

LEAVE POLICY

PURPOSE

The purpose of this Leave Policy is to set forth the University of Tennessee College of Medicine (“UT College of Medicine” or “Sponsoring Institution”) policies and procedures governing leave for residents and fellows (individually, a “resident” or collectively “residents”) participating in graduate medical education (“GME”) programs sponsored by UT College of Medicine (each a “Program”). This policy extends to residents and fellows participating ACGME-accredited and non-standard Programs, as well as extra chief year residents (individually, a “resident” or collectively “residents”).

REFERENCE

Consistent with Section IV.H. of the ACGME Institutional Requirements, the Sponsoring Institution must have a vacation and other leaves of absence policy, which among other requirements, provides residents participating in ACGME-accredited programs with a minimum of six (6) weeks of approved medical, parental, and caregiver leave(s) of absence for qualifying reasons that are consistent with applicable laws, at least once during a resident’s Program, starting with the day the resident is required to report. A Sponsoring Institution’s vacation and other leaves of absence policy must also ensure that each of its ACGME-accredited Programs provides its residents with accurate information regarding the impact of an extended leave of absence upon the criteria for satisfactory completion of the Program and upon a resident’s eligibility to participate in examinations by the relevant certifying board(s) (each a “Board”). The policy must include additional components set forth in Section IV.H. of the ACGME Institutional Requirements.

POLICY

I. General

Residents shall be afforded annual leave, sick leave, medical, parental and caregiver leave and other leave benefits as set forth in this policy, subject to the conditions or qualifications for leave.

All Programs are required to comply with this policy and shall have policies, consistent with this policy, and ACGME requirements, as applicable, that allow a resident unable to perform patient care and/or training responsibilities to take an appropriate leave of absence.

All leave must be approved in writing in advance of being taken, per your Program protocol. 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 timesheet to their Program each month listing any annual, sick, educational, or Family Medical leave taken. Leave is available to be taken starting the day the resident is required to report, the first day of payroll for the resident (frequently July 1 of the academic year). This policy will be available for review by residents at all times.

II. 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 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. Additional information regarding annual leave documentation may be found in individual Program handbooks. Annual leave must be used for any time away from the Program not specifically covered by other leave benefits below. Residents may use annual leave for interview days. Annual leave does not carry over from year to year and residents are not paid for unused annual 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.

III. 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 three (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 Program and Board eligibility requirements.

IV. Family and Medical Leave

Residents who have been employed for at least twelve months and have worked at least 1,250 hours during the previous twelve-month period are eligible for qualified family and medical leave (“FML”) under provisions of the federal Family Medical Leave Act (“FMLA”). FMLA provides eligible employees up to twelve (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. Except as set forth in Section V, below, Residents may use all available sick and annual leave days to be paid during FML leave.

UTHSC Human Resources (“HR”) office has administrative oversight for the FML program. The Program Coordinator or Program Director should notify HR when a resident may qualify for FML leave. HR will coordinate with GME and the Program Coordinator or Program 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>. Health and disability insurance benefits for residents and their eligible dependents during any approved FML shall continue on the same terms and conditions as if the resident was not on leave. After all available paid sick, annual and other paid leave under Section V has been taken, unpaid leave may be approved under FML and Tennessee law provisions, addressed below.

- A. Tennessee State Law ~ 4-21-408. Under Tennessee law, a regular full-time employee who has been employed by the university for at least twelve (12) consecutive months is eligible for up to a maximum of four (4) months leave (paid or unpaid) for adoption, pregnancy, childbirth, and nursing an infant. 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.

V. Six Week Paid Medical, Parental (Maternity/Paternity), and Caregiver Leave

Each resident will be provided six (6) weeks (42 calendar days) of paid, approved medical, parental, and caregiver leaves of absence for qualifying reasons that are consistent with applicable laws, at least once and at any time during the resident’s Program, starting on the day the resident is required to report, the first day of payroll for the resident (frequently July 1 of the academic year). A resident, on the resident’s first approved six (6) weeks of medical, parental, or caregiver leave of absence shall be provided the equivalent of one hundred percent (100%) of his or her salary.

Health and disability insurance benefits for residents and their eligible dependents during any approved medical, parental, or caregiver leave(s) of absence shall continue on the same terms and conditions as if the resident was not on leave.

- A. Parental Leave. Paid parental leave is available to a resident for the birth or adoption of a child. Each resident, in an ACGME or non-standard Program, is eligible for six (6) weeks (42 calendar days) of paid parental leave one time during the Program. A resident’s six (6) weeks of paid parental leave is available in addition to annual and sick leave and should be used prior to any

remaining annual and sick leave. Paid medical and caregiver leave, below, is part of the same six-week benefit and not in addition to paid six-week parental leave.

The paid parental leave benefit will renew for a second period of eligibility if a resident continues to another Program; but parental leave does not accumulate (for example, for a total of 12 weeks of paid parental leave) if unused by a resident during a Program. In the event a resident uses the total of the six (6) week paid parental leave benefit and has or adopts another child while training in the same Program, only the remaining annual and sick leave are available to the resident as paid time off. All FMLA and other protected unpaid time may still be available to the resident for leave.

Parental leave should be used immediately following the birth or adoption of the child unless both parents are residents. In the event both parents are residents, the residents may each use their leave concurrently, overlapping, or consecutively. If desired, this leave may be deferred to a later birth or adoption. Any remaining annual and sick leave may be added after this six-week benefit.

It is the responsibility of the resident and Program Director to discuss, in advance, what effect taking time off from the training program may have on Board or ACGME requirements dictating a possible extension of training.

- B. Resident Medical. Resident medical leave is available to a resident for a serious health condition that makes the resident unable to perform his or her job. This additional six (6) week (42 calendar days) leave is available one time during the ACGME training Program. Paid medical or caregiver leave is part of the same six-week benefit as the six-week paid parental leave above. This leave will renew for a second period if a resident 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 resident and Program Director to discuss, in advance, what effect taking time off from the training program may have on Board or ACGME requirements dictating a possible extension of training.
- C. Caregiver Leave. Caregiver leave is available for any resident that needs to take time off for the care of a parent, spouse, or child. This additional six (6) week (42 calendar days) leave is available one time during the ACGME training Program. Paid medical or caregiver leave is part of the same six-week benefit as the six-week paid parental leave above. This leave will renew for a second period if a resident 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 resident and Program Director to discuss, in advance, what effect taking time off from the training program may have on Board or ACGME requirements dictating a possible extension of training.

VI. 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. Interviews are not considered educational leave.

VII. Bereavement Leave

Residents may take up to three (3) days of paid leave due to the death of an immediate family member. Immediate family includes the resident's spouse, child or stepchild, parent or stepparent, grandparent, grandchild, parent-in-law, foster parent, brother, sister, brother-in-law, sister-in-law, daughter-in-law, or son-in-law of the trainee. With approval of the Program Director, additional time for bereavement may be taken using annual leave or leave without pay.

VIII. Military Leave

Military leaves of absence will be administered in accordance with the University of Tennessee *Personnel Policy* (<https://universitytennessee.policytech.com/dotNet/documents/?docid=129&public=true>). 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 Board requirements, training time may be extended.

IX. Jury Duty

A resident that is summoned for jury duty in federal or state courts in the state of Tennessee must provide a copy of the summons to their Program Coordinator who will provide it to the GME Office. Upon doing so UT College of Medicine 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 resident's 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 UT College of Medicine, i.e., a malpractice lawsuit from their previous institution, and must take annual leave or leave without pay.

X. Time Off to Vote

UT College of Medicine encourages all employees to vote in local, state, and national elections and provides residents 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.

XI. 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 or may reassign the resident to another location.

XII. Religious/Cultural Holidays and Activities

UT College of Medicine employs a remarkably diverse workforce and as such will try to reasonably accommodate requests for specific days off when requested. Residents are not entitled to holiday leave, but when a resident wishes to have a specific day off due to a religious holiday, the Program should try to accommodate as possible. Time off for religious/cultural holidays and activities is not considered paid holiday leave, but may be scheduled to align with a resident's required 1 in 7 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 for approval but will be accommodated when possible. The Office of Equity and Diversity (www.uthsc.edu/oed) is the official office that facilitates [accommodation requests](#) for the campus. Residents with questions regarding the process should call (901) 448-2112 or email (hsc-oed@uthsc.edu).

XIII. Administrative Closings/Inclement Weather

Residents are essential personnel and provide essential services. The University, including UT College of Medicine, 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 training and work as scheduled. If a clinical site closes a clinic or service and does not require the resident's attendance, the clinic manager or attending will notify the resident and/or Program Director as soon as possible. The resident must notify the Program Director if the resident is instructed that his/her clinical service is closed due to weather. The Program Director may elect to reassign a resident to another clinical assignment for patient care or allow the resident to stay home without having to use annual leave. If a clinical site/service remains open to provide essential patient care and the resident is unable to report to training/work due to travel/weather conditions, then the absence shall be charged as annual leave. Residents 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 resident to stay home.

XIV. Impact of Leave of Absence

- A. General Impact of Leave. An extended absence, for any reason, may prevent a resident from fulfilling the requirements for participation in educational and scholarly activities and achieving the residency/fellowship responsibilities as further described in the UT College of Medicine 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 Assistant Dean, in his/her discretion, may authorize additional leave but only in extraordinary circumstances. Programs and residents are advised that:

- Residency positions will be protected during the period of approved FML or as required by law.
 - Residency positions in a prescribed Aid for Impaired residents program may be protected as described in UT College of Medicine GME *Aid for Impaired Residents Policy*.
 - An unpaid leave of absence may affect a resident's visa status.
 - A leave of absence may require extension of training to meet Program or Board eligibility criteria.
- B. Compliance with Board Requirements for Absence from Training. It is the responsibility of the Program Director to verify the effect any absence from training will have on a resident's ability to finish on time and meet ACGME Review Committee 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>.
- C. Extension of Training. If an extension of training is required, residents 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
- D. Consequences of Unapproved Leave. Failure to comply with leave policies, including obtaining written prior approval, may result in leave without pay and may be reflected in the resident's final summative evaluation as a professionalism issue.