

SUBJECT: LEAVE POLICY

INTENT: The Sponsoring Institution must provide written institutional policies on residents' vacation and other leaves of absence (with or without pay) to include parental and sick leave; these policies must comply with applicable laws.

POLICY

STATEMENT: Each program must have a written policy regarding Leaves of Absence in compliance with its Program Requirements concerning the effect of leaves of absence, for any reason, on satisfying the criteria for completion of the residency program and information relating to access to eligibility for certification by the relevant certifying board.

DESCRIPTION:

Members of the housestaff shall be entitled to leave with pay for the purpose of annual and sick leave depending upon the length of appointment during the training period July 1 through June 30, as described in this section. Leave will be granted and charged in one-day increments for each workday of leave requested and approved. If specialty board regulations for annual and sick leave accrual and usage differ from that outlined in this rule, written notification of the board policy shall be completed by the program director and submitted to the Dean for approval. The total maximum time a housestaff member can be away from a program in any given year or for the duration of the residency program shall be determined by the requirements of the specialty board involved. All absences must be approved by the program director. Each program will have a policy that addresses the effect of leave on promotion and length of training. If excessive time is taken, the resident may be required to extend his/her training to fulfill Board requirements.

The College of Medicine recognizes a variety of categories of leave:

Vacation Leave: Vacation leave shall be requested and approved by the program director prior to the date taken. Vacation leave should not be fragmented into less than one-week periods except under unusual circumstances and must be taken at the time approved by the program director. Vacation leave may be advanced to housestaff proportionate to expected service. This advance leave cannot exceed the amount of the leave accrual rate for a one-year period. The amount of advanced leave will not exceed that which can be earned during the remainder of the housestaff leave year. Vacation leave which has been granted but not earned by the housestaff member at the time of separation from the academic department will require an appropriate reduction for the value thereof in the final stipend payment. Vacation leave accruals are normally based on an annual rate of fifteen (15) work days for all housestaff, provided this does not exceed that allowed by the appropriate board. Housestaff may be permitted to carry over unused leave to a new year, as consistent with department policy; however, carryover must be approved by the program director and an excess of twenty-five (25) work days cannot be accumulated. All unused leave is considered non-payable leave, and there is no entitlement for lump-sum payment for unused leave upon separation or completion of training.

Sick Leave: All housestaff shall accrue sick leave at the rate of 10 working days per year of full employment if consistent with board requirements. Housestaff shall be entitled to utilize for special cases severe illness, in the immediate family (spouse, parents, brothers, sisters, children, grandparents, and grandchildren of both housestaff and spouse). The number of days allowed will be determined by the program director. Sick leave may be advanced to housestaff proportionate to expected service. This advance leave cannot exceed the amount of the leave accrual rate for a one-year period. The amount of advanced leave will not exceed that which can be earned during the remainder of the housestaff leave year. Sick leave which has been granted but not earned by the housestaff member at the time of separation from the academic department will require an appropriate reduction for the value thereof in the final stipend payment. Housestaff may be permitted to carry over sick leave to a new year, as consistent with department policy; however, carryover must be approved by the program director and an excess of fifteen days (15) work days cannot be accumulated. All unused leave is considered non-payable leave, and there is no entitlement for lump-sum payment for unused leave upon separation or completion of training.

Parental Leave: Housestaff may take up to 6 weeks paid leave using accrued sick leave and vacation leave to care for a new child by birth or adoption. Sick/Vacation leave may be advanced to housestaff proportionate to expected service. Please see above sick leave policy. The official parental leave period may begin two weeks before the expected date of the child's arrival and must occur within the 12-month period beginning with that date. Residents that plan to utilize parental leave are expected to notify their Training Program Director as soon as they know they will need to use parental leave to facilitate appropriate scheduling. Complicated pregnancy or delivery will be handled through additional sick leave and disability policies. FMLA mandates that up to 12 workweeks may be taken for the birth of a biological child or placement of child pending adoption. If the housestaff member chooses to take more than the 6 weeks leave, he/she will be placed on unpaid leave for the remaining 12 weeks. While on unpaid leave, housestaff's insurance benefits will be covered by the academic department for up to two (2) months. After two (2) months, the house officer will be responsible for payment of insurance premiums. Such coverage may be purchased for a time period consistent with COBRA regulations.

The total time allowed away from a program in any given year or for the duration of the housestaff program will be determined by the requirements of the specialty board involved. Any absences must be made up in accordance with specialty board policy. The housestaff will be paid for makeup or extended time.

FMLA Entitlement

The Family and Medical Leave Act (FMLA) is federal legislation enacted to provide job protection for up to 12 weeks an entitlement year to an employee, or for an employee to care for his or her parent, spouse, or child who has a serious health condition determined to be FMLA-qualifying by the patient's physician, or when an employee must be absent due to becoming a parent. Employers must approve leave for events that qualify under the FMLA. Employees hired into leave-accruing positions are eligible for FMLA leave upon hire at the University of Florida.

Twelve weeks of entitlement translates to 12 weeks of an employee's regular schedule. The maximum entitlement for FMLA leave is 480 hours in the FMLA year for a full-time

employee. The entitlement is prorated based on FTE, so an employee at .50 FTE would have a maximum entitlement of 240 hours in the FMLA entitlement year, which is from July 1 through June 30.

OPS employees (Staff, Academic Personnel and Graduate Assistants) who have been employed by the University of Florida at least 12 months (need not have been consecutive), and have worked a minimum of 1,250 hours during the 12 months immediately preceding the requested leave, are eligible for a total entitlement (not per event) of up to 12 workweeks of leave without pay in a fiscal year for events determined to be FMLA-qualifying. Residents are included in this group.

At the University of Florida, the leave benefits to which employees have access are frequently more generous than those provided by the FMLA. As a result, when granting appropriate leave in keeping with university policy, departments will likely meet the requirements of the FMLA as a matter of course.

Domestic Violence Leave: Housestaff are eligible up to 3 days leave in a twelve-month period if the housestaff member or a family or household member is a victim of domestic violence. The fiscal year of July 1 to June 30 will be considered the 12 month period. Except in case of imminent danger to the health or safety of a housestaff member, or the health or safety of a family or household member, a housestaff member seeking leave from work under this section must provide his or her program director advanced notice of the leave. The housestaff member is required to use accrued sick or annual leave. In the event that the employee does not have sufficient leave hours to cover the event, the leave that is not covered will be unpaid.

Bereavement Leave: Housestaff shall be granted, upon request to the program director, up to 5 days off for funeral of an immediate family member. Housestaff members are granted 2 days of bereavement pay and for the other 3 days, the resident may use their sick or annual leave time. Immediate family shall include spouse, cohabiters, registered same sex domestic partners, children, step children, parents, parents of spouse, and the stepparents, grandparents, grandchildren, brothers, and sisters.

Military Leave: Absences for temporary military duty (e.g. two-week annual training) will not be taken from sick or annual leave but will be considered leave with pay for up to 17 days. If activated from reserve to active duty status, the housestaff member will receive thirty (30) days full pay before going on leave without pay. Insurance policies will remain in effect for dependents during the period of active duty for one year. Additional extensions require special approval from the Dean of the College of Medicine.

Jury Duty Leave: Housestaff who are summoned to jury duty will be granted paid leave for all hours required for such duty. If jury duty does not require absence for the entire workday, the employee should return to work immediately upon release by the court. The university will not reimburse the employee for meals, lodging, and travel expense while as a juror. This type of leave must be approved by program director in advance. Any absences must be made up in accordance with specialty board policy. The housestaff will be paid for makeup or extended time.

Educational Assignment: Housestaff shall be eligible for absence pertaining to educational and training provided it is allowed by the appropriate board and agreed to, in writing, by the program director. This should not be charged as either annual or sick leave.

Licensure Examination Leave: Housestaff taking American specialty board and state licensure examinations will be authorized leave at the discretion of the program director. The amount of absence authorized will not exceed the time actually required for taking the examination and for travel to and from the place of examinations. Only one licensure and one specialty exam shall be authorized per housestaff member. Any additional absence will be charged to annual leave or leave without pay if annual leave is not available.

Holidays: Housestaff shall be entitled to observe all official holidays designated by the Department of Administration for state employees except when they are on call for clinical responsibilities. Housestaff on Veteran's Administration Medical Center (VAMC) rotations shall be entitled to observe all official holidays designated by the federal government for VAMC employees except when they are on call for clinical responsibilities. When on duty or call for clinical responsibilities on designated holidays, the assignment will be considered as part of the residency and will not result in extra remuneration.

Procedures For Requesting Leave of Absences:

1. **Leave of Absence with Pay:** The policy should be followed by the Departments when a resident/fellow requests a LEAVE OF ABSENCE WITH PAY (LWP):

Under special circumstances consistent with medically documented illness or disability, an approved leave of absence may be granted for a period not to exceed six months. During such an approved leave of absence, eligible residents will continue to receive salary and all fringe benefits. Once long-term disability coverage begins, the resident will be taken off payroll but benefits will continue.

1. The resident must submit in writing the request for leave of absence with pay. The letter should be addressed to the Chair of the Department and must contain the following information:
 - a. The purpose of the leave of absence.
 - b. Period of leave to be taken.
 - c. The number of annual leave hours being requested by the resident should be addressed in the letter.
 - d. A date of expected return must be stated in the letter. This date can always be adjusted either with the resident returning earlier or extending further LWP. If an extension is needed, the resident must write a new letter indicating the new date of return.
 - e. A statement acknowledging the resident's understanding that the residency program will be extended by the number of days, months, etc., taken as leave as required by the RRC/Board
2. After the letter has been officially accepted by the Department, the Chair shall submit a letter to the Associate Dean for Graduate Medical

Education (ADGME) or Educational Affairs (ADEA), referencing the attached letter of request from the resident. The Chair's letter should contain the following:

- a. The purpose of the leave of absence
 - b. The period of the leave of absence
 - c. What portion of the leave he/she has approved as annual and/or sick leave and when the program director/chair expects the person to return. Start the date of leave after annual and sick day used. NOTE: each academic department is responsible for computing actual leave accruals. At the discretion of the Chair or Program Director, annual leave may be advanced to a resident proportionate to expected service but cannot exceed that which can be earned during the remainder of the resident leave year.
 - d. A statement ensuring the ADGME/ADEA that the resident has been told the residency program will be extended by the number of days, months, etc., taken as leave as required by the RRC/Board. NOTE: Since annual leave is normally taken annually, only the sick portion and those days that are actually leave with pay should be counted toward extending the program.
 - e. A signature block for approval by the ADGME/ADEA. Once approved, a copy of this letter will be sent to the resident.
3. The department should submit to the Office of Educational Affairs/Graduate Medical Education form 255 and a coding sheet with the Status Code (Extended Leave of Absence) indicating the effective date of the long-term disability insurance. The Program Assistant is advised to keep in contact with the fringe benefits office regarding the date the disability insurance becomes effective.
 4. Group Long Term Disability Claim package: The package must be completed on all leave of absence with pay requests regardless of the length of time the resident expects to be on leave. It may be obtained by calling the fringe benefits office (see list of key contacts below)
 5. Insurance benefits will be covered for up to six months. After the six month period, the resident may purchase this coverage for up to 18 months, consistent with the COBRA provisions.
 6. Upon a resident's return from leave, a Return to work Notification letter must be written and signed by the Program Director indicating officially that the resident is back to work, the date of return and the status of the resident's return to work. A statement regarding the resident's ability to resume the duties of the position is required. This letter should be submitted to the ADGME/ADEA and Fringe Benefits Office.

7. Appropriate law on ADA must be followed:

Key contacts for Gainesville Campus:

ADGME: Timothy C. Flynn, M.D. Associate Dean for Graduate Medical Education Office of the Dean, College of Medicine Personnel (352) 273-5074

Fringe Benefits: Janis Smith at (352) 273-5077

Key contacts for Jacksonville Campus: ADEA: Connie Haan, M.D., Associate Dean for Educational Affairs Office of Educational Affairs (904-244-3140 Fringe Benefits: Brian Berryman at (904) 244-8531

For additional information, refer to the resident manual or <http://www.med.ufl.edu/benefits/>

Leave of Absence Without Pay: The Policy should be followed by the Departments when a resident/fellow requests a maternity leave, or any other type of LEAVE OF ABSENCE WITHOUT PAY (LWOP):

1. The resident must submit in writing, the request for leave of absence without pay. The letter should be addressed to the Chair of the Department and must contain the following information:
 - a. The purpose of the leave of absence.
 - b. Period of leave to be taken without pay.
 - c. The number of annual leave hours being requested by the resident should be addressed in the letter. NOTE: Residents taking LWOP can only use hours accumulated prior to the leave request: hours not on the books should not be advanced since he/she will not earn leave while on LWOP.
 - d. A date of expected return must be stated in the letter. This date can be adjusted either with the resident returning earlier or extending further LWOP. If an extension is needed, the resident must write a new letter indicating the new date of return.
 - e. A statement acknowledging the resident's understanding that the department will cover the insurance benefits for up to two months which time COBRA laws apply.
 - f. A statement acknowledging the residency program will be extended by the number of days, months, etc., taken as leave, as required by the RRC/Board.
2. After the letter has been officially accepted by the Department, the Chair shall submit a letter to the Associate Dean for Graduate Medical Education (ADGME) or Educational Affairs (ADEA), referencing the attached letter of request from the resident, the Chair's letter should contain the following
 - a. The purpose of the leave of absence

- b. The period of the leave of absence
 - c. What portion of the leave he/she has approved as annual and/or sick leave and when the Program Director/Chair expects the resident to return
 - d. A statement ensuring the ADGME/ADEA that the resident has been told the residency program will be extended by the number of days, months, etc., taken as leave without pay. NOTE: Since annual leave is normally taken annually, only the sick leave portion and those days that are actually leave without pay should be counted toward extending the program
 - e. A signature block for approval by the ADGME/ADEA. Once approved a copy of this letter will be sent to the resident.
3. The department should submit to the Office of Educational Affairs/Graduate Medical Education (DEA/GME):
- a. A 255 and a coding sheet with the Status Code 11-Extended Leave of absence. The effective date of leave without pay (Effective date: from _____ to _____). The "from" date is the date the resident has exhausted sick and/or annual leave. The "to" date is the expected date of return. The DEA/GME will send a copy of the 255 to fringe benefits.
 - b. Six weeks after the effective date of the LWOP, call the DEA/GME to inform them when the department will stop paying benefits. (See section 5 Benefits below). The DEA/GME will notify payroll and fringe benefits of the status and code HRIS to "no benefits."
 - c. Upon resident's return from LWOP, complete and submit to the DEA/GME a 255 and coding sheet with the Status Code 01-Active. Effective date: from (___ to ___) is the actual date of return to the date the academic year ends. The DEA/GME will send a copy of the 255 to fringe benefits.
4. Payroll. No salary shall be paid to the resident for those days or weeks that are not covered by annual/sick leave.
5. Insurance Benefits: If approved, uncompensated leave is taken, insurance benefits covered for up to two months. Thereafter, one of two options should be selected.
- I. Initially and prior to two months ending, the Program Director/Chair may request under separate cover coverage of benefits up to a six-month period, letter should be addressed to Timothy Flynn, M.D., Fringe Benefits Committee Chairman, and a copy sent to the ADGME/ADEA. After the coverage of benefits cease, the resident may purchase this coverage for up to 18 months consistent with the COBRA provisions.
 - II. After two months, the resident will be responsible for payment of insurance premiums for up to six months. The resident may purchase this coverage for up to 18 months, consistent with the COBRA provisions.

Key contacts for Gainesville Campus:

ADGME: Timothy C. Flynn, M.D. Associate Dean for Graduate Medical Education Office of the Dean, College of Medicine Personnel (352) 273-5074

Fringe Benefits: Janis Smith at (352) 273-5077

Key contacts for Jacksonville Campus: ADEA: Connie Haan, M.D., Associate Dean for Educational Affairs Office of Educational Affairs (904-244-3140 Fringe Benefits: Brian Berryman at (904) 244-8531

6. For additional information, refer to the resident manual or <http://www.med.ufl.edu/benefits/>

Last Reviewed and Approved: Graduate Medical Education Committee
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