

CHRISTIANA CARE HEALTH SERVICES

POLICY:	Resident/Fellow Time Away from “Work” Policy
DEPARTMENT:	GMEC
DATE OF ORIGIN:	October 2010
LAST REVISION DATE:	May 2015
REGULATORY REFERENCE:	ACGME

Christiana Care recognizes the need and importance of providing residents and fellows with time away from the residency program for vacation, sickness or other personal reasons. Resident/Fellows in Graduate Medical Education shall be allowed time away under this policy subject to contract, federal and state laws and regulations and the requirements of each Residency/Fellowship Program.

PURPOSE:

To define the types of time away from “work” from the residency program, the process for requesting each and the effect on graduate medical education training.

SCOPE:

This policy applies to all resident/fellows in graduate medical education programs at CCHS.

TIME AWAY FROM WORK PROGRAMS:

- Paid Personal Time (PPT):
Resident/Fellows receive up to three (3) weeks of PPT annually. This time may be used for vacation or personal reasons, holidays or absences due to illness not covered under the Paid Sick Time program (see below). PPT is not carried over from one academic year to the next. Generally PPT should be requested in advance and approved by your Program Director.
- Paid Sick Time (PST):
Resident/Fellows receive up to three (3) weeks annually of Paid Sick Time (PST). This time may be used when a resident/fellow is unable to attend to his or her assigned duties due to their own medical condition to include medical recovery from childbirth. Time may be used after the twenty-fourth (24th) consecutive scheduled work hour of Paid Personal Time. The 24-hours is waived for scheduled work lost due to worker’s compensation injuries, medical leaves of absence (NOTE: Details about medical leaves of absence provided in section 6 of this policy), inpatient treatment and outpatient surgery or procedures which render the resident/fellow unable to care for themselves (e.g., drive, come to work) but does not require being placed on a medical leave of absence (i.e., absences less than 14 days). Program directors must be notified that the resident/fellow is using Paid Sick Time. A return to work authorization by a health care provider must be provided to Employee Health Services for illness extending beyond three (3) days of absence. Paid Sick Time is not carried over from one academic year to the next.
- Bereavement Leave:
In the event of a death in a resident/fellow’s immediate family (consisting of mother, father, sister, brother, spouse, son or daughter, or any relative currently residing with the resident/fellow), resident/fellows will be eligible for three (3) consecutive work days of paid bereavement leave. In the event of the death of any other relative, resident/fellows will be eligible for one (1) paid work day of bereavement leave. If a resident/fellow is on paid leave when a relative dies, the resident/fellow may substitute bereavement leave for the paid leave day(s).
- Conference Time:
Resident/Fellows shall be entitled to five (5) days of paid time to attend conferences and other educational events approved by the Program Director.
- Jury Duty:
If a resident/fellow is required to be on jury duty, Christiana Care will pay the resident/fellow his/her normal earnings. The resident/fellow is expected to report to work on scheduled workdays when court is not in session or when he or she is excused from jury duty. Documentation from the court verifying jury duty attendance is required for payment.

6. Medical Leaves of Absence:

Christiana Care recognizes that residents/fellows may occasionally need to request a leave of absence for family and/or medical reasons. This section of the policy outlines the leave programs available and complies with the Family and Medical Leave Act (FMLA). Residents/Fellows can take a maximum of 24 weeks of medical leave in a rolling twelve month period.

a. Family Medical Leave Act (FMLA):

Eligible residents/fellows may take up to 12 weeks of unpaid, job-protected leave during any 12-month period. The 12 weeks is referred to as leave entitlement. Leave under the FMLA may be taken on a continuous or intermittent basis for one of the following reasons:

- (a) The birth of a child or placement of a child with the resident /fellow for adoption or foster care. The leave must be taken within one year of birth or placement
- (b) The care of a resident/fellow's spouse, child (including a child who is over 18 and incapable of self-care due to a physical or mental disability) or parent with a serious health condition
- (c) Serious health condition that renders the resident/fellow unable to perform his or her job function.

Residents/Fellows become eligible for FMLA leave after 12 months and 1,250 hours of service in the 12 months immediately preceding the commencement of their leave.

FMLA leave may run concurrently with Paid Personal Time and Paid Sick Time. PPT and PST payments during FMLA will be consistent with criteria for used for these programs.

Reduced Schedule or Intermittent Leave: Resident/Fellows may be permitted to take FMLA leave intermittently rather than in one continuous period of time, or to work under a reduced work schedule by reducing the number of hours they work per week or day. Sufficient medical certification is required to support the interval, frequency, and duration of leave requested. Leave taken in this manner will be counted toward the resident/fellow's twelve (12) week FMLA entitlement.

b. General Medical Leave (GML):

1. Residents/fellows may take up to 24 weeks of GML (minus any time taken pursuant to FMLA) within a rolling 12-month period. GML may be taken prior to eligibility for FMLA. GML is unpaid, does not provide job protection, and must be taken on a consecutive (*not* intermittent) basis. To qualify for GML, absences must be greater than or equal to 14 calendar days.
2. GML is available for the following reasons:
 - (a) The first twelve (12) weeks of leave under this program can be taken to care for a resident/fellow's serious health condition, the birth or adoption of a child, or to care for a child, parent or spouse with a serious health condition.
 - (b) The second twelve (12) weeks of leave under this program (whether before or after FMLA) may only be taken to care for the resident/fellow's own serious health condition.

c. Restrictions on Married Residents/Fellows:

A husband and wife who are both residents/fellows employed by Christiana Care may be restricted to a combined total of 12 weeks for a leave of absence in order to care for a newly arrived child. If leave is requested because of the illness of a child or of the spouse, however, each eligible resident/fellow is entitled to 12 weeks of leave under FMLA and, in certain circumstances under GML.

d. Certification of a Serious Health Condition:

Resident/fellows must provide medical certification within a designated time frame (typically 15 calendar days from the date of request for leave) from a Healthcare Provider to support their need for FMLA or GML. In the event the certification is inadequate, the resident/fellow shall be given seven (7) calendar days to cure any deficiency. Medical Leaves of absence shall not be approved until sufficient certification is provided supporting the need for leave.

7. Military Leaves of Absence:

a. Military Leave:

Residents/Fellows shall be entitled to a leave of absence when required to perform training commitments or serve on active duty status in the armed forces of the United States. Information regarding resident/fellows' eligibility for and rights regarding military leaves are outlined in the Christiana Care Human Resources Policy D-2 entitled "Military Leaves." Questions regarding military leave should be directed to HR Service Center at 327-5555.and/or your Program Director.

b. Military Exigency Leave (MFLA):

This leave allows a resident/fellow who has a spouse, son or daughter or parent who is an active duty service member to take FMLA leave due to a qualifying exigency resulting from the covered military member's active military duty (or call to active duty status) in support of a contingency operation. This leave is part of the normal (12) twelve week FMLA leave and can be taken continuously, intermittently or on a reduced schedule. This may include attending certain military events, arranging for alternative child care, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings. Questions regarding qualifying events for exigency leave should be directed to Employee Relations at 733-1121.

c. Military Caregiver Leave (MFLA):

This leave allows a resident/fellow who is the spouse, son or daughter, parent or next of kin of a covered service member in the Regular Armed Forces, National Guard or Reserves (who has incurred a serious injury or illness in the line of duty while on active duty) or a veteran who is undergoing medical treatment, recuperation or therapy for a serious injury or illness that occurred any time during the five years preceding the date of treatment, to take FMLA leave to care for the service member. Residents/fellows who have been granted Military Caregiver Leave will be guaranteed their position or an equivalent position provided their total leave time does not exceed twenty six (26) weeks measured forward from the date a resident/fellow first takes leave. Military Caregiver leave will run concurrently with Family Medical Leave not to exceed 26 weeks of leave. Any unused military caregiver leave will be forfeited after the initial 12 month period. Residents/fellows may use military care giver leave one time per service member per qualifying injury/illness.

Returning to Work:

b. All absences taken under any Time Away From Work Program will be tracked by the program director or an administrator assigned by the program director.

c. If the Resident/Fellow takes FMLA or GML due to his or her own serious health condition, the resident/fellow will only be allowed to return to his or her position if he or she is physically capable of performing the essential functions of the position with or without accommodations as defined by the Graduate Medical Education Committee and individual programs. The Resident/Fellow must provide a "fitness for duty" certification from his or her health care provider to Employee Health before returning to work from a medical leave.

d. Timing of Return:

The timing of return to the program, the ability to complete the program, and the ability to be promoted at the end of the academic year may be dependent upon the type of time away from work program, resident caps, accreditation standards, and/or other requirements of the pertinent Residency Review Committee.

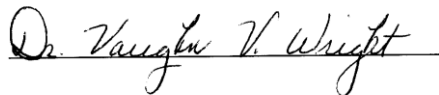
- e. Eligibility for Board Certification:
Board certification requirements pertaining to residency training vary from specialty to specialty. Most Boards will require a resident/fellow taking a lengthy leave of absence to make up the time at the end of his/her residency in order to be eligible for board certification. In most circumstances, but subject to the approval of the GMEC, resident/fellows taking 12 weeks or less cumulative leave during a residency will be able to make up the time in a paid status at CCHS. For programs with strict caps on numbers of resident/fellows, special approval from the Residency Review Committee may be required. A resident/fellow taking an extended leave of absence should discuss the requirements of the pertinent Board and residency program with his or her Program Director.

Procedures for Requesting Medical Leave:

- a. Requesting a Medical Leave of Absence:
To request a medical leave of absence, a resident/fellow must notify the Office of Academic Affairs and his/her program director as soon as he/she becomes aware of the need for leave or as soon as is practicable. A Leave of Absence Request Form, which can be obtained from the Office of Academic Affairs, must be submitted to begin the leave request process. To be approved for medical leave of absence under FMLA or GML, the resident/fellow will be required to provide medical certification from a Healthcare Provider within 15 days from the date of their request for leave. The certification forms will be provided to the resident/fellow upon receipt of the Leave of Absence form. Failure to provide sufficient supporting medical documentation may result in a denial of leave.
- b. Pay Status During Leave:
The resident/fellow may elect to use Paid Personal Time (PPT) or Paid Sick Time (PST), depending on the type of medical leave, to continue being paid during an approved leave. If the resident/fellow does not have any remaining PPT or PST during a given academic year, the resident/fellow will then be in an unpaid status while on leave. Note that there is no carryover of PPT or PST from one academic year to the next.
- c. Effect of Leave on Benefits: Resident/Fellows will continue to be covered by their benefits, including health care insurance during a medical leave of absence. Resident/Fellows who are paying for additional coverage (resident/fellows who have opted to pay for a different insurance option than that offered in the contract) can continue that coverage and will continue to be responsible for paying any difference in cost. A resident/fellow may not change coverage benefits during a leave. If a resident/fellow is on leave in an "unpaid" status, any costs for additional coverage he or she may have opted for will be deducted from his or her first paycheck after return from leave.

Questions regarding this policy should be directed to Academic Affairs at 733-1042 or Human Resources at 733-1121.

SIGNATURES/APPROVALS:



Reviewed 06/21/2016