

Approved December 19, 2006

**UNIVERSITY OF MASSACHUSETTS MEDICAL SCHOOL
GRADUATE MEDICAL EDUCATION LEAVE OF ABSENCE POLICY
RESIDENT AND FELLOWS POLICY IMPLEMENTATION GUIDELINES:**

POLICY STATEMENT - LEAVES OF ABSENCE

Each program must provide its residents and fellows with written GME and program-specific leave policies addressing the effect absences have on compensation, promotion and meeting specific training requirements. The policies must address the restrictions established by the certifying board and/or Residency Review Committee for the specialty and the training requirements of the program.

Residents and fellows must obtain prior approval from the Program Director, or his/her designee, for all leave with the exception of emergencies of sudden illness.

Family Medical Leave Act

The Family Medical Leave Act (FMLA) detailed policy (policy #1002) may be obtained by contacting the Human Resources (HR) department at (508) 856-5260 or accessed on the HR website <http://inside.umassmed.edu/hr/>. FMLA is an unpaid leave of absence unless the resident or fellow has accrued sick, personal, or vacation time. In accordance with Medical School policy, up to eight weeks of sick time pay may be used for maternity leave; up to two weeks of sick time pay may be used for paternity leave. A resident or fellow who has not yet met eligibility requirements for FMLA and is expecting to give birth or adopt a child is entitled to an eight week medical leave (per child, e.g. 16 weeks for birth of twins) under the Massachusetts Maternity Leave Act (MMLA).

Residents and fellows are eligible for FMLA for the following reasons:

- Birth and care of a newborn child
- Adoption and care of a child
- Care of an immediate family member (the resident or fellow's child, spouse or domestic partner, parent (but not in-laws) with a serious health condition
- A serious health condition of the resident or fellow which renders the resident or fellow unable to perform his/her duties

To be eligible for FMLA, the resident or fellow must have worked for the Medical School:

- For at least six months of continuous employment; and
- For at least 1250 hours during the 12 month period immediately preceding the requested leave

All residents and/or fellows who meet eligibility requirements and who provide the required notice of a qualifying condition shall have access to 12 weeks of leave in a 12 month period. Residents and fellows must submit a letter of request and appropriate documentation of the qualifying condition to their Program Director describing the reason for the leave. A copy must also be submitted to the Associate Dean of Graduate Medical Education 30 days in advance for foreseeable leave requests (i.e. maternity leave, scheduled surgeries etc.).

A resident or fellow may request an unpaid leave of absence of up to four weeks for reasons not covered under the FMLA. Each request will be considered by the Program Director on an individual basis and decisions will be based upon the nature of the request, staffing needs and the resident and/or fellow's prior performance and attendance. Extension of a leave in excess of four weeks requires the approval of the Associate Dean of Graduate Medical Education or his/her designee.

Residents and fellows are also eligible for compensated leaves of absence under UMMS Policies for Bereavement Leave, Military Leave and Jury Duty.

Residents and fellows who utilize FMLA or other Medical School leaves of absence must complete all program requirements for the level when the leave was granted in order to be promoted to the next program level or in order to receive a Certificate of Completion.

RATIONALE

In order to meet RRC training program requirements and specialty Board Eligibility requirements, residents and fellows are expected to complete a mandatory number of weeks of training which may vary by program. Most RRC and Board requirements limit the amount of time off that may be taken during a single training year or during the total training program. In many programs, the level of clinical responsibility and rotation assignments are dependent upon completion of the previous PGY level training requirements. Several specialties require that missed rotations be made up before progressing to the next PGY level. Most specialties require that time off exceeding established limits be made up at the end of training.

In order to ensure compliance with length of training requirements, and to ensure fair and consistent compensation during the progression of training, promotion and end dates will take into account delayed start dates and time off during training. Consistent guidelines should be followed for all requests for early departure.

SCOPE

- Residents and fellows official date of hire is July 1st unless otherwise agreed by the program or delayed due to extenuating circumstances including licensure and work authorization delays.
- Appointments are for one year (12 months) duration unless otherwise agreed upon in writing.
- Annually awarded benefit time (3 weeks vacation, 3 weeks sick time and 3 personal days) will be pro-rated for appointments of less than 12 months duration or appointments of less than full time.
- Promotion to the next PGY level within a residency or fellowship program will occur upon completion of 12 months of full time training (or equivalent if part-time) and all other reappointment and promotion requirements of the program and the Medical School (e.g. required test results such as USMLE or COMLEX and clinical performance).
- Promotion may be accelerated upon approval of credit for previous training by the appropriate specialty board.

- Promotion will be delayed for any absence greater than eight weeks during a given academic year. Exceptions may be made on a case by case basis and require the approval of the Associate Dean for Graduate Medical Education.
- Absences that exceed four weeks per academic year must be made up at the end of the training as required by the RRC and/or specialty board. The resident or fellow is to be paid for this additional time.
- Residents and fellows may use vacation and/or personal (with the advance approval of the program director) if they require early departure to relocate. Where possible, use of paid leave should be negotiated at the beginning of the prior academic year (July 1). Programs may not be able to honor all requests. Priority should be given to those relocating out of state with job responsibilities that must commence on July 1. Those residents/fellows who have no accrued benefit time may take unpaid leave (with program director approval) until the effective termination date that reflects completion of 12 full months from the official start date.
- Early departure may be granted on a case by case basis, but should be requested as early as possible during the academic year. The resident/fellow may be eligible to use accrued vacation or personal time with no impact on his/her program end date. The resident/fellow with no remaining accrued benefit time may be permitted to take unpaid leave if s/he meets the specialty length of training and board eligibility requirements. Residents and fellows who depart early and have utilized allowed leave will be granted credit only for the dates they remain in the training program.
- A resident or fellow who leaves early without permission of the program director may not receive full credit for completion of the academic year.

RESPONSIBILITIES

- Resident or fellow must receive a copy of this policy and must receive written approval from the Program Director for all leaves of absence except for emergencies or sudden illness.
- Leaves other than FMLA or Mass Maternity that exceed four weeks must receive approval of the Associate Dean of Graduate Medical Education.
- The Office of Graduate Medical Education will process all resident and fellow appointment, leave of absence, termination, and reinstatement PAs.
- The Program Director or designee and OGME staff will advise residents and fellows of the impact of all leaves of absence on compensation, benefits, promotion and termination dates.
- The OGME will maintain documentation of resident and fellow start dates, end dates and all leaves of absence.
- Promotion dates and termination dates will reflect any delayed start dates and time off in excess of four weeks during each academic year
- The Associate Dean of Graduate Medical Education will review all requests for exception to these procedures

Approved by Graduate Medical Education Committee

Date

TEMPLATE

DEPARTMENT NAME: _____ LEAVE POLICY FOR RESIDENTS AND FELLOWS

It is the policy of the Department of _____ to allow leave for maternity, paternity, and adoption, illness of an immediate family member that requires the resident or fellow's care, or illness of the resident or fellow. Residents may be granted up to 12 calendar weeks of leave during a 12-month period for certain family and medical reasons with job protected leave.

Leaves are granted with the approval of the Program Director and with the prompt notification of the Office of Graduate Medical Education, provided that the time away does not cause any undue hardship for the Department of _____. The Program Director will determine how much of the time will need to be made up in order to fulfill the _____ Board Certification and RRC requirements. Leaves in excess of 8 weeks will delay promotion.

If leave is granted (with the exception of maternity leave) the resident/fellow must first use personal, sick and/or vacation leave as part of the leave thereby continuing to receive a stipend. Once the accrued time is exhausted, the resident must go on unpaid leave. Leave for maternity does not require that the resident/fellow use accrued leave time.

Requests to take a leave of absence other than Family and Medical Leave or to extend a leave beyond the 12-week period of Family and Medical Leave must be made through the Program Director and require approval of the Associate Dean of Graduate Medical Education. Such requests will be handled on a case-by-case basis, with the Department of _____ determining whether an unpaid leave will be granted (with job protected leave) or if the resident would be required to resign in order to take such leave.

Leave Documentation

Any time a leave of absence is granted; the resident/fellow must receive a written approval from the Program Director, co-sign the letter in acknowledgement of receipt, and return the letter to the Program Director who must promptly forward a copy to the Office of Graduate Medical Education.

The written approval must state the following:

- 1) Reason(s) for the leave
- 2) Beginning and anticipated ending date of the leave
- 3) Time period of paid leave and time period of unpaid leave
- 4) Period of time UMass Medical School is required to cover benefits during any unpaid portion for up to 12 weeks of FMLA
- 5) Period of time the resident is responsible for insurance coverage
- 6) Information on how the resident may contact the GME Office with questions
- 7) Plan for any time and/or rotations that the resident will be required to make-up in order to complete the program (consistent with the rules of the RRC) and/or to be eligible to sit for Boards
- 8) Clear indication of whether the make-up time will be paid or unpaid. (If paid, the letter must state the monthly stipend amount. If the leave is made up in the next academic year, the make up time will be at the salary rate in effect at the time the leave is made up)

RESIDENT/FELLOW LEAVES FROM THE UNIVERSITY

LEAVE TYPE	LEAVE ELIGIBILITY	LEAVE ENTITLEMENT	REASON FOR LEAVE	DOCUMENTATION	APPROVAL
Family Medical Leave Act (FMLA)	Six months of continuous employment and 1250 hours worked during the 12 month period immediately preceding the requested leave	12 weeks annually (unpaid leave unless resident or fellow has accrued personal, vacation or sick time)	<p>Birth & care of newborn</p> <p>Adoption & care of child</p> <p>Care of immediate family member</p> <p>Serious health condition of resident or fellow</p>	<p>Date of impending birth</p> <p>Documentation and date of impending adoption</p> <p>Medical verification and relationship of family member to resident</p> <p>Medical certification of condition and resident's inability to perform duties</p>	<p>Program Director and Graduate Medical Education must approve all FMLA's (30 days in advance)</p> <p>(Approval must be forwarded to Human Resources for processing)</p>
Massachusetts Maternity Leave Act (MMLA)		Eight weeks per birth/adoption (twins = 16 weeks) (accrued time may be used for maternity leave but is not required)	Pregnancy or adoption	Date of impending birth or adoption	<p>Same as above</p> <p>(MMLA must be designated and run concurrently with FMLA)</p>
Leave of absence		Four weeks	Reasons not covered under FMLA	Based on the nature of the request	Same as above

*Residents and Fellows who utilize FMLA, MMLA or other Medical School approved leaves of absence must complete all program requirements for the level when the leave was granted in order to be promoted to the next program level or in order to receive certification of completion.