

SUBJECT: VACATION AND LEAVE OF ABSENCE 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. This policy must ensure that each ACGME-accredited program provides its residents/fellows with accurate information regarding the impact of an extended leave of absence upon the criteria for satisfactory completion of the program and upon a resident's/fellow's eligibility to participate in examinations by the relevant certifying board(s).

DESCRIPTION:

Residents/fellows shall be entitled to leave with pay for the purpose of vacation 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 vacation and sick leave accrual and usage differ from that outlined in this policy, the program director will provide the DIO written notice of the applicable specialty board regulation and seek approval for a modification of this policy for program participants. The maximum time a resident or fellow can be away from a program in any given year shall be determined by the requirements of the specialty board involved. Each program will have a policy that addresses the effect of leave on promotion, eligibility to participate in examinations by the relevant certifying board and length of training. If the leave taken exceeds that which is allowed by a program, 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:

Requests for vacation leave shall be submitted to, and approved by, the program director prior to the date the vacation leave is taken. Vacation leave may be advanced to residents/fellows proportionate to that person's expected period of service. This advanced leave cannot exceed the amount that could be earned during the remainder of the program year. Vacation leave that has been granted to, but not earned by, the resident/fellow 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) vacation days for all residents/fellows, provided this does not exceed that allowed by the appropriate specialty board.

Residents/fellows may be permitted to carry over unused leave to a new program year, as consistent with department policy; however, carryover must be approved by the program director and no more than twenty-five (25) vacation days can 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 residents/fellows shall accrue sick leave at the rate of 10 days per year of full time employment, if consistent with board requirements. Residents/fellows shall be entitled to utilize sick leave for: time off from work because of exposure to a contagious disease that may endanger others; personal visits to doctors or dentists; and for personal illness, which includes disability caused, or contributed to, by pregnancy. Additionally, sick leave may be used in reasonable amounts for illness, injury, or death within the resident's/fellow's immediate family, pending program directors approval. In instances of a serious medical condition of a resident/fellow or a member of the resident's/fellow's family, the resident/fellow may be eligible for an extended medical leave of absence under the Family and Medical Leave Act (FMLA) or UF's Extended Leave of Absence program. Please see the section on FMLA, below, for more information.

Sick leave may be advanced to residents/fellows proportionate to expected service. This advance leave cannot exceed the amount of the leave that could be earned during the remainder of the program year. Sick leave that has been granted, but not earned, by the resident/fellow at the time of separation from the academic department will require an appropriate reduction for the value thereof in the final stipend payment. Residents/fellows may be permitted to carry over sick leave to a new program year, as consistent with department policy; however, carryover must be approved by the program director and an excess of fifteen days (15) sick leave days cannot be accumulated. All unused sick leave is considered non-payable leave, and there is no entitlement for lump-sum payment for unused sick leave upon separation or completion of training.

FMLA Entitlement:

The Family and Medical Leave Act ("FMLA") provides certain employees with up to 12 workweeks of unpaid, job-protected leave per year and requires group health benefits to be maintained during the leave as if the employees continued to work instead of taking leave.

Leave Entitlement

The University will grant an eligible employee up to a total of 12 workweeks of unpaid leave in an FMLA Benefit Year for one or more of the following reasons:

- For incapacity due to pregnancy, prenatal medical care, or childbirth;
- Placement of a child with the employee for adoption or foster care, and to care for the employee's newly adopted child or a child newly placed in the foster care of the employee.
- To care for the employee's family member with a serious health condition.
- The employee's serious health condition.

Employees may choose to use accrued paid leave instead of unpaid leave for any portion of the 12 workweeks.

Eligibility

All residents/fellows are eligible for up to 12 workweeks of FMLA leave once they have worked at the University at least 12 months (need not be consecutive) or at least 1,250

hours during the 12 months prior to the start of the FMLA leave. Breaks in employment do not affect this total. It is a cumulative total of the number of months the resident/fellow has been employed by the University.

FMLA Benefit Year

The University of Florida uses as its FMLA Benefit Year the UF fiscal year, which is the twelve-month period from July 1 through June 30.

Serious Health Condition

Serious health condition means an illness, injury, impairment, or physical or mental condition that involves:

- any period of incapacity or treatment connected with inpatient care in a hospital, hospice, or residential medical care facility; or
- a period of incapacity requiring absence of more than three calendar days from work, school, or other regular daily activities that also involves continuing treatment by (or under the supervision of) a health care provider; or
- any period of incapacity due to pregnancy, or for prenatal care; or
- any period of incapacity (or treatment therefore) due to a chronic serious health condition; or
- a period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective; or,
- any absences to receive multiple treatments (including any period of recovery therefrom) by, or on referral by, a health care provider for a condition that likely would result in incapacity of more than three consecutive days if left.

Family Member

The federal definition of “immediate family member,” for purposes of FMLA leave requests, is an employee’s spouse, children (son or daughter), and parents.

The University’s definition for “immediate family member” includes an employee’s spouse, domestic partner, great-grandparent, grandparent, parent, brother, sister, child, grandchild, or great-grandchild, or the grandparent, parent, brother, sister, child, grandchild, or great-grandchild of the employee’s spouse or domestic partner, or the spouse or domestic partner of any of them. Immediate family member also includes individuals for whom the employee is the current legal guardian.

While use of sick leave and extended medical leaves of absence are available for employees to use for the care of family members who meet the University’s definition of immediate family member, those absences will not be designated as qualifying as FMLA leave unless the employee’s family member also meets the federal definition of immediate family member.

Requesting FMLA

A resident/fellow must provide his/her program at least 30 days advance notice before FMLA leave is to begin if the need for the leave is foreseeable based on an expected birth, placement for adoption or foster care, or planned medical treatment for a serious health

condition of the employee or of a family member. If 30 days' notice is not practicable, notice must be given as soon as practicable.

The resident/fellow will confirm with the University's Office for Human Resources Services whether he/she is eligible for leave under FMLA. If he/she is, the University's Office for Human Resources Services will provide the resident/fellow notice of his/her rights and responsibilities and will specify any additional information that may be required to be submitted. If the resident/fellow is not eligible for FMLA leave, the notice from the University's Office for Human Resources Services will provide a reason for the ineligibility.

Completed FMLA paper work must be turned into either the program director or the University's Office for Human Resources Services. FMLA paperwork can be obtained through the GME Office or <http://hr.ufl.edu/benefits/leave/fmla/>

Additional information: <http://www.dol.gov/whd/regs/compliance/posters/fmla.htm>

Parental Leave:

Residents/fellows 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, proportionate to expected service. Please see the above vacation and sick leave policies.

The official parental leave period may begin two weeks before the expected date of the child's arrival and must occur within 12-months of the child's birth. Residents/fellows who plan to utilize parental leave are expected to notify their 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 in accordance with the FMLA and disability policies.

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

Domestic Violence Leave:

Under Florida law, employers must provide employees up to 3 days of leave in a twelve-month period if the employee or a family or household member is a victim of domestic violence. The UF fiscal year of July 1 to June 30 will be considered the 12-month period.

Activities Covered by the Leave

Under Florida law, the University must provide leave for the following specific activities:

- Seeking an injunction for protection against domestic violence or repeat violence, dating violence, or sexual violence;
- Obtaining medical care or mental health counseling or both for the employee or a family or household member to address injuries resulting from domestic violence;
- Obtaining services from victims services organizations such as a domestic violence shelter or rape crisis center;
- Making the employee's home secure from the perpetrator of domestic violence or finding a new home to escape the perpetrator;
- Seeking legal assistance to address issues arising from domestic violence or attending or preparing for court related proceedings arising from the act of domestic violence.

Advanced Notice

Except in cases of imminent danger to the health or safety of an employee, or to the health or safety of a family or household member, a resident/fellow seeking domestic violence leave from work must provide his/her program director advanced notice of the leave.

Type of Leave

Residents/fellows are required to use accrued paid leave, if available, for domestic violence leave. Paid leave time can be advanced to the resident/fellow at the discretion of the program director. In the event that the resident/fellow does not have sufficient paid leave days to cover the domestic violence leave, the leave time will be unpaid.

Employer Responsibilities

The University, GME Office, and program director must keep all information relating to the domestic violence leave confidential and exempt from disclosure. Documentation of domestic violence leave is to be maintained in the GME Office and kept separate from the employee's official personnel file.

Under no circumstances can the University or the program take any disciplinary action against the resident/fellow related to the use of domestic violence leave.

Bereavement Leave:

Residents/fellows shall submit requests for bereavement leave their program director, who may grant up to 5 days off for the funeral of an immediate family member. The program shall provide 2 days of paid bereavement leave. If a resident/fellow requests, and is granted, more than 2 days of bereavement leave, the resident/fellow may use his/her sick or vacation leave time.

The University's definition for "immediate family member" includes an employee's spouse, domestic partner, great-grandparent, grandparent, parent, brother, sister, child, grandchild, or great-grandchild, or the grandparent, parent, brother, sister, child, grandchild, or great-grandchild of the employee's spouse or domestic partner, or the spouse or domestic partner of any of them. Immediate family member also includes individuals for whom the employee is the current legal guardian.

Military Leave:

Absences for temporary military duty (e.g., two-week annual training) will not be taken from sick or vacation leave but will be considered leave with pay for up to 17 days. If activated from reserve to active duty status, the resident/fellow 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 of insurance require approval from the Graduate Medical Education Office. Any absences must be made up in accordance with the applicable specialty board policy.

<http://hr.ufl.edu/benefits/leave/military-leave/>

Jury Duty Leave:

Jury duty leave must be approved by the resident's/fellow's program director in advance.

Residents/fellows who are summoned to jury duty will be granted paid leave for all hours required for such duty. The University will not reimburse the employee for meals, lodging, and travel expense while serving as a juror.

If jury duty does not require absence for the entire workday, the resident/fellow should return to work immediately upon release by the court. Any absences must be made up in accordance with applicable specialty board policy.

Documentation

A department may require the resident/fellow to provide proof of jury duty.

Court Appearance Leave:

A resident/fellow subpoenaed as a witness in a court or administrative hearing, not involving personal litigation or service as a paid expert witness, shall be granted court appearance leave. If the court appearance does not require absence for the entire workday, the resident/fellow should return to work immediately upon release by the court.

Approval

Court appearance leave must be approved by the department. Upon receipt of a subpoena, a resident/fellow must notify his/her program director. If a resident/fellow is subpoenaed, his/her department is obligated to provide paid leave, unless the subpoena is related to personal litigation. "Personal litigation" is defined as a lawsuit in which the resident/fellow is the plaintiff or the defendant. For subpoenaed appearances related to personal litigation, the resident/fellow must use vacation leave or leave without pay. A department is obligated to provide housestaff with time off from work for subpoenas related to personal litigation but is not obligated to approve paid leave.

Educational Assignment:

Residents/fellows shall be eligible for absences pertaining to educational programs and training; provided such absences are allowed by the appropriate board and agreed to, in writing, by the program director. This leave should not be charged as either vacation or sick leave.

Licensure Examination Leave:

Residents/fellows 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.

One licensure and one specialty exam leave period shall be paid as an added resident/fellow benefit. Any additional absence will be charged to vacation leave or leave without pay if vacation leave is not available.

Holidays:

Residents/fellows shall be entitled to observe all official holidays designated by the University of Florida, except when they are on duty or call for clinical responsibilities. Residents/fellows 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 duty or 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. The official University holiday schedule can be found at:

<http://hr.ufl.edu/benefits/leave/holidays/>

Extended Leave Policy:

“Extended leave” encompasses forms of leave with or without pay that last longer than 15 consecutive workdays. Extended leave may be provided for medical (self and family), parental, military, and personal reasons. Programs are encouraged to partner with the GME Office to assist with management of extended leave by residents/fellows.

Please note: When resident/fellow uses vacation leave and compensatory leave to cover an absence of more than 15 consecutive workdays for personal reasons, in keeping with the University’s vacation and compensatory leave policies, residents/fellows will not be considered to be on an “extended leave,” so long as the resident/fellow has sufficient vacation and compensatory leave to remain in full-pay status.

The University of Florida’s extended leave of absence policy incorporates, at a minimum, that which is required by the federal Family and Medical Leave Act of 1993 (“FMLA”)

Leave of Absence without Pay Not Covered by FMLA or Disability Leave:

This policy should be followed by the Departments when a resident/fellow requests a 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. The period of leave to be taken without pay.
 - c. The number of annual leave hours being requested.
 - d. A date of expected return. 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, after which time COBRA laws will apply.
 - f. A statement acknowledging the residency program will be extended as required by the applicable specialty board.
2. After the letter has been officially accepted by the Department, the Chair shall submit a letter to the GME Office, referencing both the resident’s/fellow’s request letter and the Chair’s approval.
3. Once the GME Office approves the LWOP, a letter approving the LWOP will be sent to the resident.
4. The department should submit to the Office of Educational Affairs/Graduate Medical Education (DEA/GME) a Job Action Form and a coding sheet with the Status

Code 11- Extended Leave of absence. The effective date of leave without pay (Effective: 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 Job Action Form to fringe benefits.

5. Six weeks after the effective date of the LWOP, the department should call the DEA/GME to inform them when the department will stop paying benefits. (See section 8, Insurance Benefits, below). The DEA/GME will notify payroll and fringe benefits of the status change.

6. Upon the resident’s/fellow’s return from LWOP, the department will complete and submit to the DEA/GME a Job Action Form and coding sheet with the Status Code 01-Active (Effective: from____to____). The “from” is the actual date of the resident’s/fellow’s return. The “to” date is the date the academic year ends. The DEA/GME will send a copy of the 255 to fringe benefits.

7. Payroll. No salary shall be paid to the resident for those days or weeks that are not covered by vacation/sick leave.

8. Insurance Benefits: If LWOP is approved and uncompensated leave is taken, insurance benefits will be covered by the Department for up to two months. Prior to the two months ending, the Program Director/Chair should request submit a written request for coverage of benefits for up to six-months by the College of Medicine. The letter should be addressed to Timothy Flynn, M.D., Fringe Benefits Committee Chairman, and a copy sent to the ADGME/ADEA. If College of Medicine does not approve coverage of benefits for up to six-months, then, after two months of benefits covered by the Department, the resident will be responsible for payment of insurance premiums for the remaining period. After the coverage of benefits by the Department and College ceases, the resident may purchase benefits for up to 18 months, consistent with the COBRA provisions.

Key contacts:

GME Office:

Cristin Owens, Assistant Director of Housestaff Affairs. 352-265-0787

Lisa Dixon, M.D. Associate Dean, Graduate Medical Education. 352- 265-0152

Fringe Benefits:

Brian Berryman (352) 273-5077

For additional information, refer to the resident manual or

<http://www.med.ufl.edu/benefits/>

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Committee