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Policy Name:	Leave and Vacation Policy		
Approval Authority:	Graduate Medical Education Committee	Adopted: Effective:	July 9, 2024
Responsible Office:	GME Office	Contact:	gmeadmin@vcuhealth.org

1. Policy Statement:

Leave, of any kind, granted during training should follow and not exceed requirements set forth by the certifying board of the specialty in which the resident/fellow is training. In the event that the amount of leave provided to the trainee leads to the requirement of additional training time to satisfy educational requirements (e.g. at the end of the normal term of appointment), the institution will continue to pay all salary and fringe benefits during the extended appointment.

2. Reason for Policy

This policy covers all types of leave available to trainees with the number of available days and qualifying circumstances. Programs are required to use New Innovations to track the use of all leave time taken by trainees.

3. Who Should Read This Policy

Residency and Fellowship Program Directors, Program Coordinators and Trainees (Residents and Fellows).

4. Additional Resources

VCU Health Leave Policies (https://vcuhealth.service-now.com/hrsp?id=kb_article&sys_id=15b8b9f2db5366009ed879fdae961910)

VCU Health FMLA Policy (https://vcuhealth.service-now.com/hrsp?id=kb_article&sys_id=07b8b9f2db5366009ed879fdae961917)

5. The Policy

A. Sick (Medical) Leave

Paid sick (medical) leave is provided to housestaff in the amount of thirty (30) calendar days (or 22 weekdays for programs that do not routinely require on-site working on weekends) within a year’s contract period. Residents and fellows are not paid for unused sick leave and unused leave does not carry forward to the next year. This bank of time may be used for personal medical or parental leave. Residents and fellows may use up to 14 calendar days (or 10 weekdays) of this time for caregiver leave.

i. Personal sick (medical) leave

- a.** Paid sick (medical) leave is provided to trainees in the amount of thirty (30) calendar days (or 22 weekdays) within a year’s contract period.
- b.** In the event of a pandemic or other extraordinary event, trainees should follow the guidelines provided by the Health System for situations that may

allow for additional paid leave time.

ii. **Caregiver leave**

Trainees may be allowed up to 14 paid calendar days (or 10 paid weekdays) per contract year to provide care for an immediate family member (i.e. spouse, domestic partner, child, stepchild, parent, or stepparent) due to illness. This leave will be subtracted from the trainee's allotted Sick Leave.

iii. **Parental leave**

Residents and fellows may be allowed up to 30 paid calendar days (or 22 paid weekdays) for the birth or adoption of a child. This time may be taken continuously or intermittently and must be used within 12 months of the event. This leave will be subtracted from the trainee's allotted Sick Leave.

iv. In accordance with the Accreditation Council for Graduate Medical Education (ACGME) institutional requirements (effective July 1, 2022), VCU Health System will provide residents/fellows with six weeks (i.e. 42 calendar days or 30 weekdays) of approved medical, parental, and caregiver leave(s) of absence for qualifying reasons once during resident's/fellow's time in their training program in lieu of the sick time benefits described above. An additional one week of paid time off may be used outside of the first six weeks of the first approved medical, parental, or caregiver leave(s) of absence taken. During these designated leave(s) of absence, the trainee will be provided 100% of their salary and will have continuation of health and disability benefits for themselves and their eligible dependents. Note that trainees cannot collect both 100% salary and short-term disability concurrently, if applicable.

v. Process for submitting and approving requests for leaves of absence

- a. When a resident or fellow requires a leave of absence, he/she/they must meet with the program director or designee to inform them of the need for a leave of absence.
- b. The program director or designee, along with the trainee, shall complete the VCUHS GME Leave of Absence Request form. This form documents the anticipated time off (start and end dates), anticipated training make-up time required for program completion and Board eligibility, and anticipated sources of income during the leave.
 1. The program director has final responsibility for ensuring that resident/fellow is provided 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).
 2. The program coordinator must review and sign the leave of absence form and is responsible for: (a) ensuring the New Innovations block schedule and training record are accurate and kept up to date, (b) sending the leave form & any revisions to the GME office via gmeadmin@vcuhealth.org, and (c) contacting the GME Office at least 3 workdays prior to the individual returning to work so that

access to the electronic medical record system, Outlook, etc, can be reinstated.

- c.** Residents/Fellows must contact Unum to review their leave plans, determine if they are eligible for FMLA, short term disability (STD), and understand requirements for managing leave. Unum Call Center: (866) 786-9321, reference VCUHS Policy #135358. URL: www.unum.com.
- d.** The GME Office is responsible for coordinating the leave through VCU Health System's Human Resources and payroll systems.
- e.** Residents/fellows are responsible for contacting the program director and program coordinator if revisions are needed to the leave(s) of absence. Additionally, the resident/fellow must notify the program director, program coordinator, and GME Office (GME Coordinator, Resources) at least 3 workdays prior to their return date and provide a return to work letter from their health care provider to both the program coordinator and GME Office (gmeadmin@vcuhealth.org). The resident/fellow must notify the program director and GME Office if any accommodations will be needed upon their return to work.

Notes:

Family and Medical Leave Act (FMLA): Housestaff who have been employed by VCU Health System for at least twelve (12) months and have worked at least 1,250 hours during the previous twelve (12) month period at VCU Health may be eligible for qualified family and medical leave under provisions of the federal Family Medical Leave Act (FMLA). FMLA provides eligible employees up to twelve (12) weeks of protected leave for the birth or adoption of a child or a serious health condition affecting the employee or or their spouse, child or parent. FMLA provides for the protection of one's job with the employer but does not assure that the individual is paid during this time. Typical sources of pay may come from sick leave, short- or long-term disability, and vacation time. Housestaff who have been employed for less than 12 months, while not covered under FMLA, will be provided the same job protection for similarly qualifying FMLA events (e.g. birth or adoption of a child, serious personal health condition).

Parental Leave: Except in case of emergency, all parental leave should be requested at least three (3) months in advance of all expected date of birth or adoption to plan for the resident's/fellow's absence to minimize disruption to the program.

Childcare: It is understood that parents may, at times, have difficulty obtaining childcare for a healthy child. Neither caregiver (sick) leave or parental leave is intended for this purpose. In these situations, housestaff should take advantage of options offered through VCU Health System for emergency childcare or use their vacation time.

B. Vacation

- i. All trainees receive twenty-one (21) calendar days of vacation inclusive of weekends (or 15 weekdays for programs that do not routinely require work on weekends) per contract year. Additional compensation is not provided in lieu of vacation and

allotted vacation time does not carry forward into the next academic year.

- ii. *Holiday time*: Additional time off given by individual programs during the Christmas – New Year’s holiday period. Holiday time is provided at the discretion of individual program directors and is dependent upon clinical and patient care schedules of that department. The resident follows the rotation schedule of the service to which he or she is assigned for that month. Programs should establish a specific policy for providing holiday time that applies to all trainees of that program equally and is dictated by the patient care needs without compromising the quality, safety, and efficiency of care provided by the department.

C. Professional leave

The number of days allowed for professional leave which includes attendance at conferences, fellowship and job interviewing, or in support of research and other scholarly activity, is determined at the discretion of the department and program director in which the resident/fellow is training and that allowed by the certifying body (e.g. American Board of Medical Specialties) without having to make up additional time. Programs should establish guidelines regarding professional leave to ensure that all housestaff are treated equally.

D. Jury Duty

- a. Trainees notified of jury duty service for either local, state or federal court are required by law to participate unless dismissed by the court system and must be excused by work to participate. Failure to appear for jury duty is contempt of court and a criminal offense.
 - i. Scheduling Jury Duty
 1. The resident or fellow must notify the training program director and coordinator of possible jury duty dates and times with as much advance notice as possible
 2. If the trainee is relieved from serving in advance, he/she must contact the program director and coordinator regarding reporting to work.
 3. In advance of jury duty, the resident/fellow should discuss with the program director what the trainee should do if court adjourns early.
 4. Programs shall not schedule housestaff to work at night during the period of time that the resident/fellow is subject to jury duty, including the night before the first date of possible jury duty.
- b. If a resident/fellow receives a subpoena to testify in court for a work-related case, participation in this process is considered work time and is paid as work time, not as jury duty. A subpoena to appear in court for a personal matter such as to testify in a divorce or traffic case that is not work related requires the use of vacation time.

E. Leave of absence, Other

- a. Trainees may request an unpaid leave of absence from their program director. The decision to grant the leave must be approved by the program director and the Senior Associate Dean for Graduate Medical Education. The impact of granted leave on the program and the resident/fellow’s completion of training will be reviewed prior to

granting any leave of absence.

F. Military leave

- a. Departments should adhere to the VCU Health policy regarding military leave.

G. Bereavement leave

- a. Trainees may be allowed up to three (3) days of Bereavement Leave for each immediate family member (spouse, domestic partner, child, stepchild, parent, stepparent, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother, sister, stepbrother, stepsister, brother-in-law, sister-in-law, aunt, uncle, grandparent, grandchild or spouse's grandparent, or an adult who stood in loco parentis to the employee during childhood). Any additional leave needs will be evaluated and granted on an individual basis by the training program director and shall come from the individual's allowed sick leave time.
- b. Requirements for requesting bereavement leave
 - i. Trainee should notify their program director as soon as possible regarding the need for bereavement leave
 - ii. Trainee must provide documentation to their program director that supports their request for bereavement leave, e.g. obituary, funeral notice, religious service bulletin

H. Educational Training Leave

Educational training leave is time permitted for residents and fellows to participate in an elective experience at a facility outside of the VCU Health System that is not typically offered by the program. Since these are training experiences, education leave counts toward the training time of the resident/fellow. All VCUHS employed residents and fellows may be eligible for up to one month of educational training leave. This is most often in the final year of their training. Educational leave may not occur in the last month of training. Salary and benefits will be paid by VCU Health System during that month. Trainees must receive permission from the program director to participate in educational leave. The program must contact the Graduate Medical Education Office to ensure that all required paperwork is completed prior to the rotation.

Notes:

Impact on Training Time: Accrediting and board certifying bodies define the amount of time residents and fellows must serve at each postgraduate level and the total training time required to be eligible to take the board certifying examination. Housestaff taking leave beyond vacation time may be required to do additional training to meet these requirements. The program director is responsible for determining if and how much additional training time is required and communicate the requirement to the trainee.

Documentation of Leave: Programs are required to maintain up to date training records in New Innovations. The training record must reflect any additional training time and any delays in promotion or graduation dates. All leaves must also be documented in the block schedule.

Approved by GMEC 3/13/2001

Revised and approved by GMEC 6/8/2010

Reviewed, no changes made by GMEC 12/13/2016

Revised and approved by GMEC 6/14/2022

Revised and approved by GMEC 7/9/2024