POLICY: LEAVE FOR TRAINEES
Policy Number: 4.1
Chapter: Leave

Purpose:
To outline trainee leave policy including FMLA/DLOA/LOA, vacation, personal/professional development, sick leave, holidays, educational leave, jury duty, funeral leave, military leave, and makeup time (definitions as below).

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.

Procedure:

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.

  o 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:
  o Trainees must inform their Program Director immediately about any necessary medical leave in order to allow time to arrange clinical coverage.
  o Upon learning that the trainee is requesting FMLA leave, the Program Director or Program Coordinator/Manager must complete and submit a “GME Trainee Request for Leave” form 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.
  o 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.
  o The GME Office will sign-off and submit the forms to Human Resources, which will notify all parties of approval or denial of the request.
  o For medical reasons other than maternity/paternity, HR may require the trainee to submit a “Certification of Health Care Provider” for explanation of the medical condition.
  o HR will process the FMLA ePAF. GME will process the Return From Leave ePAF.

• Paid Time During FMLA:
  o FMLA time is paid for up to seven (7) weeks (this includes any FMLA or DLOA in the rolling calendar year)
o FMLA time taken beyond seven (7) weeks in one (1) rolling calendar year is unpaid (unless the trainee requests to use vacation or sick accruals).

o Benefits continue throughout the leave. It is the department’s responsibility to work directly with the benefits office to arrange for benefits during any unpaid FMLA time taken.

- Returning from FMLA:
  o The GME Office must be informed of the return from leave date beforehand in order for a Return From Leave ePAF to be completed.

  o Trainee must provide a physician release to return to work if returning to the training program sooner than six (6) weeks for vaginal delivery and eight (8) weeks for C-section (for pregnancy) or for their own medical condition (not pregnancy).

- Makeup Time at End of Training:
  o 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.

  o 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.

  o If the use of FMLA requires 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.

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; has already exhausted 12 weeks of FMLA in a rolling calendar year), 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:
  o Any trainee is eligible for a DLOA with the approval of the Program Director and the GME Office.

- Process:
  o Trainees must inform their Program Director immediately of any necessary DLOA in order to allow time to arrange clinical coverage.

  o Upon learning that the trainee is requesting a DLOA, and if the Program Director and the GME Office approves the leave, the Program Director or Program Coordinator/Manager must have the trainee complete and submit the “GME Trainee Request
for Leave” 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.

- 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 keep the forms on file.

- Paid Time During DLOA:
  - DLOA time is generally paid for up to seven (7) weeks (includes any FMLA or department DLOA in the rolling calendar year)
  - DLOA time taken beyond 7 weeks in one (1) rolling calendar year is unpaid (unless the trainee requests to use vacation or sick time).
  - Benefits continue throughout the leave. It is the department’s responsibility to work directly with the benefits office to arrange for benefits during any unpaid DLOA time taken.

- 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.

- 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 DLOA 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.

**Leave of Absence (LOA)**

A LOA is a specific leave for a trainee who leaves the institution for a year or more to train or do research at another institution.

- Eligibility:
  - May be available to trainees with Program Director and GME Office approval.
  - Any leaves (medical or non-medical) less than twelve (12) months must be referred to the FMLA or DLOA process.

- 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 and submit the “GME Trainee Request for Non-Health Related Leave of Absence” form to the GME Office. The GME Office requires immediate notification of this request. This is a required responsibility of the training program.

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 does not earn vacation time during LOA.

- **Paid Time During LOA:**
  - LOA time is unpaid.
  - Benefits do not continue during LOA time.

- **Returning from LOA:**
  - 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 and program must contact HR to ensure benefit coverage resumes as needed.

- **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**, with funding source to be determined by the department and the GME Office.
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.

- 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 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.
  - Trainee may forfeit all accrued PPD time if they break their contract.

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).

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

- When applying for FMLA, DLOA, or LOA
- Dates of the FMLA, DLOA, 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
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
- Martin Luther King Day
- President’s Day
- Memorial Day
- Independence Day
- Pioneer Day
- Labor Day
- Thanksgiving Day
- Friday following Thanksgiving Day
- Christmas Day

- 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 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/LOA, vacation, personal/professional development, sick leave, holidays, educational leave, jury duty, funeral leave, military leave, etc.DLOA), 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.