

The following are responsible for the accuracy of the information contained in this document

Responsible Policy Administrator
Associate Dean for Graduate Medical Education

Responsible Department
Graduate Medical Education

Contact (508) 856-2903

Policy Statement

Each program must provide its residents and fellows with written Office of Graduate Medical Education (OGME) and applicable UMass Chan Medical School leave policies that explain eligibility for leave, compensation, and benefits during leave, along with program-specific leave policies addressing the effect absences have on promotion and completion of specific training requirements and board eligibility. These program policies address the restrictions established by the certifying board and/or Residency Review Committee (RRC) for the specialty and training requirements of the program.

Residents and fellows must obtain prior approval from the program director, or their designee, for all leaves with the exception of emergencies or sudden illness. In addition, and as stated below, certain leaves may also require approval of the Associate Dean of Graduate Medical Education. All leaves by non-immigrant visa holder require approval by Immigration Services Office (ISO) to assess impact on work authorized status; ECFMG sponsored J-1 must obtain ISO approval *prior* to the leave start date. All required documentation must be submitted to the OGME, UMass Chan Human Resources and (as required) Employee Health Services in a timely manner.

Residents and fellows are eligible for leave according to applicable policies:

- FAMILY AND MEDICAL LEAVE ACT (FMLA)
- MASSACHUSETTS PAID FAMILY MEDICAL LEAVE (PFML)
- MASSACHUSETTS PARENTAL LEAVE (PLA)
- JURY DUTY
- BEREAVEMENT LEAVE
- MILITARY LEAVE OF ABSENCE
- OGME LEAVE OF ABSENCE
- SMALL NECESSITIES LEAVE OF ABSENCE
- MISCELLANEOUS PAID LEAVE OF ABSENCE

Leave may be paid using eligible accruals per UMass Chan policies (sick time, vacation time, personal time).

Reason for Policy

UMass Chan residents and fellows may be eligible for a leave of absence for a variety of reasons specified in this policy. In order to meet Accreditation Council for Graduate Medical Education (ACGME) training program requirements **and** specialty board eligibility requirements, however, residents and fellows must still complete a mandatory number of weeks of training which may vary by program.

Entities Affected By This Policy

- ◆ All UMass Chan residents and fellows in ACGME Accredited and Non-Standard Training Programs
- ◆ All UMass Chan residency and fellowship program directors and coordinators.

Related Documents

- ◆ Individual RRC and American Board of Medical Specialties policies concerning time off
- ◆ Federal Laws / Regulations – Family Medical Leave Act
- ◆ State Laws – MA Parental Leave Act, Paid Family & Medical Leave
- ◆ UMass Chan Leave Policies noted above.

Scope

This policy applies to all residents and fellows in UMass Chan ACGME-accredited and non-standard training programs.

Responsibilities

FAMILY AND MEDICAL LEAVE ACT LEAVE (FMLA)

Policy #06.01.01 may be obtained by contacting the Human Resources department at (508) 856-5260 or accessed on the HR website. FMLA provides unpaid leave of absences unless the resident or fellow has accrued sick, personal, or vacation time. In accordance with UMass Chan policy, up to eight (8) weeks of sick time may be used for the birth/placement of a child.

According to Federal Law, to be eligible for FMLA leave, the must have worked for UMass Chan:

- A. For at least 12 (twelve) months of continuous employment; **and**
- B. For at least 1250 hours during the 12-month period immediately preceding the requested leave.

Residents and fellows are eligible for FMLA leave for the following reasons (“qualifying conditions”):

- The birth of a child and to care for the newborn child within one year of birth

- The placement with the employee of a child for adoption or foster care and to care for the newly placed child within one year of placement
- To care for the employee's spouse or eligible domestic partner, dependent child, or parent (not a parent "in-law") who has a serious health condition.
- The employee's own serious health condition that makes the employee unable to perform the essential functions of his or her job (this includes employees out on workers' compensation; FMLA leave will run concurrently with workers' compensation).
- Any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on "covered active duty".
- To care for a covered service member with a serious injury or illness if the eligible employee is the service member's spouse, son, daughter, parent, or next of kin (military caregiver leave). A covered service member is defined as either:
 - i. a current member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is in outpatient status, or is on the temporary disability retired list, for a serious injury or illness; or
 - ii. a veteran of the Armed Forces (including the National Guard or Reserves) discharged within the five-year period before the family member first takes military caregiver leave to care for the veteran and who is undergoing medical treatment, recuperation, or therapy for a qualifying serious injury or illness.

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 FMLA leave in a 12-month period. They are not eligible for a consecutive FMLA leave if they have taken twelve (12) workweeks of FMLA leave during the previous twelve (12) month period.

When returning from an FMLA leave of absence, medical clearance from Employee Health Services is required to return to work.

FMLA leave is unpaid unless the employee has unused accruals of vacation, sick, holiday, or personal time. An employee will be required to use all eligible sick time, holiday, personal and vacation time before being placed on unpaid leave. Sick time may be used by the parent for the first 8 weeks after the birth of their child (8 weeks per child) or by the parent of an adopted child or foster child for the first 8 weeks after the adoption or foster placement of that child. Employees approved for MMLA will not be required to use accruals.

During any unpaid leave for personal illness, an employee with health insurance will be billed directly by the Group Insurance Commission (GIC) for the normal employee's share of the premium. If unpaid leave is to care for a family member, the employee with health insurance may be billed directly by the GIC for the full cost of the premium. Premiums must be paid directly to the GIC within the specified time frame or coverage will be terminated. If the leave is unpaid for one full pay period, the employee must complete the Application to Continue Part Cost Premiums (GIC Form 11) and send it to the Benefits Department to ensure continuation of the premium at the usual employee rate.

MASSACHUSETTS PAID FAMILY MEDICAL LEAVE

- A. Residents/Fellows may apply for Paid Family Medical Leave (PFML) with the Commonwealth's Department of Family and Medical Leave (DFML). The application and approval process for PFML is administered by the DFML. Employees applying for PFML shall otherwise adhere to all UMass Chan leave approval and documentation requirements.
- B. Residents/Fellows may be eligible for up to twenty (20) weeks of medical leave for their own serious health condition, 12 weeks of family medical leave, and an aggregate of 26 weeks of PFML leave per benefit year, consistent with the Paid Family and Medical Leave Law, M.G.L. c. 175M.
- C. Any leave utilized under UMass Chan leave policies for a qualifying reason under the Paid Family and Medical Leave Law shall run concurrently with any leave granted to the Resident/Fellow by the DFML.
- D. Residents/Fellows on an approved PFML leave will be placed on an "unpaid leave of absence," and will be billed directly by the Group Insurance Commission (GIC) for the normal employee's share of the premium. Premiums must be paid directly to the Group Insurance Commission within the specified timeframe. Otherwise, the Group Insurance Commission will terminate coverage.
- E. Residents/Fellows may not supplement any paid benefits awarded by the DFML with their accrued leave while on PFML.
- F. UMass Chan will administer PFML leave in accordance with the Paid Family and Medical Leave Law, M.G.L. c. 175M, and any other applicable law.

MASSACHUSETTS PARENTAL LEAVE ACT (PLA)

Policy #06.01.20 may be obtained by contacting the Human Resources department at (508) 856-5260 or accessed on the HR website <http://inside.umassmed.edu/Policies/Policies-listing-page/hr/Benefits-and-Leave/MA-Maternity-Leave-Act/>

A resident or fellow giving birth to or adopting a child under the age of 18 or under the age of 23 if the child is mentally or physically disabled, is entitled to an eight week leave of absence per child (e.g. 16 weeks for birth of twins) pursuant to the PLA. If both parents are employed by UMass Chan, they are entitled to a combined eight (8) weeks of leave. A resident is eligible for parental leave under the PLA if they have been employed by UMass Chan for at least three consecutive months as a full-time employee; and at least two (2) weeks' notice of the anticipated date of departure and intention to return must be provided.

PLA does not require that the leave be paid. During a PLA an employee is not required to use accruals but may request that they be used during PLA leave. An employee on approved PLA will continue to be covered under group health, life, dental and long-term disability insurance plans in which the employee was enrolled at the time the leave commenced. During any unpaid leave, the employee will be billed at home as described above under FMLA.

FMLA, PFML and PLA run concurrently in most cases.

NON-FMLA – NON-PLA PERSONAL LEAVE OF ABSENCE

A resident or fellow who does not meet the length of service eligibility requirement for FMLA (12 months of continuous employment) is eligible for the equivalent amount (up to 12 weeks) of job-protected leave for FMLA qualifying conditions as listed above.

A resident or fellow may request a non-FMLA, non-PLA or personal leave of absence of up to four (4) weeks either following the expiration of a 12-week FMLA leave, or for reasons not qualifying under the FMLA or PLA. Each request shall be considered and decided by the Program Director and Associate Dean of Graduate Medical Education (or designee) on an individual basis, and decisions will be based upon the nature of the request, and the needs of the department. If the request is the result of a personal or family medical issue, sufficient documentation of same must be provided to Human Resources for forwarding to Employee Health Services, which shall review same and provide a recommendation on the request. Accrued sick time (as applicable) and vacation time must be used during the non-FMLA non-PLA leave after which the remainder of the leave is unpaid. An extension of up to 2 weeks may be considered by the Program Director AND the Associate Dean of Graduate Medical Education on a case-by-case basis. Approval by both is required.

Decisions on all such non-FMLA / non-PLA leaves of absence shall be made in the sole and exclusive discretion of UMass Chan. Further, when returning from a non-FMLA leave of absence resulting from a personal medical issue, clearance from Employee Health Services is required to return to work.

Residents and fellows are also eligible for compensated leaves of absence under UMass Chan Policies for Bereavement Leave, Military Leave, Small Necessities Leave of Absence, Miscellaneous Paid Leave of Absence, and Jury Duty.

ACGME REQUIREMENTS FOR COMPENSTION DURING FMLA

Each program must provide residents and 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. UMass Chan must 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 and 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. Consistent with ACGME requirements, UMass Chan may require that the resident/fellow use accruals before supplemental compensation is provided.

PROMOTION AND END DATE FOLLOWING LEAVES OF ABSENCE

Residents/Fellow appointments are for a one-year (12 months) duration unless otherwise agreed upon in writing. Residents and fellows who utilize FMLA/PLA/PFML leave or other UMass Chan leaves of absence must complete all program requirements for the level of training when the leave was granted in order to be promoted to the next program level and in order to receive a Certificate of Completion. This may require extension of the training program. Most ACGME and specialty certifying boards have established limits on the amount of time off that may be taken during a single training year or during the total training program. Promotion to the next level of training and increased clinical responsibility and rotation assignments are dependent upon completion of the pre-requisite rotations.

Promotion to the next PGY level within a residency or fellowship program will occur upon successful 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 and employee health clearance).

Promotion will be delayed for any absence greater than eight (8) weeks during a given academic year (or fewer per ACGME and specialty board requirements).

The resident/fellow is to be paid for additional time required to complete their training due to approved leaves of absence.

Procedures

1. The resident/fellow must submit a completed OGME LOA request form to his/her program director describing the reason for the leave a minimum of 30 days in advance for foreseeable leave requests (i.e., parental leave, scheduled surgeries, etc.) or as soon as possible for emergencies or sudden illness. (All required information including accrual balances must be provided on the form).
2. Any resident/fellow on a visa must notify the Immigration Services Department and file all required information related to their visa. The ECFMG must be notified by anyone on a J-1 visa. Continued visa eligibility for program extension must be addressed for any visa participants.
3. The resident/fellow must submit a completed Medical Certification Form directly to Human Resources and they will forward to Employee Health Services.
4. The program director or designee MUST provide the resident/fellow with a copy of the OGME and program LOA policy and provide written approval on the LOA form.
5. The signed OGME Leave of Absence form must be submitted to the Office of Graduate Medical Education.
6. The program coordinator MUST notify the OGME when the resident/fellow begins leave and when the resident/fellow returns.
7. The program coordinator MUST ensure that appropriate time documentation is reported to the Department timekeeper on a weekly basis (sick, vacation, personal or no pay as indicated) and is correctly documented in duty hour reporting software
8. The OGME will process all resident or fellow appointment, leave of absence, termination, and reinstatement PAs.
9. Employee Health Services must provide medical clearance prior to the resident/fellow returning to work.

GUIDANCE:

- The resident/fellow must request FMLA leave if s/he is to be absent for qualifying reasons for more than five (5) consecutive days other than approved vacation.
- The resident/fellow must verify his/her available time accrual balance that can be used for the leave.
- The program director or designee and OGME staff will advise resident/fellow of the impact of all leaves of absence on compensation, benefits, promotion, and termination dates.
- The OGME will maintain documentation of resident/fellow start dates, end dates and all leaves of absence.

Approvals

Deborah M. DeMarco

Responsible Policy Administrator
Deborah DeMarco, Assoc Dean for
Graduate Medical Education

10/21/2014

Date
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University of Massachusetts Medical School
55 Lake Avenue North
Worcester, MA 01655-0002
508-856-2903 (office) 508-856-6420 (Fax)

GME REQUEST FOR LEAVE OF ABSENCE FORM

Employee:	Employee #:	Schedule Hours: 40
Date of Hire	Program:	Location: University
Home Phone:	Home Address:	Supervisor:
Visa type (if applicable)*:		

***THE IMMIGRATION SERVICES OFFICE MUST BE NOTIFIED OF ANY LOA FOR PHYSICIANS REQUIRING VISA SPONSORSHIP.**

REASON FOR LEAVE OF ABSENCE (PLEASE CHECK APPROPRIATE BOX)

- Birth/Adoption (circle appropriate selection)
- Employee Illness
- Care of a Minor Child/Spouse/Parent (circle appropriate selection)
- Jury Duty
- Military Leave for Employee
- Leave for Care of Covered Service member Due to Serious Illness or Injury
- Leave for Qualifying Exigency Related to Military contingency Operations
- OTHER – non-medical

LEAVE TYPE (PLEASE CHECK APPROPRIATE BOX)

- Continuous Intermittent Reduced Schedule

Leave Begin and End Dates: ____/____/____ to ____/____/____

Time Requested: _____ Days Hours Weeks

If reduced schedule, please specify new hours: _____

Based on the information provided, the above-named resident will return to the program at his/her current PGY Level: _____ on _____.

Upon satisfactory completion of the program requirements for promotion, the above-named resident will be promoted to PGY Level _____ on _____.

Upon satisfactory completion of all program requirements, and no further leaves of absence, the above-named resident is expected to complete the program on _____.

*Please complete page 2 **BEFORE SIGNING AND SUBMITTING TO OGME.***

LEAVE WILL BE PAID ONLY IF EMPLOYEE HAS SUFFICIENT AND APPROPRIATE ACCRUALS TO COVER PART OR ALL OF THE ABSENCE.

The above-named resident has the following benefit time available for this leave of absence:

Sick Time (if applicable) _____

Vacation Time: _____

Personal Time: _____

Additional compensation may be available through the Sick Leave Bank if eligibility is approved.

Please read and sign below IF ACCEPTABLE

- I expect to resume my training at the end of this approved time on a full time basis unless my program director agrees to an extension or modification of this agreement at that time.
- I also understand that failure to return from the approved Leave of Absence within the agreed upon timeframe may constitute a voluntary termination.
- I have read the UMMS GME Leave of Absence policies and my training program policy concerning leaves of absence/schedule reduction and understand that I am expected to make up all missed time per these policies prior to promotion and stipend increase.
- I understand that I may be required to make up all absences in excess of four weeks per academic year in order to receive full credit for my training and specialty board eligibility.
- I understand that I will be billed directly for part or all of the cost of health and dental insurance premiums if my leave is unpaid.

Employee Signature: _____ Date: _____

Program Director Signature: _____ Date: _____

Graduate Medical Education: _____ Date: _____

RESIDENCY/FELLOWSHIP PROGRAM-SPECIFIC LEAVE OF ABSENCE GUIDELINES
PROGRAM NAME: _____

All resident/fellow leaves of absence are subject to UMMS GME Leave of Absence Policy and all related Federal, State, and UMMS Policies.

The Program Director must be notified at least 30 days in advance except in emergency circumstances or sudden illness.

Non-FMLA or personal leave may be approved provided that the time away does not cause any undue hardship for the _____ Program.

Leaves that are in excess of 4 weeks in duration could delay promotion.

The Program Director will determine how much time will be needed to be made up in order to fulfill Board Certification and RRC requirements.

The American Board of _____ requires that residents/fellows complete ____ weeks per academic year [OR ____ weeks over the duration of the ____-year program]. Any time missed beyond the stated requirement must be made up in order to be eligible to sit for specialty board exams.

_____ RRC states that residents/fellows must complete ____ weeks per academic year [OR ____ weeks over the duration of the ____-year program]. Any time missed beyond the stated requirement must be made up.

Leave Documentation

All requests for leave must state:

- 1) Reason(s) for the leave
- 2) Beginning and anticipated end date of the leave
- 3) Time period of paid leave and time period of unpaid leave
- 4) Information on how to contact the OGME with questions
- 5) Plan for any time and/or rotations that the resident/fellow will be required to make-up before promotion and in order to complete the program (consistent with the rules of the RRC) and/or to be eligible to sit for Boards