

GME Policy #: II-E	Graduate Medical Education Policy & Procedures University of Pennsylvania Health System	Page 1 of 8 Effective: 9/18/20
	Subject: Vacation and Leave for House Staff	

POLICY

Time off and leaves of absence must be made available to house staff as necessary to meet trainees' personal and medical needs and the needs of their families. All time off shall be granted according to this policy and the policies of training programs, as well as University of Pennsylvania Health System (UPHS) policy, where appropriate.

PURPOSE

The purpose of this policy is to specify the types of absence available to house staff; to outline policies for requesting and approval of absence from training and the impact of extended absence on the completion of a training program; and to provide a process for monitoring the compliance of all programs with absence policies and regulations.

SCOPE


This policy applies to all ACGME-accredited and similarly-accredited training programs in UPHS. Those in unaccredited training programs will function in accordance with hospital policies.

IMPLEMENTATION

The implementation of this policy is the responsibility of the Designated Institutional Official (DIO), Graduate Medical Education Committee (GMEC), Associate Dean for Graduate Medical Education (GME), the Office of GME, Department Chairs and Program Directors.

PROCEDURES

1. House Staff absence from training shall fall into the following general categories:
 - Vacation
 - Personal days (including occasional days off due to minor illness or injury or to attend medical, mental health or dental appointments)
 - Educational conferences
 - Job interviews/searches
 - Family/medical leave
 - Military leave
 - Extended leave of absence

Supersedes: III-N (7/01/04); II-E (6/20/08); (6/20/13); (7/1/18); (1/15/15); (7/17/20)	Issued By:  Associate Dean for Graduate Medical Education and Chair, Graduate Medical Education Committee
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2. Each house officer will be entitled to a minimum of 4 weeks of vacation (with each such week generally to be a 7-day block that includes 5 weekdays and 2 weekend days) and 5 additional sick and personal days, each academic year unless this would require an extension in training due to requirements from a national board, the ACGME, or other regulatory organization that mandates less annual vacation time. In this case, the house officer will be entitled to the most annual vacation allowed under such requirements.

3. In addition to this policy and UPHS policies, each training program must develop its own policy detailing allocation of absences and leave that does the following:
 - Describes the process for requesting vacation, personal days, or leave
 - Describes the circumstances under which leave is appropriate
 - Describes the conditions of any absence or leave, including how an extended leave might affect the house officer's completion of the training program or eligibility for specialty certification exams or certification by the relevant certifying board
 - Describes when a house officer may be required to repeat training or may be terminated from a program as a result of extended leave
 - Describes policy for time off around national or other major holidays
 - Residents must be given the opportunity to attend medical, mental health, and dental care appointments, including those scheduled during their working hours. Their work schedule should not prevent them from seeking care when they need it, including scheduled call days. Programs must not place restrictions on when residents may schedule these appointments. A limited number of such appointments should not be deducted from the allotted time for vacation.
 - Describe the conditions for days off for job search/interviews, attending national meeting, other reasons. A limited number of days off for national meetings should not be included in allowed vacation time.
 - Vacation, personal days and leave must be requested and approved through use of the institutional Residency Management System.


In developing this policy, the program director must consider the needs of other house staff, ACGME requirements, the requirements of any relevant certification board, and other related requirements. The total number of vacation and other days off allowed under policy (not include family and medical leave under the Family and Medical Leave Act of 1993 (FMLA), as described below) must not be so much as to require an extension of training.

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4. The training program director shall approve or deny all absence or leave requests but may not arbitrarily or without good cause deny reasonable and timely requests. The program director may consult with Human Resources personnel and the GME Office in making such decisions.

5. Family/ Medical Leave: Due to the unique nature of graduate medical education training, house officers are eligible to apply for family/medical leave under the Family and Medical Leave Act of 1993 (“FMLA”) upon commencement of training.
 - a) House officers are eligible for up to 12 weeks of FMLA leave in any rolling 12-month period. The rolling 12-month period is measured back from the date the leave commenced or will commence. FMLA leave is available for the birth, placement for adoption, or placement for foster care of a child, including parental leave; or for the house officer’s own serious health condition or serious health condition of a close family member (as defined by UPHS leave of absence policy #2-06-07). Except for cases of intermittent leave, FMLA leave should be provided and be counted in weeks, generally defined as a seven-day period of 5 weekdays and two weekend days.
 - b) While in general FMLA is an unpaid benefit, house officers may receive up to six weeks of paid FMLA leave (of the 12 weeks available) in any rolling 12-month period, for the first six weeks of the FMLA eligible leave, when the leave is taken for the conditions described in a).
 - c) For leaves extending beyond six weeks, house officers are required to use available sick days as well as fifty percent of total vacation time available at the time leave begins (i.e. with each week defined as a seven-day block that includes five weekdays and two weekend days), in that order. Thereafter, house officers may receive short-term disability benefits, if enrolled in the short-term disability plan and eligible under terms of the plan. For house officers who have exhausted vacation days, sick days, and/ or personal days for the current academic year and who are not receiving short-term disability benefits, the second six weeks/remainder of FMLA is unpaid leave. If vacation days, sick days, and/or personal days are used for a house officer’s own serious health condition or serious health condition of a close family member prior to a decision to apply for FMLA leave for such conditions, this will count towards the allowed 12 weeks of total leave. For FMLA leave that extends into the next academic year, house officers are required to use up to fifty percent of vacation for the next academic year towards the second six weeks of FMLA leave.

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- d) House officers are discouraged from taking vacation time adjacent to an FMLA leave if doing so would leave an extended period of time in the remainder of the academic year without vacation.
- e) For the birth or adoption of a child (parental leave), house officers are expected to inform their Program Directors at least three months in advance of the expected date of delivery or adoption of the intent to take leave and the planned duration. For all leaves unrelated to planned birth or adoption, house officers are expected to inform their Program Director as far in advance as possible.
- f) Spouses who are *both* employed as house officers in the *same* GME training program will be eligible in any rolling 12-month period for a combined total of 12 weeks of FMLA leave for the birth, placement for adoption, or placement for foster care of a child, including parental leave. Note that leave for the birth and care or placement for adoption and care of a child must conclude within 12 months of the birth or placement of the child. Individual programs may establish a policy permitting up to 12 weeks of FMLA leave for *each* spouse in the same GME training program.
- g) Benefits continue for the duration of the leave, for which the house officer must continue their contribution. House officers taking unpaid FMLA leave must make contribution payments on a monthly basis, or benefits may lapse.
- h) House officers must comply with Certification form requirements (consistent with Department of Labor requirements) and may be required to provide Certification from a health care provider. In order to qualify for FMLA leave, house officers must ensure that UPHS receives an accurate, complete, and sufficient Certification supporting FMLA leave, if required, within 15 days from the date the house officer receives the Certification form. FMLA leave may not be approved until a completed Certification form is provided supporting the need for leave. Failure to return a required Certification form within 15 days, absent extenuating circumstances, may result in a delay or denial of leave.
- i) House officers are expected to keep their program directors informed and up to date on their status throughout the leave periodically as requested by the program. FMLA leave that extends beyond the first six weeks of paid FMLA leave may require re-certification of a serious health condition. Documentation is also required upon return from FMLA leave from a health care provider that can attest to the ability of the house officer to resume work at the conclusion of leave. This documentation must be provided within two weeks prior to the date of return. If the return to work date is unforeseeable, house staff must give at least two full business days' notice of intent to return to work. If the house officer fails to

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notify the program director and does not return by the agreed date, the house officer may be subjected to disciplinary action, up to and including dismissal.

- j) House officers may not perform any work while on FMLA leave.
 - k) House officers may choose to return from FMLA leave earlier than initially planned but may not be required to do so by their Program Directors.
6. House officers are ineligible for “other medical leave” as described under UPHS Leave of Absence Policy (#2-06-07).
 7. Military leave shall be covered by UPHS policy (#2-01-05) and shall be administered in accordance with the Uniformed Services Employment and Re-Employment Rights Act and related regulations.
 8. A request for an extended leave of absence beyond 12 weeks of FMLA in any rolling 12-month period, may be approved or denied at the discretion of the department or program. In deciding whether to approve or deny an extended leave, the department or program may consider the house officer’s performance, reason for the request, and likelihood of returning to the program.
 9. Although house officers are eligible for up to 12 weeks of FMLA leave in any rolling 12-month period, approval of FMLA leave does not constitute confirmation of on-time promotion or graduation. House officers should be aware of specialty-specific Residency Review Committee (RRC) regulations and specialty board criteria which may set limits on the amount of time away from the training program beyond which house officers may be required to extend training and for rules regarding promotion from one PGY level to the next. The program director must assess the trainee’s ability to fulfill his/ her educational obligations and consider specialty-specific RRC and specialty board criteria to determine the amount of additional clinical training time that is required and whether completion of this training is required prior to promotion or graduation.
 10. All programs are required to have a written Program Family and Medical Leave Policy containing all of the above information; any changes to the above policy must be approved by the GME Office.

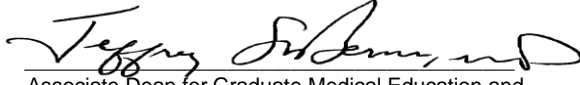
MONITORING

A house officer seeking redress for allegedly inappropriate treatment under this policy may file a complaint with the GMEC by following the process outlined in the GME Policy #II-T House Staff Procedures for Appeal of Disciplinary Action, Non-renewal, Non-

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promotion/Non-graduation policy. GMEC will assure that each program has its own vacation and leave policy that is consistent with this GME Vacation and Leave for House Staff Policy.

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[Sample Department Vacation and Leave policy]
VACATION AND LEAVE

POLICY

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Any house officer absent for more than [insert board requirement] will be required to extend training to make up lost time per [reference board requirement].

PURPOSE

The purpose of this policy is to outline available vacation and leave eligibility and conditions for program participants, subject to GME Policy #II-E Vacation and Leave for House Staff.

SCOPE

This policy applies to all house officers in the [department or division] at the University of Pennsylvania Health System (UPHS).


IMPLEMENTATION

The program director and chief resident(s) are responsible for implementing this policy.

PROCEDURE

Each house officer will be entitled to a minimum of 4 weeks of vacation (with each such week generally to include 5 consecutive week days and 2 contiguous weekend days) each academic year unless this would require an extension in training due to requirements from a national board, the ACGME, or other regulatory organization that mandates less annual vacation time. Vacation must be requested and approved in advance; vacation during and around holidays may be assigned by the program.

Residents must be given the opportunity to attend medical, mental health, and dental care appointments, including those scheduled during their working hours. Their work schedule

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should not prevent them from seeking care when they need it, including scheduled call days. Programs must not place restrictions on when residents may schedule these appointments.

Personal days, defined as a 24-hour period for personal or family illness, bereavement, and family emergencies, must be paid back to the coverage pool. Use of more than 7 personal days will result in extension of training time and/or may be disallowed.

Upon commencement of training, house officers are eligible to apply for family/medical leave under the Family and Medical Leave Act of 1993 (“FMLA”), in accordance with GME Policy #II-E Vacation and Leave of Absence for House Staff. Once paid FMLA leave under the GME policy is exhausted, the house officer [must][may][may not] use available vacation concurrently in lieu of unpaid leave.

Vacations requests and applications for leave shall be submitted to the program director.


Any unauthorized absence, or failure to provide proper notice as required by this or GME policy, may subject the house officer to corrective action and/or discipline in accordance with GME Policy #II-I House Staff Discipline policy. Any house officer absent without approved leave for three days or more, or on family or medical leave for greater than 12 weeks without expectation of imminent return, may be terminated by the program.

[Specific discussion of eligibility for certification or exams in light of extended or excessive leave, if necessary]

Military leave shall be covered by UPHS policy (#2-01-05).

Disclaimer

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