

POLICY: Leave Policy for House staff

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

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 and leave of absences for house staff.

- Any leave 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.
- Generally, house staff must give 30-days' advance notice of the need for leave. If it is not possible to give 30 days' notice, house staff must provide notification as soon as possible.
- All leave time use is subject to program approval and accrual is based on the normal academic year (July 1 – June 30). All leave time (vacation, sick & conference/education) should be **prorated** for any house staff who begins training off-cycle (outside of the normal academic year) or who's training results in off-cycle completion.
- Program Directors are required to notify house staff in writing the terms of the leave of absence and the impact it will have on their training and eligibility to participate in the certifying board exam. Programs should refer house staff to information related to Board/RRC requirements on leaves of absence and certification eligibility located at <http://www.fresno.ucsf.edu/housestaff-portal/board-eligibility/>.
- If, as a result of a leave, additional training experiences are necessary in order for the house staff 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.
- The total length of any leave together (paid and unpaid) may not exceed four (4) calendar months unless the Program Director requests 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.

ADMINISTRATIVE LEAVE

Administrative leave with compensation for professional and/or educational activities (off-site exams, presentations, conferences, etc.) is scheduled by mutual agreement with the program and/or department. Programs must include guidelines within their program specific policies and ensure that usage complies with Board/RRC requirements.

HOLIDAYS

House staff do not get holiday leave/time off. Holidays for house staff will be consistent with the schedule at the institution/service to which they are assigned and with the policies of the program and/or GME. If a house staff is scheduled to work on a holiday, they do not receive extra duty pay or get another day to take at a later date. If the house staff is not scheduled to work at their assigned clinical site, they don't have to report for duty. House staff must request in advance specific holidays in accordance with the vacation and leave policy.

VACATION LEAVE

Vacation leave with compensation shall be twenty (20) weekdays per academic year. Vacation time does not accrue from year to year and must be scheduled and taken in the same academic year the vacation is earned. Vacation leave shall be scheduled by mutual agreement with the program and/or department. Procedures for requesting and assigning vacation schedules must follow written policy and be in compliance with each program's ACGME Program Requirements and specialty board requirements, which concern the effect of leaves of absence, for any reason, on satisfying the criteria for completion of the residency or fellowship.

SICK LEAVE

Sick leave with compensation shall be twelve (12) weekdays per academic year for illness, bereavement, or disability. In addition, any remaining vacation leave may be used to cover illness or disabilities that exceed twelve (12) weekdays of sick leave. Sick leave does not carry forward from year to year and must be taken in the same academic year that it's earned.

BEREAVEMENT/SICK LEAVE

House staff are eligible for up to three (3) work days of compensation in the form of sick leave in the event of a death of the employee's immediate family, including parents, legal guardian, spouse, children, stepchildren, grandparents, grandchildren, siblings, step-siblings, step-parents, mother-in-law, father-in-law and eligible domestic partners as defined in the Employer's Health Benefits Summary Plan Descriptions. House staff must request any additional time needed with their Chief and/or Program Director.

JURY DUTY

House staff 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 house staff duties. House staff are obligated to keep their program and appropriate rotation service supervisor apprised of the status once a jury summons has been received. They must also provide their program with summons and proof of daily attendance so that it could be uploaded into MedHub. 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.

FAMILY & MEDICAL LEAVE ACT

The Family and Medical Leave Act (FMLA) entitles eligible house staff to take 12 weeks of **unpaid** (may opt to use available leave time vacation/sick/educational with program approval), **job-protected leave** in a 12-month period for the following reasons:

- The birth of a child or placement of a child for adoption or foster care;
- To bond with a child (leave must be taken within one year of the child's birth or placement);
- To care for the employee's spouse, child, or parent who has a qualifying serious health condition;
- For the employee's own qualifying serious health condition that makes the employee unable to perform the employee's job;
- For qualifying exigencies related to the foreign deployment of a military member who is the employee's spouse, child, or parent.

An eligible employee who is a covered servicemember's spouse, child, parent, or next of kin may also take up to **26 weeks** of FMLA leave in a single 12-month period to care for the servicemember with a serious injury or illness.

An employee does not need to use leave in one block. When it is medically necessary or otherwise permitted, employees may take leave intermittently or on a reduced schedule.

In order to qualify for FMLA, house staff must meet the following criteria:

- Have worked for at least 12 months and

- Have at least 1,250 hours of service in the 12 months before taking leave.

CALIFORNIA FAMILY RIGHTS ACT

The **California Family Rights Act** (CFRA) amended the 1991 California family and medical leave law to generally mirror the federal Family Medical Leave Act (FMLA). Similar to FMLA, CFRA allows eligible employees up to 12 workweeks of leave in a 12-month period for the following reasons:

- Birth, adoption, or foster care placement of your child or
- For your own serious health condition or that of your child, parent or spouse.

PREGNANCY DISABILITY LEAVE

Pregnancy Disability Leave, or PDL, is leave from work to accommodate employees with a pregnancy disability. Even if employees are not eligible for FMLA/CFRA and are disabled by pregnancy, childbirth or a related medical condition, they are entitled to take up to **four months** of PDL per pregnancy. PDL is generally **unpaid**, you may opt to use available leave time vacation/sick/educational with program approval and/or submit a Disability claim. This leave is in addition to any other leave for which you may be eligible under the provisions of the Fair Employment and Housing Act, California Medical Leave Act, other state laws, local ordinances or employer leave policies.

Leave can be taken before or after birth during any period of time the employee is physically unable to work because of pregnancy or a pregnancy-related condition. All leave taken in connection with a specific pregnancy counts toward computing the four-month period.

If an employee taking pregnancy disability leave under California law is eligible for FMLA leave, the pregnancy disability leave period and FMLA run concurrently. At the conclusion of the pregnancy disability leave period, or at the end of four months of pregnancy disability leave, whichever occurs first, the employee may take a new-child bonding leave under CFRA for up to 12 workweeks (provided she did not use CFRA leave in the preceding 12-month period).

PERSONAL LEAVE

House staff 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.

DISABILITY SHORT TERM BENEFITS

Disability pays a disabled trainee 66.67% of their weekly covered earnings (capped at \$1200 per week), following 30 consecutive days of total disability. Benefits continue until the end of the 22nd week benefit period, or until you no longer qualify for benefits, whichever occurs first. House staff may elect to use vacation/sick/educational leave (with program approval) to remain on full pay status for the initial 30-day disability wait period.

Maternity leave extending beyond 30 days can often be a qualifying disability; so, house staff expecting to be on leave for more than 30 days postpartum, are wise to file a claim.

Note: UC does not participate in the California State Disability Insurance (CA SDI) program. However, house staff who have worked for UC for fewer than 18 months may have some residual CA SDI benefits based on their prior employment and will need to apply for those benefits http://www.edd.ca.gov/Disability/SDI_Online.htm prior to filing a claim with CIGNA.

BENEFITS & PROTECTION

For the duration of authorized FMLA/PDL/CFRA, house staff will maintain their health coverage under its group plan for a period not to exceed seven (7) months provided they continue to pay any premiums they were paying prior to the leave (if applicable). If the leave extends beyond seven (7) months house staff

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 house staff premium contribution, if applicable) on a monthly basis. 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 house staff at the address of record. Group coverage may be continued under COBRA benefits for up to 18 months. Premium payments must be made payable to the "UC Regents" and delivered or mailed to:

UCSF Fresno
Attention: GME/HR
155 N. Fresno Street, #251
Fresno, CA 93701

Upon return from authorized leave, consistent with applicable law, house staff will be restored to their original or equivalent position with equivalent pay, benefits, and any other employment terms. The use of leave will not result in the loss of any employment benefit that accrued prior to the start their leave.

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

Michael Peterson, M.D., Associate Dean, Co-Chair GMEC

APPENDIX A SERIOUS HEALTH CONDITIONS

Inpatient Care
• An overnight stay in a hospital, hospice, or residential medical care facility. • Includes any period of incapacity or any subsequent treatment in connection with the overnight stay.
Continuing Treatment by a Health Care Provider (any one or more of the following)
<u>Incapacity Plus Treatment</u> A period of incapacity of more than three consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves: - Two or more in-person visits to a health care provider for treatment within 30 days of the first day of incapacity unless extenuating circumstances exist. The first visit must be within seven days of the first day of incapacity; or, - At least one in-person visit to a health care provider for treatment within seven days of the first day of incapacity, which results in a regimen of continuing treatment under the supervision of the health care provider. For example, the health provider might prescribe a course of prescription medication or therapy requiring special equipment.
<u>Pregnancy</u> Any period of incapacity due to pregnancy or for prenatal care.
<u>Chronic Conditions</u> Any period of incapacity due to or treatment for a chronic serious health condition, such as diabetes, asthma, migraine headaches. A chronic serious health condition is one which requires visits to a health care provider (or nurse supervised by the provider) at least twice a year and recurs over an extended period of time. A chronic condition may cause episodic rather than a continuing period of incapacity.
<u>Permanent or Long-term Conditions</u> A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective, but which requires the continuing supervision of a health care provider, such as Alzheimer's disease or the terminal stages of cancer.
<u>Conditions Requiring Multiple Treatments</u> • Restorative surgery after an accident or other injury; or, • A condition that would likely result in a period of incapacity of more than three consecutive, full calendar days if the employee or employee's family member did not receive the treatment.

LEAVE OF ABSENCE PROCESSING (for program administrative use only)

Residency Coordinators/designee should process leave time usage as follows:

1. At the beginning of every academic year all leave time (vacation, sick & conference/education) should be **prorated** for any house staff who begins training off-cycle (outside of the normal academic year) or who's training results in off-cycle completion. For example, if a house staff starts training late their first of leave time should be prorated based on their start date and the end of the normal academic year (7/1-6/30), then again in their final year of training when they are making up any remaining training time. There is an Excel spreadsheet located on the global shared (R:) drive under HR-Resident-Iris-Time Tracking that may be used to calculate the prorated leave time. Please consult with Dyan Ruelas Dyan.Ruelas@ucsf.edu should you need assistance.
2. Enter all normal leave usage in MedHub via the absence request function. This includes Jury Duty, please be sure to also collect and upload proof of Jury Duty summons & daily attendance.
3. While all leave time needs to be entered in MedHub the following reasons require that you send an **advanced email notification to the GME & HR Analysts (Sherrie Yang Sherrie.Yang@ucsf.edu & Dyan Ruelas Dyan.Ruelas@ucsf.edu)** summarizing the reason for the leave and estimated leave dates, **then another email notification once the confirmed leave dates have been entered into MedHub:**
 - a. Leave in accordance with FMLA/CFRA/Disability/Personal Leave/Academic Due Process (paid or unpaid). Includes anyone who is incapacitated for **more than** 3 consecutive days **plus** continuing treatment by a Health Care Provider for a serious health condition (see appendix A).
 - b. Leave without pay or negative balances in paid leave categories (vacation/sick/educational leave) that require a payroll adjustment. The Resident Absence Summary report in MedHub should be run regularly to capture these.
 - c. Use of leave (paid or unpaid) that will result in an extension of training
4. Once the Program Director has notified the house staff in writing (email ok) regarding the terms of the leave and how it will impact their training you must upload the documentation into MedHub.

Program Directors are required to notify house staff in writing (an email is sufficient) the terms of the leave and the impact it will have on their training and eligibility to participate in the certifying board exam prior to them meeting with Human Resources. Any leave in excess of 4 months should be reported to the Associate Dean for approval. Information related to Board/RRC requirements can be found at <http://www.fresno.ucsf.edu/housestaff-portal/board-eligibility/>.