may qualify for a leave under the ADA for their own medical reason(s).
- Process:
 - Trainees can apply for an accommodation by notifying the GME Office of the request. The GME office will refer the trainee to the ADA office in Hospital Human Resources for application instructions.
 - HR will work with the program to determine if the accommodation is reasonable.
 - Program will notify GME Office of approval and length of ADA accommodation or denial of same.
- Returning from ADA:
 - The **GME Office must be informed of the return from leave date beforehand.**
 - It is the program's responsibility to ensure the trainee is fit to return to work.

PAID TIME AND BENEFITS DURING FMLA, DLOA, AND ADA LEAVE

- Paid Time:
 - FMLA, DLOA, or ADA leave time may be paid for up to seven (7) weeks (this includes any paid FMLA, DLOA, or ADA Leave (or combination of these leaves) in the rolling calendar year).
 - FMLA, DLOA, or ADA leave time taken beyond seven (7) weeks in one (1) rolling calendar year is unpaid unless the trainee requests to use available vacation or sick time earned.
- Benefits Coverage:
 - Benefits continue throughout the FMLA, DLOA, or ADA leave for up to 12 weeks. It is the department's choice and responsibility to work directly with the benefits office to arrange for benefits during any FMLA, DLOA, or ADA leave time taken past 12 weeks.

EXTENDED LEAVE OF ABSENCE (ELOA)

An ELOA is a specific non-medical leave for a trainee who requires a gap in training or leaves the institution to train or do research at another institution for up to twelve (12) months including any FMLA, DLOA, or ADA time taken in the rolling calendar year.

- Eligibility:
 - May be available to trainees with Program Director and GME Office approval.
 - Any medical leave must be referred to the FMLA or DLOA process. Any non-medical leaves twelve (12) weeks or less must be referred to the DLOA process. A trainee may qualify for a second year when training or doing research at another institution.
 - If a trainee does not return to work after the approved time, the trainee may be released from employment.
- Process:
 - Trainees must inform their Program Director immediately of any necessary ELOA in order to allow time to arrange clinical coverage.
 - Upon learning that the trainee is requesting an ELOA, the Program Director or Program Coordinator/Manager must complete and submit a "GME Extended Leave of Absence" form to the GME Office. **Human Resources and our legal counsel require immediate notification of this request.** This is a required responsibility of the training program that must be followed.
 - ELOA Request Forms must be submitted to the GME Office **at least 30 days before the ELOA is to begin**, or within two (2) business days in cases of unforeseen emergencies.
 - The GME Office will keep the forms on file.
- Returning from ELOA:
 - The **GME Office must be informed of the return from leave date beforehand.**
 - It is the program's responsibility to ensure the trainee is fit to return to work.
- Vacation During ELOA:
 - Trainee does not earn vacation time during ELOA.
- Paid Time During ELOA:
 - ELOA time is unpaid.
 - Benefits do not continue during ELOA time.

MAKE UP 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 leave (FMLA, DLOA, ADA, or ELOA) requires there be makeup time beyond the trainee's original graduation date, **benefits coverage will continue until graduation and makeup time is paid**, with funding source to be determined by the department and the GME Office.
- Trainee and program must contact HR to ensure benefit coverage continues or resumes as needed.

Notify the GME Office (GME@hsc.utah.edu or 801-581-2401) of all actions:

- When applying for FMLA, DLOA, ADA ELOA
- Dates of the FMLA, DLOA, ADA ELOA 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 AND PERSONAL/PROFESSIONAL DEVELOPMENT

- All trainees in GME programs shall receive three weeks (15 working days) of paid vacation annually (provided at the start of the program and at (1) one year intervals).
 - 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 balance does not automatically roll over. At the Program Director's discretion, and with the trainee's permission, it is allowable to grant a trainee only two (2) weeks of vacation in one year, and four (4) weeks in the following year.
 - At the trainee's discretion, vacation time may be used to extend pay beyond seven (7) weeks during a FMLA or DLOA.
 - Trainee may forfeit all accrued vacation time if they break their contract.
 - One of those weeks must be taken in 5 day, Monday-Friday, block. Two of the weeks can be split into two separate times off or be used for a non-Monday-Friday block.
 - Vacation requests should be submitted within the first 6 months of the academic year.
 - Only one resident can be on vacation at a time. Requests for the same period of time should be resolved among the residents with the help of the Administrative Chief Resident. Extenuating circumstances will be evaluated on an individual basis and must be approved by both the rotation faculty and the Program Director.
 - One of the three weeks must be taken by October, another week must be taken during the months of November thru February and the last week must be taken March to June. No vacation can be taken during the last two weeks of June or the month of July.
 - The call schedule will be made in three-month blocks. If you have vacation approved after it is sent out you will be responsible for finding coverage for any days off approved.
 - No resident is allowed to leave for vacation until operative logs are complete and up to date. The same holds true for attending meetings or other activities within the division.
 - When any resident is on vacation, the administrative chief resident must make every effort to re-arrange coverage to accommodate surgical case coverage.
 - All days off will count towards vacation/wellness days. If there are no scheduled cases for you on a certain day, you should call your rotation director.
 - Residents assigned to the Plastic Surgery service in December and January will be split into two groups. One group will get the University closure days off around the Christmas holiday and the other group will get the University closure days off around the New Year's holiday. Typically these include 2 workdays around each holiday.

- All trainees in GME programs shall receive one week (5 working days) of personal/professional development (PPD) time annually (provided at the start of the program and at (1) one year intervals).
 - PPD must be arranged with the approval of the Program Director and may be unavailable on certain rotations.
 - PPD is non-accruing. PPD 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.
 - Trainee may forfeit all accrued PPD time if they break their contract.
 - PPD will be reported to the GME Office in the same manner as vacation time.
 - This time may also be used toward a surgical mission trip during the final two years.
 - If you have an obligation on a clinical day that will require you to miss more than a couple of hours, please let the attending and program coordinator know that you will be using one of these days. Otherwise, you should expect to be available for clinical duties Monday-Friday regardless of rotation. Any additional days taken off for any of these purposes must count toward vacation time.
 - If trainee is interviewing, trainee must first use a combination of 5 days of PPD/Vacation to go on fellowship or job interviews. After 5 days, additional days will be considered on a case by case basis pending clinic duties are covered. Trainee will be allotted 2 days maximum for each interview.
 - Trainee may forfeit all accrued PPD time if they break their contract.
 - **The program coordinator must be notified of any time off including vacation, sick, interviews, conferences, etc.**

SICK TIME

- All trainees in GME programs shall receive one week (5 working days) of paid sick time annually (provided at the start of the program and at (1) one year intervals).
 - Sick time (scheduled or unscheduled) must be arranged with the approval of the Program Director, for appropriate coverage of all rotations.
 - Sick time is non-accruing (does not roll over to the next year).
 - At the trainees discretion, sick time may be used to extend pay beyond seven (7) weeks during a FMLA or DLOA.
 - Trainee may forfeit all accrued sick time if they break their contract.

HOLIDAYS

Trainees will observe University of Utah Hospital holidays. Information regarding holidays are located on Pulse.

- 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. Trainees must remain current with all required licenses, certifications, and trainings.
- 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 lawsuit).

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 parent, spouse, domestic partner, child, sibling, in-laws (parent, brother, or sister), grandparent, grandchild, and any family members with a "step-"relationship.

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 (FMLA/DLOA/ADA/ELOA, vacation, personal/professional development, sick leave, holidays, educational leave, jury duty, funeral leave, 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 by the department and/or the GME Office and the trainee's benefits continue.