POLICY: Leave Policy for Housestaff

Purpose: Guidelines for requesting, approving and notification of leave usage for housestaff including effects of leave on program requirements and eligibility of certifying exam.

Definition: Leave of Absence is defined as time away from the training program (paid or not paid) when the following occurs:

- Leave without pay *
- Negative balance in paid leave categories (vacation, sick or educational leave) that requires a payroll adjustment
- Use of paid leave (sick, vacation or educational leave) of three (3) days or more for a serious health condition (see appendix A) *
- Use of leave (paid or not paid) that will result in an extension of training
- Leave in accordance with FMLA (see description below and appendix A) *

* The program is expected to report (in e-value) all cases that meet the above definitions. It is understood some housestaff may not share the details of their leave prohibiting the programs from reporting the information to HR. Programs should do their best to determine if a leave is reportable (based on above definitions) and if unable to determine this, provide the housestaff with the leave policy.

Policy: UCSF Fresno supports a work and training environment that offers solutions to the complex issues individuals face in balancing their work and family commitments. For this reason UCSF Fresno has adopted the following guidelines regarding leave time for housestaff, including leaves of absence. Any leaves of absence identified as a part of the UCSF Fresno Academic Due Process policy are not covered under this policy. Reporting of leave of absences related to Due Process should be discussed with the GME office on a case by case basis.

All leave time is subject to UCSF Fresno department and/or program approval. Paid leave will be based on the normal academic year. If a housestaff begins training outside of the normal academic year, vacation, sick and educational leave will be prorated from the beginning of the training year to the end of the normal academic year on June 30th.

If a trainee requests a leave of absence, the program is required to notify the resident within a timely basis regarding the impact the leave will have on their training requirements and eligibility to participate in the certifying board exam.

Before the leave occurs, programs should refer housestaff to the following link for information related to board requirements on leaves of absence and certification eligibility.
http://www.fresno.ucsf.edu/housestaffportal/boardelig.html

Absences/Leaves (including Sick Leave) from the training program may jeopardize the resident/fellows approval of credit for training; or additional training may be required by the specialty Board/RRC. Programs must notify the housestaff and the GME office if
additional time is required to complete training within 15 work days of the housestaff’s return to work.

The total length of any leave together (paid and unpaid) may not exceed four (4) calendar months unless the Program Director request approval for an extended leave and financial support from the Associate Dean. Consecutive leaves of absences cannot be granted for more than one (1) year in duration.

If, as a result of a leave, additional training experiences are necessary in order for the housestaff to satisfy Board or RRC requirements the provision of make-up training is subject to the availability of an appropriate residency position, the operational needs of the department (including funding constraints) and the requirements of applicable law and University policy

Housestaff are eligible to maintain insurance coverage during any leave of absence for up to seven (7) months as long as they pay their portion of their premium contribution (if applicable). If the leave extends beyond seven (7) months housestaff have the option of maintaining insurance coverage for the remainder of the leave by reimbursing the University the total cost of their insurance coverage (University’s contribution plus the housestaff premium contribution, if applicable) on a monthly basis.

Premium payments must be made payable to the “UC Regents” and delivered or mailed to:

UCSF Fresno
Attention: Human Resources
155 N. Fresno Street
Fresno, CA 93701

Any payment covering insurance benefits must be received on the first of the month in which the coverage is applicable. Late payments will initiate termination of benefits and COBRA Continuation Coverage information will be forwarded to the housestaff at the address of record. Group coverage may be continued under COBRA benefits for up to 18 months.

Procedure:

a) All housestaff should meet with their Program Director to discuss the terms of their leave before meeting with Human Resources

b) Housestaff should review the following website for additional information related to board requirements http://www.fresno.ucsf.edu/housestaffportal/boardelig.html.

c) Reporting leaves of absence:
   1. Report and track usage in HR provided time tracking document
   2. ETA process (see policy) through E-value must be completed Any leave in excess of 4 months will be reported to the Associate Dean (by GME office) for approval.
   3. E-mail notification to GME/HR regarding the activation of the ETA process

d) Reporting all other leave time:
   1. Report and track usage in HR provided time tracking document

e) Notify in writing (email ok) to both the housestaff and GME office whether or not the housestaff will extend their training

Leave categories referred to within this policy are summarized below:
PAID LEAVE
- Vacation/Educational Leave – Leave that is used at the discretion of the housestaff with program approval.
- Sick Leave – Leave that is used in the event of personal illness or injury; or illness, injury or death of an immediate family member.
- Short Term Military Leave
- Jury Duty
- Bereavement (sick leave)

UNPAID LEAVE
- Medical Leave – leave without pay for illness, including any pregnancy related illness (includes CFRA & FMLA)
- Personal Leave – Leave without pay for any reason.
- Extended Term Military Leave

VACATION LEAVE
Vacation leave with compensation shall be fifteen (15) days per academic year. In addition to any department regulations concerning vacations, all vacation time must be scheduled with the prior approval of the designated department faculty member and/or Program Director. As a general rule, vacation time does not carry forward from year to year and must be scheduled and taken in the same academic year the vacation is earned.

EDUCATIONAL LEAVE
Educational leave with compensation shall be five (5) days per academic year. To the extent that a housestaff's department does not include educational leave as a portion of the annual vacation leave, each housestaff is entitled to use the department educational leave days consistent with the policies and procedures of the department. Educational time does not carry forward from year to year and must be scheduled and taken in the same academic year the educational leave is earned.

SICK LEAVE
Sick leave with compensation shall be twelve (12) days per academic year for personal illness, bereavement or disability. In addition, any remaining educational or vacation leave may be used to cover illness or disabilities that exceed twelve (12) days of sick leave. Any incidents of sick leave over 3 consecutive calendar days may require medical certification from the housestaff’s health care provider. Programs must notify HR if a housestaff is on sick leave for 3 consecutive calendar days or more so that they will receive Family and Medical Leave information that describes rules and regulations under the policy. Sick leave does not carry forward from year to year and must be taken in the same academic year the sick leave is earned.

BEREAVEMENT (SICK LEAVE)
Upon the death of an immediate family member (parent, spouse, child, grandparent, grandchild, sister, brother, mother-in-law, father-in-law, or domestic partner w/affidavit on file w/UCSF Fresno Human Resources Office), housestaff may request up to 3 days of bereavement in the form of sick leave to make arrangements and/or attend the funeral. Housestaff must discuss the amount and any additional time needed with their Chief and/or Program Director.

DISABILITY BENEFITS
Please note housestaff are not eligible for, nor covered by the state of California for short-term disability insurance. However, housestaff enrolled in the UCSF Housestaff Benefits Plan are entitled to disability coverage following 30 consecutive days of “total disability.” For more information, please contact UCSF Fresno Human Resources at (559) 499-6416.
**FAMILY & MEDICAL LEAVE ACT (FMLA)**

Family and medical leave is provided to housestaff for an eligible serious health condition of their own, or the serious health condition of the person’s child, spouse or parent. Medical leave may be requested for a medical condition affecting his/her ability to continue in a training program or provide patient care. These leaves must include the use of vacation leave and sick leave at the onset of the leave. The duration of the family medical leave must conform to one’s departmental, Board, and RRC requirements together with applicable state and federal law (California Family Rights Act of 1993, and the Federal Family and Medical Leave Act of 1993).

FMLA allows for qualified employees to take leave of up to twelve (12) workweeks in a calendar year, continuance of health plan coverage, and employment reinstatement rights due to:

- Employee’s own serious health condition;
- Care for child, parent, spouse, or domestic partner (same sex or opposite sex) with a serious health condition; or
- Care for a newborn child or a newly placed adopted/foster child (applicable for both maternity and paternity leave).

In order to qualify for FMLA, housestaff must meet the following two criteria:

- Provided at least 12 months of University service (does not need to be continuous) AND
- Worked at least 1,250 hours in the 12 months immediately preceding the leave (these are actual hours worked – including overtime – and do not include time on vacation, sick leave, or other paid leave).

**PREGNANCY-RELATED DISABILITY (FMLA RELATED)**

The California Family Rights Act allows for an additional twelve (12) workweeks of leave after the birth of a child for pregnancy-related disability. This leave is in addition to the (12) workweeks of Family and Medical Leave in a twelve-month period. Housestaff may elect to use accrued sick leave, vacation leave and educational leave to remain on full pay status for the initial period of the leave. The total duration of the maternity disability leave (paid and unpaid) may not exceed 24 calendar weeks.

**PATERNITY LEAVE (FMLA RELATED)**

Paternity leave is covered under the Family and Medical Leave Act (FMLA). Housestaff employed by UCSF Fresno for one year, who have worked 1,250 hours in the previous 12 months, and have a qualifying status change, are eligible for Family Medical Leave. Housestaff who do not qualify for paternity leave may request an unpaid personal leave of absence from their program. Approvals are subject to the requirements of applicable law, the program, the appropriate specialty Board and the RRC. If UCSF Fresno employs both parents, UCSF Fresno reserves the right, if consistent with system-wide University policy, to limit employees to a combined total of 12 weeks of family leave.

If the event necessitating the leave is based on the expected birth, placement for adoption or foster care, or planned medical treatment for a serious health condition, the housestaff must provide at least 30 days advance notice before leave is to begin. If 30-day notice is not practicable, notice must be given as soon as practicable. Housestaff must request for a leave of absence in writing.

**JURY DUTY**

Housestaff called to Jury Duty or to Grand Jury Duty will not suffer a loss of regular pay for those days when one would otherwise be scheduled to perform their housestaff duties. A housestaff is obligated to keep their department, and appropriate rotation service supervisor apprised of the status once a jury summons has been received. Only the court pursuant to the procedure outlined in the Jury Summons Notice can grant deferment or excused absence from jury service. Deferment or excused absence is generally not granted for inconvenience but may
be granted for reasons of personal health or undue hardship, as determined by the court on a case-by-case basis.

MILITARY LEAVE
Residents are eligible for up to twelve (12) weeks of military leave when an eligible person (self, spouse, child or parent) is engaged in the performance of military duty. For residents who are engaged in the performance of military duty they will receive 30 days of paid leave during the twelve (12) week allotment. All benefit coverage will continue during paid military leave. Absence from the training program to meet military service obligations must be with the approval of the program director and/or department.

PERSONAL LEAVE
Housestaff may request from his/her program a personal leave of absence in order to attend to personal matters of a serious, time consuming nature or if other leaves of absence are not available. Requests must be in writing. A personal leave, if granted, is unpaid and may follow the required use of any remaining unused vacation and/or educational leave. The total duration of the personal leave (including paid and unpaid time) may not exceed four (4) calendar months. Approval of a personal leave of absence is subject to the needs of the program in addition to the requirements of the appropriate specialty Board and RRC.

(Original signed Policy is available in the UCSF Fresno Graduate Medical Education Office)

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Appendix A

Basic Leave Entitlement
FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:
- for incapacity due to pregnancy, prenatal medical care or child birth;
- to care for the employee’s child after birth, or placement for adoption or foster care;
- to care for the employee’s spouse, son, daughter or parent, who has a serious health condition (see definition below); or
- for a serious health condition that makes the employee unable to perform the employee’s job.

Serious Health Conditions
A “serious health condition” means an illness, injury, impairment, or physical or mental condition that involves one of the following:

1. Inpatient Care
   Inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity or subsequent treatment in connection with or consequent to such inpatient care.

2. Incapacity of More Than 3 Consecutive Days Plus Continuing Treatment by a Health Care Provider
   A period of incapacity of more than three consecutive calendar days (including any subsequent treatment or period of incapacity relating to the same condition), that also involves:
   (a) Treatment two or more times by a health care provider, by a nurse or physician’s assistant under direct supervision of a health care provider, or by a provider of health care services (e.g., physical therapist) under orders of, or on referral by, a health care provider; OR
   (b) Treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider (e.g., a course of prescription medication, or therapy requiring special equipment, to resolve or alleviate the health condition). Note: This does not include taking over-the-counter medications or activities that can be initiated without a visit to a health care provider (e.g., bed rest, exercise, drinking fluids).

3. Pregnancy (only covered under FMLA)
   A period of incapacity due to pregnancy, childbirth, or related medical conditions. This includes severe morning sickness and prenatal care.

4. Chronic Conditions Requiring Treatment
A chronic condition which:
(a) Requires periodic visits for treatment by a health care provider, or by a nurse or physician’s assistant under direct supervision of a health care provider;
(b) Continues over an extended period of time (including recurring episodes of a single underlying condition); and
(c) May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.).

5. **Permanent/Long-Term Conditions Requiring Supervision**

A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider. Examples include Alzheimer’s, a severe stroke, or the terminal stages of a disease.

6. **Multiple Treatments (Non-Chronic Conditions)**

Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.) severe arthritis (physical therapy), or kidney disease (dialysis).