



# OMEACO

## **Graduate Medical Education**

Approved by the GMEC (Graduate Medical Education Committee) on May 23, 2023

**Effective Date:** July 1, 2019

**Review Date:** May 2023

**Next Review Date:** May 2024

### **Policy Title: Leaves of Absence Policy**

**Policy Type:** Sponsoring Institution/Sponsored Program Policy

**Purpose:** To describe the methods of vacation and leaves of absence

1. OSU-CHS/OMEACO will ensure that each Sponsored Program provides Trainees with vacation and leaves of absence in accordance with ACGME (Accreditation Council for Graduate Medical Education) requirements and applicable laws. This will be included as part of the Trainee agreement.
2. Each Sponsored Program will provide its Trainees with accurate information regarding the impact of an extended leave of absence upon the criteria for satisfactory completion of the program and upon a Trainees eligibility to participate in certification examinations by the relevant certifying board(s) of the AOA (American Osteopathic Association) or ABMS.
3. Based on the ACGME Institutional Requirements, ACGME accredited programs must provide their Trainees with a minimum of six weeks of approved medical, parental and caregiver leave of absence for qualifying reasons that are consistent with applicable laws at least once during a Trainees program. The Sponsoring Institution has developed a policy specifically related to parental and caregiver leave with an associated form that states the minimum requirements that must be adhered to by the Sponsored Programs. Variations may be made by Sponsored Programs, but the minimum requirements must be adhered to. The Sponsoring Institution reviews each parental and caregiver policy to assure that it meets minimum standards.

## **General Information**

Trainees shall be afforded annual leave, sick leave, medical, parental and caregiver leave subject to the conditions or qualifications for leave.

All leave must be approved in writing in advance of being taken according to the Sponsored Program's policies and procedures. Rare exceptions associated with unexpected events may be approved

retroactively.

All Sponsored Programs are required to track their Trainees annual, sick, and educational leave. Sponsored Programs are required to track this through the GME (Graduate Medical Education) Leave Form annually.

Leave is available to be taken starting the day the Trainee is required to report.

### **Annual Leave (Includes Sick Leave and Educational Leave)**

Paid annual leave for four weeks consisting of a maximum of 20 “working days” (Monday-Friday) be given over a 12-month period. Annual leave should be granted at the discretion of the Program Director and should be approved in writing in advance of the request. Sponsored Programs will determine the number of days in advance a request should be made and should be provided in the Sponsored Program Resident Training Handbook.

Annual leave does not carry over from year to year and residents are not paid additional unused annual leave. Trainees terminating before the end of their training year will be paid only through their final active working day and will not be paid for unused annual leave.

Under certain circumstances, that are approved on a case-by-case basis with approval of the Program Director in consultation with the DIO (Designated Institutional Official), additional sick leave without pay may be approved. Extended leaves may require time to be made up based on program and board eligibility requirements.

Excessive number of days used for sick leave (> 3 consecutive days for sick leave) may require a physician's statement of illness or injury to assure that the Trainee is able to return to work.

Educational Leave for interviews, COMLEX Level III/USMLE, scholarly activity presentations, continuing medical education conferences should not total greater than 10 additional days of leave during the entirety of training.

### **Family and Medical Leave**

Provisions of the Federal Family and Medical Leave Act (FMLA) should be provided to a Trainee practicing under the Sponsoring Institution according to the Sponsored Programs Human Resources policies. Trainees may be able to use all available sick and annual leave days to be paid during FMLA leave.

The program coordinator or Program Director should assist the trainee in notifying HR when a Trainee may qualify for FMLA. Health and disability insurance benefits for Trainees and their eligible dependents during approved FMLA should continue the same terms and conditions as if the Trainee were not on leave. After all available paid sickness, annual and other paid leave have been exhausted, unpaid leave may be approved by FMLA based on the Sponsored Programs policies and procedures.

## **ACGME approved Parental and Caregiver and Medical Leave**

Individual training programs must submit their parental, medical, and caretaker Leave of Absence policy to the GMEC for approval.

The GMEC will monitor on a semi-annual basis each Sponsored Program's implementation and compliance with the policy. The resident council will report any alleged non-compliance of the policy to the GMEC. The Sponsoring Institution will ensure available clinical resources to support the well-being of residents relating to parental, medical and caretaker leaves of absence by Trainees.

Sponsored Programs may need to adjust curriculum, block schedules, call schedules, etc. to assure Trainee duty hour compliance when leaves of absence materially affect the Sponsored Program. The Sponsoring Institution will help Sponsored Programs if needed in developing a process to assure resident well-being throughout leaves of absence.

All Sponsored Programs must provide a leave of absence policy to all applicants. Trainee agreements must contain or refer to the program's leave of absence policy. Each Sponsored Program's leave of absence policy must contain at a minimum the following:

A maximum of 6 weeks of approved leave(s) may be taken for qualifying reasons that are consistent with applicable Oklahoma law at least once and at any time during the program beginning the day the Trainee is required to report to the training program. Requests for a leave of absence must be submitted in writing and include the reason for the request. The Program Director and the DIO must determine if the request qualifies for a leave of absence and may grant or deny the request, in consultation with each Sponsored Program's Human Resources department, as appropriate.

For emergency situations retroactive approvals of leaves of absence may be considered. If a request is denied, Trainees may appeal the decision to a panel of GMEC members appointed by the DIO. Full salary and benefits will continue during the approved time of the leave of absence. Any leave of absence approved by the Program Director and the DIO that exceeds six weeks, in accordance with the Family and Medical Leave Act, during the duration of the program will be without salary, but benefits may continue.

Two separate leaves of absence will be allowed during the training program. If the full 6 weeks of leave are taken during one training year, an additional one week of PTO may be taken as vacation time. If fewer than six weeks of leave are taken at one time during the year, the allowable weeks of time for leave plus vacation are as follows: five weeks leave and one week's vacation; four weeks leave and one week vacation; three weeks leave and two weeks' vacation; and two weeks leave and three weeks' vacation.

Leaves of absence of six weeks or shorter will not result in an extension of the training duration. If the Trainee satisfactorily completes all the requirements of the program and is determined by the Program Director and Clinical Competency Committee ready to enter unsupervised practice, the duration of training required by the ACGME will not be extended because of taking an approved leave of absence of 6 weeks or less. All leaves of absence beyond 6 weeks will add additional time to the training duration.

Sponsored Programs must confirm and record annually that each Trainee has received and reviewed the Sponsoring Institution and Sponsored Program leave of absence policies. The program coordinator for

each program must keep an accurate record of all paid time off for each Trainee, including leave of absences and allowable holidays according to Sponsoring Institution and Sponsored Program policy. This record must be reviewed and approved by the Program Director at least semi-annually. Nothing contained herein or in any Sponsored Program's leave of absence policy shall relieve each Sponsored Program from its obligations in accordance with the Family and Medical Leave Act.

This leave will be renewed for a second period if a Trainee continues to a different training program but the paid time off for medical or caregiver leave does not accumulate if unused. It is the responsibility of the Trainee and Program Director to discuss, in advance, what effect taking time off from the training program may have on Board or ACGME requirements dictating an extension of training.

### **Military Reserves Obligations**

Time off for a Military Reserves obligation may not exceed one weekend per month. If additional time off is required by the Trainee for military obligations in a non-medical assignment during the Agreement Period of the Program, a leave of absence for the required time off may be granted upon Trainee's presentation of specific military orders. This leave of absence, however, must be made up at the end of the Agreement Period to successfully complete the Program. No salary will be paid during this leave.

### **Jury Duty**

A Trainee that is summoned for jury duty in federal or state courts in the state of Oklahoma should provide a copy of the summons to their Program Coordinator who will provide it to their Program Director. The Sponsoring Institution supports excusing the Trainee from work each day the Trainee is providing service to the court. The Trainee must request a statement from the court clerk each day they are serving on a jury and provide it to their Program Coordinator when they return to work. This court time will not count towards the Trainees' annual or sick leave time. This time away from the training program may extend the training time of the program depending upon Board requirements.

### **Holiday Time Off**

Due to the 24-hour nature of patient care, Trainees are not entitled to holiday leave. A Program Director may approve time off on a holiday for a Trainee who is rotating on a clinic or service that closes due to the holiday or may reassign the resident to another location. The Sponsoring Institution supports a diverse workforce and as such supports programs to reasonably accommodate requests for specific days off when requested. Because Trainees are not entitled to holiday leave when a resident wishes to have a specific day off due to a religious holiday, the Sponsored Program should review the request and try to accommodate as much as possible. Time off for religious/cultural holidays and activities is not considered paid holiday leave, but may be scheduled to align with a Trainees required one in seven days off or taken as part of annual leave, etc. The same reasonable accommodation should be granted, when possible, for other religious activities, such as daily prayer, fasting, etc. which may be accommodated through leave, schedule adjustments, call coverage changes, etc. A request is not guaranteed approval but will be accommodated, when possible, if it does not alter the structure and function of the training program.

### **Administrative Closings/Inclement Weather**

Trainees are essential personnel and provide essential services. Trainees provide direct patient care in hospitals and clinics and must report to training and work as scheduled. If a clinical site closes a clinic or service and does not require the Trainees' attendance, the Program Director or their designee will notify the Trainee as soon as possible. The Program Director may elect to reassign a Trainee to another clinical assignment for patient care or allow the Trainee to stay home without having to use annual leave. If a clinical site/service remains open to provide essential patient care and the Trainee is unable to report to training/work due to travel/weather conditions, then the Sponsoring Institution supports training programs allocating these as absences and be counted towards annual leave. Trainees must notify their attending/site director and Program Director as soon as possible that an absence is required. The Program Director, or designee, is the only individual that may have final approval for the Trainee to stay home.

### **Impact of Leaves of Absence**

An extended absence, for any reason, may prevent a resident from fulfilling the requirements for participation in educational and scholarly activities and achieving the Trainees responsibilities as further described by the Sponsored Program as well as their executed Agreement of Appointment.

Trainees are subject to termination upon a) exhaustion of all available annual leave, sick leave, parental leave and other approved or statutory leave, or b) failure to return to work as scheduled at the end of the authorized or statutory leave.

An absence will be charged against any accrued annual, sick, or other available approved unpaid leave program. If all such paid and unpaid leaves are exhausted, the absence will be unexcused and the resident subject to dismissal for job abandonment. The DIO or the Chair of the GMEC of the sponsoring institution, in his/her discretion, may authorize additional leave but only in extraordinary circumstances.

Sponsored Programs and Trainees are advised that:

- Residency positions will be protected during the period of approved FMLA or as required by law.
- Training positions in a prescribed Aid for Impaired residents' program may be protected
- A leave of absence may require extension of training to meet Program or Board eligibility criteria.

## **Leave Allocations During Extensions of Training**

If an extension of training is required, Trainees are allocated additional annual and sick leave according to the following:

- Less than three (3) months – no additional leave
- Three (3) to six (6) months – 25% of the leave allocated within a twelve-month period
- Six (6) to nine (9) months – 50% of the leave allocated within a twelve-month period
- Nine (9) to less than twelve (12) months – 75% of the leave allocated within a twelve-month period
- Additional year of training twelve (12) months – all paid leave equivalent to an entire academic year is allocated

If there are discrepancies between Sponsored Program and Sponsoring Institution policies, in general the stricter of the two policies will apply; however, the Sponsoring Institution and the Sponsored Programs will work collaboratively to come to consensus in areas of debate.

## References

### ACGME Sponsoring Institution Requirements

I.B.4.a). (5) ACGME-accredited programs' implementation of 182 institutional policy(ies) for vacation and leaves of absence, 183 including medical, parental, and caregiver leaves of absence, at least annually; (Core)

II.F.1.c) institutional processes for ensuring the availability of resources to support residents'/fellows' well-being and education by minimizing impact clinical assignments resulting from leaves of absence.

IV.H.1. The Sponsoring Institution must have a policy for vacation and leaves of absence, consistent with applicable laws. This policy must: (Core)

IV.H.1.a) provide residents/fellows with a minimum of six weeks of approved medical, parental, and caregiver leave(s) of absence for qualifying reasons that are consistent with applicable laws at least once and at any time during an ACGME-accredited program, starting the day the resident/fellow is required to report; (Core)

IV.H.1.b) provide residents/fellows with at least the equivalent of 100 percent of their salary for the first six weeks of the first approved medical, parental, or caregiver leave(s) of absence taken; (Core)

IV.H.1.c) provide residents/fellows with a minimum of one week of paid time off reserved for use outside of the first six weeks of the first approved medical, parental, or caregiver leave(s) of absence taken; (Core)

IV.H.1.d) ensure the continuation of health and disability insurance benefits for residents/fellows and their eligible dependents during any approved medical, parental, or caregiver leave(s) of absence; (Core)

IV.H.1.e) describe the process for submitting and approving requests for leaves of absence; (Core)

IV.H.1.f) be available for review by residents/fellows at all times; and (Core)

IV.H.1.g) This policy must ensure that each of its ACGME-accredited programs provides its residents/fellows with accurate information regarding the impact of an extended leave of absence upon the 7 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). (Core)