

University of Colorado School of Medicine

Graduate Medical Education

Policy: Leave Policy		
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In this document, "Resident" refers to both specialty Residents and subspecialty Fellows.

Policy Purpose

Describes various types of leaves of absence including, Family Medical Leave (FMLA), Vacation, Sick, Military, and other leaves of absence. Processing and documentation requirements are included.

Program Directors exercise their discretion when approving requests for most leave types excluding Sick Leave and FML. Program Director considerations when approving leaves must include:

- Effects of the leave on other residents and the training program
- Impact of the leave as it applies to the Resident's satisfactory completion of the program and eligibility to participate in certifying board examinations

All leave requests are to be handled in a manner that is mutually supportive to the Resident and the patient care obligations of the program.

Each program must have a policy or procedures in place to ensure coverage of patient care when a Resident is unable to accomplish patient care responsibilities due to fatigue, illness, healthcare appointment, or any other approved leave.

Leaves may require an extension of time in the training program for the Resident to satisfy program requirements.

- Program Directors must provide the Resident with information as to how total leaves will impact their program completion date, their eligibility to participate in examinations by the relevant certifying board.

Paid Leave Definitions-	<p>Available Leave per Post Graduate Year (PGY) <i>Does not carry over from year to year</i></p> <p><i>Residents must follow their specific program procedures for Program Director notification, scheduling, and approval for <u>all</u> Paid Leaves</i></p>
Vacation	<p>4 weeks per PGY* Vacation leave includes leaves for education purposes used primarily to attend major educational conferences and meetings, exams, and interviews.</p> <ul style="list-style-type: none"> • Refer to program-specific policies for any limitations, if applicable.

University of Colorado School of Medicine

Graduate Medical Education

<p>Sick/Wellbeing, and Bereavement</p>	<p>Sick/Wellbeing Leave - Up to 2 weeks per PGY* Program Directors may not deny sick leave requests provided the Resident is taking the leave for any of the following reasons and the Resident has sick leave available:¹</p> <ul style="list-style-type: none"> • Resident or their family member² needs to seek diagnosis, care, or treatment for a mental/physical illness, injury, or health condition or to obtain preventive medical care. <ul style="list-style-type: none"> ○ Preventive and non-urgent medical care should be scheduled in a manner that is mutually supportive to the Resident and the patient care obligations of the program. ○ Program must provide Residents with the opportunity to attend medical, mental health and dental care appointments, including those scheduled during their working hours. <ul style="list-style-type: none"> ▪ This includes time for lactation³ which does not have an annual leave maximum or count against a sick leave allotment. • The Resident or family member has been a victim of domestic abuse, sexual assault or harassment and needs to be absent for purposes related to such crime. <p>Bereavement Leave – As necessary</p> <ul style="list-style-type: none"> • Counts toward sick leave annual maximums. • Up to 1 week of paid leave to arrange for and attend an immediate family member's funeral and handle related affairs. • Immediate family members include: spouse, children, parents, grandparents, grandchildren, brothers, sisters, mothers-in-law, fathers-in-law, sisters-in-law, brothers-in-law, sons-in-law, and daughters-in-law, and anyone else who belongs to your established household. <ul style="list-style-type: none"> ○ Program Directors may grant bereavement leave for an equally significant other person not included in the above definition.⁴ <p>Total of any Sick Leave and/or Bereavement Leave taken is combined and may not exceed 2 weeks in a PGY.</p>
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¹ See Colorado Senate Bill 20-205 "Healthy Families and Workplaces Act"

² For purposes of this policy, "family member" means a person who is related by blood, marriage, civil union, or adoption to the employee; a child to whom the employee stands or stood in loco parentis; and a person for whom the employee is responsible for providing or arranging health or safety-related care.

³ ACGME Common Program Requirements I.D.2.c.

⁴ Adapted from the Regents of the University of Colorado, Policy 11.E: Leave Policies for Faculty and Staff

University of Colorado School of Medicine

Graduate Medical Education

<p>Jury Duty</p>	<p>As required</p> <ul style="list-style-type: none"> • Program Director to be notified immediately upon Resident's receipt of jury summons. • Only the court can grant deferment or excused absence from jury service.
<p>Public Health Emergency⁵ Leave</p>	<p>Up to 2 weeks per PGY*</p> <p>During a public health emergency and if a Resident is unable to work remotely, they may take up to 2 weeks of paid sick leave for the following reasons:</p> <ul style="list-style-type: none"> • Resident is self-isolating due to a positive diagnosis of the illness that is the cause of the public health emergency. • The Resident is experiencing symptoms, seeking a medical diagnosis, medical treatment, or seeking preventive care with respect to the illness causing the public health emergency. • Public health officials or the University determines it is unsafe for the Resident to come to work due to the public health emergency. • The Resident is caring for a family member in the above circumstances. • The Resident needs to care for a child or other family member whose childcare facility is unavailable, or the child's childcare facility or school is closed due to the public health emergency. • The Resident is unable to work because the Resident has a health condition that may increase susceptibility to or risk of a communicable illness that is the cause of the public health emergency. <p>If a Resident does not have 2 weeks of sick leave available, the University will supplement the Resident's leave balance, as necessary, to allow the Resident to take paid sick leave during a public health emergency.</p> <p>A Resident may use Public Health Emergency Sick Leave for four weeks after the official termination or suspension of the public health emergency.</p> <p>Residents are only eligible for supplemental paid sick leave once during the entirety of a public health emergency.</p>

⁵ See C.R.S. §8-13.3-402(9) for the definition of "Public Health Emergency."

University of Colorado School of Medicine

Graduate Medical Education

<p>Family Medical Leave (FMLA) <i>Refer to FMLA Leave Request section of this policy for instructions</i></p>	<p>Up to 12 weeks during a 12-month period Designations for FMLA will be determined by the GME Benefit Program Manager.</p> <ul style="list-style-type: none"> • Maternity, paternity, adoption, illness/injury of close relative requiring Resident's care, or illness/injury of Resident. • Resident's position is protected, and funding source continues paying its portion of CU GME benefit premiums.
<p>Non FMLA Leaves (Including FMLA leaves that exceed the 12-week period) <i>Refer to Non FMLA Leave section of this policy for instructions</i></p>	<p>Varies</p> <ul style="list-style-type: none"> • Requests handled on a case-by-case basis. • Military Leaves will comply with The Uniformed Services Employment and Reemployment Rights Act (USERRA)

***Week** – One week consists of 5 business days and 1 attached weekend.

Non FMLA Leaves

Includes Military Leaves and FMLA leaves exceeding the 12-week period

Requests must be made to Program Director with prompt notification to GME Benefits Program Manager.

Requests will be handled on a case-by-case basis, with the Program Director making the determination for most leaves. Determination will include the following;

- Whether an unpaid leave will be granted with program holding Resident's position, or
- Resident would be required to resign to take such leave

Approved leaves require a letter signed by both the Program Director and the Resident documenting the terms of the leave including the following:

- Reason(s) for the leave
- Anticipated start and end dates
- Expected return to training date
- Dates of paid and unpaid leave
- Information related to time Resident will be required to make up to:
 - Satisfactorily complete program (*Consistent with the rules of the ACGME Residency Review Committee*) and/or
 - To be eligible to participate in examinations by certifying board(s)

Benefits Changes During a Non-FMLA Leave	Details
<p>Health and Dental</p>	<ul style="list-style-type: none"> ○ Must self-pay entire premium to maintain coverage. ○ Must comply with COBRA enrollment requirements if electing to continue CU GME Health Benefit plan through COBRA continuation ○ Required to maintain health insurance coverage while in a CU GME training program

University of Colorado School of Medicine

Graduate Medical Education

Long-Term Disability (LTD)	<ul style="list-style-type: none"> ○ If leave is due to a personal disability and will exceed 90 days. Resident should contact GME Benefits Program manager for information to file LTD Claim. ○ LTD benefits will be subject to the provisions of the disability insurance policy.
Life Insurance	<ul style="list-style-type: none"> ○ Resident may elect to self-pay monthly premiums ○ If Resident does not pay premium(s), coverage will be cancelled until the Residents return from leave

Family and Medical Leave of Absence (FMLA)

Residents are eligible for up to 12 weeks FMLA during a 12-month period for the following reasons:

1. The birth of a child and to care for a newborn child (leave must be taken within 12 months of birth)
2. The placement of a child for adoption or foster care and to care for the newly placed child (leave must be taken within 12 months of placement or adoption)
3. To care for a spouse, child, or parent with a serious health condition
4. For the resident's own serious health condition⁶

The 12-month period is measured from the first date FMLA is taken.

During an approved FMLA, the Resident's position in the program is protected and their funding source will continue to pay its portion of their CU GME benefit premiums.

Pay during an approved FMLA

- Available vacation and/or sick leave for the current Post Graduate Year (PGY)
- After available paid leave is exhausted, remaining FMLA will be unpaid

Resident may request to reserve a portion of available paid time to use later in the current PGY. If this exception is approved by the Program Director, it will be stated in Leave Documentation.

Paid leave (Vacation, Sick/Wellbeing, and Bereavement) cannot be used to extend length of leave beyond the 12 weeks per 12-month period.

Moonlighting during FMLA is prohibited.

FMLA Processing

Requests must be made to Program Director as follows:

- If FMLA is foreseeable – notice of **no less than 30 days** is required
- As soon as possible, if FMLA is an emergency

The Program Director or a designee must notify the Benefits Program Manager as soon as possible upon notification of request. **The CU GME Benefits Program Manager (Benefits Manager) will process and determine designation of FMLA.**

⁶ A serious health condition is defined as: "an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the resident (employee) from performing the functions of the employee's job or prevents the qualified family member from participating in school or other daily activities."

University of Colorado School of Medicine

Graduate Medical Education

FMLA Document	Document
Notice of Eligibility, Rights and Responsibilities <i>Required documentation</i>	<ul style="list-style-type: none"> • Details of the rights and obligations of the Resident. • Medical Certification Form • Timelines and instructions for FMLA designation
Certifications <i>Required documentation</i>	<ul style="list-style-type: none"> • Certification of Health Care Provider for Resident's Serious Health Conditions • Certification of Health Care Provider for Family Member's Serious Health Condition
Designation Notice <i>Required documentation</i>	<ul style="list-style-type: none"> • Written notice of FMLA approval/denial
Summary of Leave <i>Summary of information including; pay, benefits and impact, if any, to program completion</i>	<ul style="list-style-type: none"> • Anticipated start and end dates • Expected return to training date • Dates of paid and unpaid leave • Information related to time Resident will be required to make up to. <ul style="list-style-type: none"> ○ Satisfactorily complete the program (Resident may request to reserve a portion rules of the RRC) and/or ○ To be eligible to participate in examinations by certifying boards(s). • Benefit Information <ul style="list-style-type: none"> ○ Funding source will pay their portion of benefits for up to 12 weeks of FMLA (<i>Resident will be responsible for their monthly premium</i>) ○ How to continue benefits beyond 12 weeks of FMLA
Fitness to Return Form <i>Written documentation from Resident's attending physician that they can return to work</i>	<ul style="list-style-type: none"> • Will be required if FMLA is longer than 30 days • May be required for leaves less than 30 days if the nature of the health condition in relation to individual's duties make such certification consistent with business necessity. • The fitness to return shall only address the condition that caused the need for FMLA.