

## **CHRISTIANACARE**

<b>POLICY:</b>	<b>Resident/Fellow Time Away from “Work” Policy</b>
DEPARTMENT:	GMEC
DATE OF ORIGIN:	October 2010
LAST REVISION DATE:	December 1, 2021
REGULATORY REFERENCE:	ACGME

ChristianaCare recognizes the need for 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 CC.

### ***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 the 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 (24<sup>th</sup>) 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 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 parent or legal guardian, stepparent, person who acted “in lieu of parent”, parent-in-law, sibling, spouse, child, grandparent, grandchild, and other relatives residing in the same household), resident/fellows are eligible for five days (40 hours) of bereavement leave. In the event of death of any other relative, the resident/fellow may use Paid Personal Time (PPT) to be paid while away.

#### **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, ChristianaCare 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.

**Personal Leaves:**

Personal leaves of absence of up to thirty (30) days may also be granted at the discretion of the Program Director in consultation with Human Resources. Residents and fellows may be granted a personal leave to care for family members not covered under the FMLA or to handle extenuating, life circumstances necessitating the resident or fellow to be out of work. No more than one personal leave can be taken in a 12-month period. Where possible, a request for personal leave should be made in writing. Paid personal time will be utilized for personal leaves if available.

**Medical Leaves of Absence:**

ChristianaCare recognizes that residents/fellows may occasionally need to request a leave of absence for family and/or medical reasons. This policy aligns with the parameters set forth in ChristianaCare's Leave of Absence Policy (D-1) FMLASource ("FMLASource") oversees employee leave of absence(s) related to the Family and Medical Leave Act (FMLA), the American with Disabilities Act (ADA), Pregnancy Worker's Fairness Act (PWFA) and other Federal or State mandated leave. In all cases, medical certification is required to support a resident/fellow's need for leave.

FMLASource will be responsible for determining if the employee's leave eligibility criteria is met. FMLASource may be contacted at 844-LOA-CC (844-562-2247), via email: [fmlacenter@fmlasource.com](mailto:fmlacenter@fmlasource.com), or online at <https://www.fmlasource.com>. You may also access FMLASource's website via the ChristianaCare Caregiver Resource Center.

**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:

- *The birth of a child, bonding with newborn, 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.*
- *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.*
- *Serious health condition that renders the resident/fellow unable to perform his or her job function, including incapacity due to pregnancy and for prenatal medical care.*

Residents/Fellows become eligible for FMLA leave after completing 12 months of service (does not need to be consecutive) and have worked 1,250 hours 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 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.

Two spouses (including those of same-sex marriage, a common law spouse if common law marriage is recognized in the state in which the resident/fellow resides) who are both residents/fellows employed by ChristianaCare are both eligible for 12 weeks of paid parental leave time to care for a newly arrived child. If leave is requested because of the illness of a child or of the spouse, each eligible resident/fellow is entitled to 12 weeks of leave under the FMLA.

Resident/fellows must provide medical certification within a designated time frame (typically 14 calendar days from the date of request for leave) from a healthcare provider to support their need for medical leave under the FMLA. 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.

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.

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. The resident/fellow must also contact FMLASource (1-844-LOA-CC) to initiate a leave. To be approved for medical leave of absence under FMLA, the resident/fellow will be required to provide medical certification from a healthcare provider within 14 days from the date of their request for leave. 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. Short-Term Disability Insurance: Administered by Lincoln Financial Group

Short-term disability is an employer-paid benefit which provides financial support to replace lost income while you take time off to recuperate at home due to an injury or illness. Effective October 4, 2020 all benefit eligible residents/fellows will be auto enrolled in the non-taxable employer-funded short-term disability benefit. Enrolling residents/fellows in the taxable benefit eliminates a resident/fellow's tax obligation during a period of disability which increases their income replacement at a time when finances may be tight.

## COVERAGE OPTIONS

	BENEFIT-ELIGIBLE CAREGIVERS EARNING LESS THAN \$120,000 PER YEAR	BENEFIT-ELIGIBLE CAREGIVERS EARNING \$120,000 OR MORE PER YEAR
Base Pay	<ul style="list-style-type: none"> <li>70% of base pay, up to a \$5,000 maximum weekly benefit.</li> </ul>	<ul style="list-style-type: none"> <li>60% of base pay, up to a \$6,000 maximum weekly benefit.</li> </ul>
Waiting Period	<ul style="list-style-type: none"> <li>7 calendar days</li> </ul>	<ul style="list-style-type: none"> <li>7 calendar days</li> </ul>
Maximum Benefit Duration*	<ul style="list-style-type: none"> <li>13-week maximum benefit duration.</li> </ul>	<ul style="list-style-type: none"> <li>13-week maximum benefit duration.</li> </ul>
Tax Choice	<ul style="list-style-type: none"> <li>Yes</li> </ul>	<ul style="list-style-type: none"> <li>Yes</li> </ul>

\* The Maximum duration is the number of weeks a benefit is payable and is based on the disability and medical substantiation. This is the maximum, not the minimum, number of weeks you could receive if you were deemed disabled by a physician.

- 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. Other payback options may be considered on an individual basis.
- d. **Returning from Medical Leave:** Residents/fellows who are out of work for more than three (3) consecutive days are required to be cleared to return to work by Employee Health Services before returning to work. Resident/fellows will be expected to provide Employee Health Services with a return to work authorization (fitness for duty certification) from his/her health care provider indicating their ability to perform all the essential functions of their position with or without accommodations as defined by Graduate Medical Education Committee and individual programs.
- e. **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.
- f. **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 CC. 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.

## **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 ChristianaCare 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):**

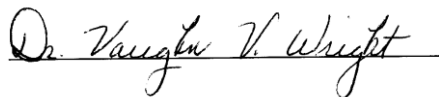
This leave allows a resident/fellow who has a spouse, son or daughter or parent who is an active duty service member to take FMLA leave due to a qualifying exigency resulting from the covered military member's active military duty (or call to active duty status) in support of a contingency operation. 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.

Questions regarding this policy should be directed to Academic Affairs at 733-1042 or Human Resources at 302-623-7182.

**SIGNATURES/APPROVALS:**



Reviewed: 12/1/2021