

# University of Colorado School of Medicine

## Graduate Medical Education

<b>Policy: Leave Policy</b>		
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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 for Graduate Medical Education (GME) including.

- Family Medical Leave (FMLA)  
*Also referred to as Medical, Parental and Caregiver Leaves*
- Vacation
- Sick, Wellbeing and Bereavement
- Jury Duty
- Military

***No other University Leave Policies are applicable to GME Residents, i.e., University Holidays for Faculty and Staff.***

Processing instructions and documentation requirements are included.

Program Directors exercise their discretion when approving requests for most leave types excluding Sick Leave and FMLA. 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 managed 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.
- If make-up time is required, Resident may be on an off-cycle schedule for the remainder of their training.

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<b>Paid Leave Definitions-</b>	<p><b>Available Leave per Post Graduate Year (PGY)</b>  <i>Does not carry over from year to year</i></p> <p><b><i>Residents must follow their specific program procedures for Program Director notification, scheduling, and approval for <u>all</u> Paid and Unpaid Leaves</i></b></p>
<b>Vacation</b>	<p><b>4 weeks per PGY*</b></p> <p>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"> <li>• Refer to program-specific policies for any limitations, if applicable.</li> </ul>
<b>Sick/Wellbeing and Bereavement</b>	<p><b>Sick/Wellbeing Leave - Up to 2 weeks per PGY*</b></p> <p>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:<sup>1</sup></p> <p>Resident or their family member<sup>2</sup> needs to seek diagnosis, care, or treatment for a mental/physical illness, injury, or health condition or to obtain preventive medical care.</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• 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"> <li>A. This includes time for lactation<sup>3</sup> which does not have an annual leave maximum or count against a sick leave allotment.</li> </ul> </li> </ul> <p>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>

<sup>1</sup> See Colorado Senate Bill 20-205 "Healthy Families and Workplaces Act"

<sup>2</sup> 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.

<sup>3</sup> ACGME Common Program Requirements I.D.2.c.

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	<p><b>Bereavement Leave – As necessary</b></p> <ul style="list-style-type: none"> <li>• Counts toward sick leave annual maximums.</li> <li>• Up to 1 week of paid leave to arrange for and attend an immediate family member's funeral and manage related affairs.</li> <li>• 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"> <li>○ Program Directors may grant bereavement leave for an equally significant other person not included in the above definition.<sup>4</sup></li> </ul> </li> </ul> <p>Total of any Sick Leave and/or Bereavement Leave taken is combined and may not exceed 2 weeks in a PGY.</p>
<p><b>Jury Duty</b></p>	<p><b>As required</b></p> <ul style="list-style-type: none"> <li>• Program Director to be notified immediately upon Resident's receipt of jury summons.</li> <li>• Only the court can grant deferment or excused absence from jury service.</li> </ul>
<p><b>Public Health Emergency<sup>5</sup> Leave</b></p>	<p><b>Up to 2 weeks per PGY*</b></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"> <li>• Resident is self-isolating due to a positive diagnosis of the illness that is the cause of the public health emergency.</li> <li>• 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.</li> <li>• Public health officials or the University determines it is unsafe for the Resident to come to work due to the public health emergency.</li> <li>• The Resident is caring for a family member in the above circumstances.</li> <li>• 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.</li> </ul>

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

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

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	<ul style="list-style-type: none"> <li>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.</li> </ul> <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><b>Residents are only eligible for supplemental paid sick leave once during the entirety of a public health emergency.</b></p>
<p><b>Family Medical Leave (FMLA)</b> <i>(Also known as medical, parental and caregiver leaves)</i></p> <p><i>Refer to FMLA Leave Request section of this policy for instructions</i></p>	<p><b>Up to 12 weeks during a 12-month period</b> Designations for FMLA will be determined by the GME Benefit Program Manager.</p> <ul style="list-style-type: none"> <li>Maternity, paternity, adoption, illness/injury of close relative requiring Resident's care, or illness/injury of Resident.</li> </ul> <p>Resident's position is protected, and funding source continues paying its portion of CU GME benefit premiums.</p> <p><b>Every calendar day including weekends is counted when calculating FMLA time off.</b></p>
<p><b>Non-FMLA Leave</b> (Including FMLA leave that exceeds the 12-week period)</p> <p><i>Refer to Non FMLA Leave section of this policy for instructions</i></p>	<p><b>Varies</b></p> <ul style="list-style-type: none"> <li>Requests managed on a case-by-case basis.</li> <li><b>Military Leaves</b> will comply with The Uniformed Services Employment and Reemployment Rights Act (USERRA)</li> </ul>

**\*Week** – One week consists of 7 calendar days

### **Family and Medical Leave of Absence (FMLA) (also known as medical, parental and caregiver leaves of absence)**

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

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4. For the resident's own serious health condition<sup>6</sup>

*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**

- Up to 6 weeks of available vacation and/or sick leave for the current Post Graduate Year (PGY)
  - A. If the Resident does not have 6 weeks of leave available, the University will supplement the leave balance, as necessary, to allow Resident to be paid up to 6 weeks for applicable leaves one-time during an ACGME accredited program.
  - B. Residents who exhaust their vacation and sick leave during an approved FMLA qualify for an additional 1-week of paid leave, one-time during an ACGME accredited per training program.<sup>7</sup>
    - The additional week is intended to be used during the post graduate year of the leave, but if leave is close to end of the post graduate year, the Program Director may approve the 1 week to be used the following post graduate year.
- After available paid leave is exhausted, remaining leave will be unpaid
- 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.**
- No program progression such as program completion or promotion can take place during **FMLA** until the Resident returns to active employment status.

### **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.**

FMLA Documentation	Document Description
<b>Certifications</b>	<ul style="list-style-type: none"> <li>• Certification of Health Care Provider for Resident's Serious Health Conditions</li> <li>• Certification of Health Care Provider for Family Member's Serious Health Condition</li> </ul>
<b>Summary of Leave Letter</b> <i>Summary of information including pay, benefits, and</i>	<ul style="list-style-type: none"> <li>• Anticipated start and end dates</li> <li>• Expected return to training date</li> <li>• Dates of paid and unpaid leave</li> </ul>

<sup>6</sup> 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."

<sup>7</sup> ACGME Institutional Requirements IV.H.1.c)

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<i>impact, if any, to program completion</i>	<ul style="list-style-type: none"> <li>• Information related to time Resident will be required to make up to.             <ul style="list-style-type: none"> <li>○ Satisfactorily complete the program (Consistent with the rules of the ACGME Residency Review Committee) and/or</li> <li>○ To be eligible to participate in examinations by certifying boards(s).</li> </ul> </li> <li>• Benefit Information             <ul style="list-style-type: none"> <li>○ 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>)</li> <li>○ Notice of how to continue benefits beyond 12 weeks of FMLA</li> </ul> </li> </ul>
<b>Fitness to Return Form</b> <i>Written documentation from Resident's attending physician that they can return to work</i>	<ul style="list-style-type: none"> <li>• May be required for leaves that are not related to maternity/paternity.</li> <li>• The fitness to return shall only address the condition that caused the need for FMLA.</li> </ul>

### 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 managed 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:
  - A. Satisfactorily complete program (*Consistent with the rules of the ACGME Residency Review Committee*) and/or
  - B. To be eligible to participate in examinations by certifying board(s)

No program progression such as program completion or promotion can take place during **non-FMLA** leaves until the Resident returns to active employment status.

Benefits Changes During a Non-FMLA Leave	Details
<b>Health and Dental</b>	<ul style="list-style-type: none"> <li>○ Must self-pay entire premium to maintain coverage. Required to maintain health insurance coverage while in</li> </ul>

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	a CU GME training program
<b>Long-Term Disability (LTD)/ Life Insurance</b>	<ul style="list-style-type: none"><li>○ 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.</li><li>○ LTD benefits will be subject to the provisions of the disability insurance policy.</li><li>○ Life Insurance will remain in place while on approved leave.</li></ul>