

## LEAVE AND TIME OFF POLICIES

All programs are required to use New Innovations to track annual, sick and educational leave time taken by residents. Residents are required to submit a GME time sheet to their program each month listing any annual, sick, educational, or Family Medical leave taken. Based upon specialty board requirements, individual program leave policies may be more restrictive than the following GME policies.

### Annual Leave

Paid annual leave of three (3) weeks, consisting of twenty-one (21) days with a maximum of fifteen (15) "working days" (Monday-Friday) plus six (6) "weekend days" (Saturday-Sunday), may be given per twelve month period. Annual leave or leave without pay is granted at the discretion of the Program Director and must be approved, in writing, by the Program Director (or his/her designee) in advance. Annual leave must be used for any time away from the program not specifically covered by other leave benefits below. Annual leave does not carry over from year to year and residents are not paid for unused leave. Residents 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.

### Sick Leave

Residents are allotted three (3) weeks of paid sick leave per twelve month period for absences due to personal or family (spouse, child, or parent) illness or injury. Annual paid sick leave consists of twenty-one (21) days with a maximum of fifteen (15) "working days" (Monday-Friday) plus six (6) "weekend days" (Saturday-Sunday). A physician's statement of illness or injury may be required for absences of more than 3 consecutive days or an excessive number of days throughout the year. Sick leave is non-cumulative from year to year. Residents are not paid for unused sick leave. Under certain circumstances, additional sick leave without pay may be approved. The resident may be required to make up any time missed in accordance with the Residency Program and board eligibility requirements.

### Family and Medical Leave (FML)

Residents who have been employed for at least 12 months and have worked at least 1,250 hours during the previous 12 month period are eligible for qualified family and medical leave under provisions of the federal Family Medical Leave Act (FMLA). FMLA provides eligible employees up to 12 weeks of protected unpaid leave for the birth or adoption of a child or a serious health condition affecting the employee or his or her spouse, child or parent. Residents are required to use all available sick and annual leave days to be paid during FML leave.

The UTHSC College of Medicine Graduate Medical Education Office recognizes the importance of the early development of a relationship between parent and child and supports the use of time off for resident leave related to the recent birth or adoption of a child. Under Tennessee law, a regular full-time employee who has been employed by the university for at least 12 consecutive months is eligible for up to a maximum of four months leave (paid or unpaid) for pregnancy and adoption. After all available paid sick and annual leave has been taken, unpaid leave may be approved under FML and Tennessee law provisions. The state benefit and FML benefit run concurrently with paid leave or any leave without pay.

Maternity, parental, or adoptive leave will be granted in conjunction with Family Medical Leave and Tennessee law. Except in case of emergency, all maternity, parental, or adoptive leave should be

requested at least three months in advance of the expected date of birth or adoption in order to ensure adequate coverage in the program. The Program Director and resident should verify whether the length of leave will require extending training in order to meet program or board eligibility criteria.

UTHSC Human Resources office has administrative oversight for the FML program. The Program Coordinator or Director should notify HR when it appears a resident may qualify for FML leave. HR will coordinate with GME and the Program Coordinator or Director to approve or disapprove a resident's request for FML leave. Resident rights and responsibilities under FMLA can be found on the GME website: <http://uthsc.edu/GME/pdf/fmlarights.pdf>.

#### Educational Leave

Educational leave is granted at the discretion of the Program Director, but may not exceed ten (10) calendar days per twelve month period. Residents should be advised that some Medical Boards count educational leave as time away from training and may require an extension of their training dates.

#### Bereavement Leave

Residents may take up to three (3) days of paid leave due to the death of an immediate family member. Immediate family shall include spouse, child, parent, grandparent, grandchild, brother, or sister of the trainee. With approval of the Program Director, additional time for bereavement may be taken using annual leave or leave without pay.

#### Military Leave

Military leaves of absence will be administered in accordance with the provisions of University Personnel Policy #370: [http://uthsc.edu/policies/w932\\_document\\_show.php?p=364](http://uthsc.edu/policies/w932_document_show.php?p=364). Residents must notify their Program Director when military leave will be required and must provide their Program Director with appropriate documentation of their military service. Depending on the length of leave and specialty board requirements, training time may be extended.

#### Jury Duty

A resident that is summoned for jury duty must provide a copy of the summons to their Coordinator who will provide to the GME Office. Upon doing so the University will excuse the resident from work each day the resident is providing service to the court. The resident must request a statement from the court clerk each day they are serving on a jury and provide to their Coordinator when they return to work. This court time will not count towards the residents annual or sick leave time. This time away from the program may extend the training time of the program depending upon Board requirements. This leave does not apply when a resident is party to litigation which does not involve the University, i.e. a malpractice lawsuit from their previous institution, and must take annual leave or leave without pay.

#### Time Off to Vote

The University encourages all employees to vote in local, state, and national elections and provides residents and fellows who are registered voters, reasonable time off to vote in an election held in their local municipality. Residents may receive time off without loss of pay, not to exceed three (3) hours between the opening and closing of polls if the request is made to their Program Director before noon the day prior to the election. Each program may specify the hours during which the resident may be absent.

Residents are strongly encouraged to vote during non-working hours. If the polls open three (3) hours or more before the resident's work schedule begins or if the polls close three (3) or more hours after the resident's work schedule ends, the resident may not receive time off to vote.

#### Holidays

Due to the 24 hour nature of patient care, residents are not entitled to holiday leave. A Program Director may approve time off on a holiday for a resident who is rotating on a clinic or service that closes due to the holiday.

#### Administrative Closings/Inclement Weather

Residents are considered to be essential personnel and provide "essential services" for purposes of the Inclement Weather Policy. The University may close its administrative offices during inclement weather for those individuals classified as non-essential regular staff employees. Residents, however, provide direct patient care in our hospitals and clinics and must report to work as scheduled. If a resident is on a rotation at a clinic or service that does close due to the weather, the Program Director may elect to allow the resident to take the day off or may reassign them to another location. The Program Director is the only individual that may direct the resident to stay home. Residents who are not excused must notify, by phone and email, their attending and their Program Director immediately if they are unable to report to work as scheduled. Such an absence shall be charged as annual leave, or, if no annual leave is available then as leave without pay.

#### End of Leave (Leave Policy)

An extended absence, for any reason, may prevent a resident/fellow from fulfilling the requirements for participation in educational and scholarly activities and achieving the residency/fellowship Responsibilities (See GME Agreement of Appointment). Generally, leaves of absence will be granted for a maximum of six (6) months. Residents are subject to termination upon: a) exhaustion of all available annual leave, sick 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 GME Director, in his/her discretion, may authorize additional leave but only in extraordinary circumstances.

#### Notes:

- Residency positions will be protected during the period of approved Family Medical Leave or as required by law.

- Residency positions in a prescribed AIRS program may be protected as described in GME Policy #260.
- An unpaid leave of absence may affect a resident's visa status.
- A leave of absence may require extension of training in order to meet program or board eligibility criteria.

#### Compliance with Board Requirements for Absence from Training

It is the responsibility of the Program Director to verify the effect of any absence from training will have on the residents ability to finish on time and meet RRC and Board eligibility requirements. All approved training extensions necessary to meet board eligibility are paid with full benefits.

Board certification eligibility information is provided to residents by each program and can also be accessed through the American Board of Medical Specialties: <http://www.abms.org>.

Failure to comply with leave policies, including obtaining written prior approval, may result in leave without pay. Programs may have additional leave restrictions based upon individual specialty board requirements and will distribute their program policies and procedures to residents and faculty. Up to 1 week of Annual Leave is at risk at the discretion of the program, see your program handbook for documentation. Note: Interview days are considered Annual Leave or regularly scheduled days off.