

TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER AT EL PASO
Paul L. Foster School of Medicine
GRADUATE MEDICAL EDUCATION
Standard Policy and/or Procedure

TITLE: Leave Time Policy

APPROVED: 2/8/2017

REVISED:

EFFECTIVE DATE: 2/8/2017

PURPOSE: To clarify the types and amounts of leave time generally available to graduate medical education trainees.

POLICY STATEMENT: The Sponsoring Institution is required to monitor compliance. The GMEC carries the responsibility to assure that this policy is in alignment with current ACGME Institutional and other accrediting body requirements.

PROCEDURE(S): Leave will be provided in accordance with the policies of the employing institution and GME Policies and Procedures.

DEFINITIONS:

Paid Time Off (PTO) – any days away from work for which the trainee receives payment from their employer.

Approved Leave – PTO taken within the guidelines outlined below.

Sick Leave – PTO used for absences due to sickness, injury, confinement due to pregnancy, and/or the sickness or injury of an immediate family member when the trainee is needed to care for and assist the ill immediate family member. The terms sickness or injury, for purposes of using sick leave are not limited to their commonly understood meanings, but also include absences required for medical, dental, optical, or mental health examination or treatment; or absences for physical therapy and laboratory work or tests as ordered by a licensed practitioner.

Vacation Leave – PTO scheduled in advance according to the protocol of the individual program. Vacation is defined as occurring Monday through Friday during normal business hours. Days for which work would not otherwise be scheduled do not require use of PTO.

Discretionary Leave – PTO above and beyond Vacation Leave that may be approved at the discretion of the Program Director for specific personal or professional reasons.

1. No Cash Out

In addition to the restrictions noted herein, there will be no cash conversion options and no cash-out at termination/completion for unused leave.

2. Vacation Leave

Scheduling of vacation by a trainee shall occur no later than thirty (30) days prior to the intended absence from duties. A request for vacation shall be submitted by the trainee to the Program Director. Approval of such leave will be at the discretion of the Program Director.

Guidelines to be followed in granting vacation are as follows:

- a. Vacation Leave can be approved for no more than fifteen (15) working days for PGY-levels 1 and 2 during a contract year;
- b. Vacation Leave can be approved for no more than twenty (20) working days for PGY-levels 3 and above during a contract year;
- c. Vacation Leave that is expected to occur while a trainee is on a rotation external to his/her training program must have the approval of the trainee's Program Director with concurrence by the Program Director of the training program in which the rotation occurs.
- d. Vacation leave does not carry forward from contract year to contract year and must be taken with the current contract year. Unused vacation leave is not paid upon completion or termination of the contract.

3. Discretionary Leave

Trainees may be granted an additional ten (10) days of PTO Discretionary Leave at the discretion of the Program Director for special circumstances including: attendance at professional meetings and seminars, board and licensure exams, interview days, or bereavement (beyond what is already provided).

Beyond the 10 days of PTO Discretionary Leave, the Program Director, at his or her discretion, may approve Discretionary Leave without pay in very exceptional circumstances. Discretionary Leave without pay may necessitate payment by the trainee of medical insurance premiums during the stipulated period.

The Program Director will report all Discretionary Leave, whether with or without pay, to the Office of Graduate Medical Education. Discretionary Leave longer than thirty (30) days must be approved by the Graduate Medical Education Committee (GMEC).

Discretionary Leave of an extended nature may require resignation by the trainee and reappointment after termination of the leave. Any requirements relating to Discretionary Leave must be met prior to the trainee's return to training.

If Discretionary Leave is granted during the interval after appointment to a new year of training ("reappointment"), but before the new training year begins, the reappointment will be considered invalid and a new resident agreement may need to be executed to reflect changes to the training year.

4. Holidays

Some services, including clinics, may close for the holidays. Holiday work schedules are to be determined by the program. Program holiday time is exclusive of PTO or vacation or other approved leave time.

5. Sick Leave

Subject to the restrictions mentioned in this policy, trainees will have PTO Sick Leave for twelve (12) working days per year and shall accumulate with the unused amount of sick leave carried forward to the subsequent year. The use of sick leave for an immediate family member is strictly limited to the time necessary to provide care and assistance as a direct result of a documented medical condition.

A trainee who must be absent from duty because of illness shall notify his/her Program Director at the earliest practical time. To be eligible for accumulated sick leave with pay during a continuous period of more than three (3) working days, a trainee must provide his/her Program Director a physician's certificate or other written statement that is acceptable to the Program Director concerning the illness.

Leave taken for illness on days either side of vacation leave requires a physician's statement. Otherwise, the leave will be counted as vacation or leave without pay if all vacation leave has been exhausted.

Trainees may not use sick leave in their last ten (10) work days unless a physician statement is provided. Information on use of short and long term disability to cover sick leave/temporary disability (maternity leave inclusive) should be referred to Human Resources. Unused sick leave will not be paid upon termination.

6. Family Medical Leave Act (FMLA)

Trainees employed by the State of Texas for at least 12 months and who have worked at least 1,250 hours during the preceding 12 months are eligible for leave in accordance with the Family and Medical Leave Act (FMLA), which provides up to twelve (12) weeks [twenty-six (26) weeks for military caregiver leave] of unpaid, job-protected leave for FMLA qualifying reasons, per TTUHSC EP OP 70.32, “Family and Medical Leave Act (FMLA Leave)”, <https://el Paso.ttuhs.edu/opp/documents/70/op7032.pdf>. Qualifying reasons under the FMLA include the birth, adoption or placement of a child; the employee’s own serious health condition; the serious health condition of a spouse, parent or child; a qualifying exigency arising out of the covered active duty of the employee’s spouse, parent or child (military exigency leave); or, to provide care for a covered service member with a serious injury or illness if the service member is the employee’s spouse, parent, child, or next of kin (military caregiver leave).

Family and Medical Leave shall be handled in accordance with TTUHSC EP OP 70.32, Family and Medical Leave Act (FMLA Leave). Trainee FMLA leave requests should be submitted to the Program Director, the GME Office, and Human Resources Leave Administrator using the Application for Family and Medical Leave Form attached to TTUHSC EP OP 70.32. The Human Resources Leave Administrator will determine whether the employee is eligible for FMLA leave, provide the employee with all required forms and notices, and notify the requestor, the Program Director and the GME Office whether FMLA leave has been approved or denied.

FMLA leave for trainees who are not TTUHSC EP employees will be handled in accordance with the policies and procedures of the employing institution. Non-employee FMLA leave requests should be submitted to the employing institution and copied to the TTUHSC EP Program Director and GME Office. Trainees who are granted FMLA leave by their employing institution must provide a copy of the FMLA leave approval reflecting the date and expected duration of the leave to the TTUHSC EP GME Office and Program Director. In general, non-employee trainees who are approved for FMLA leave by their employing institution will also be approved for a period of leave of equal length from the Program.

Requests for foreseeable FMLA leave (e.g., scheduled surgery, birth of a child) should be submitted at least thirty (30) days in advance. Requests for unforeseeable FMLA leave (e.g., medical emergencies, hospitalization) should be submitted as soon as practicable after the trainee learns of the need for leave. It is the responsibility of the trainee requesting FMLA leave to provide all required notices, medical documentation and information as required by TTUHSC EP or their employing institution. All FMLA leave requests should contain sufficient information about the reason for the leave, its timing, and the anticipated duration for TTUHSC EP or the employing institution to be able to determine whether the need for leave may be covered by the FMLA. All trainees will be required to use any applicable, available Paid Time Off concurrently with approved FMLA leave. The TTUHSC EP Program Director will be responsible for tracking the type of Paid Time Off that will be utilized (e.g., vacation, holiday, sick). Trainees who exhaust all available Paid Time Off will be placed in an unpaid status for the duration of the FMLA leave period.

7. State Parental Leave

TTUHSC EP provides up to twelve (12) weeks of unpaid parental leave for eligible employees who are ineligible for FMLA leave coverage for either the birth of a natural child or for the adoption or foster care placement of children under three (3) years of age, as provided for by state law. State Parental Leave for trainees who are TTUHSC EP employees will be handled in accordance with the Parental Leave Act – Tex. Gov’t Code § 661.913. Trainees who are not eligible for FMLA leave and

who are not TTUHSCEP employees should consult their employing institution regarding other applicable parental leave policies.

TTUHSCEP employee requests for State Parental Leave should be submitted to the TTUHSCEP Program Director, GME Office, and Human Resources Leave Administrator. The Human Resources Leave Administrator will determine eligibility for State Parental Leave and will notify the employee, the Program Director, and the GME Office if State Parental Leave is approved or denied. It is the responsibility of the trainee requesting the State Parental Leave to provide all required notices, documentation and information as required by TTUHSCEP. All trainees will be required to use any applicable, available Paid Time Off concurrently with approved State Parental Leave. The Program Director will be responsible for tracking the type of Paid Time Off that will be utilized (e.g., vacation, holiday, sick). Trainees who exhaust all available Paid Time Off will be placed in an unpaid status for the duration of the State Parental Leave period.

8. Jury Duty, Military Reserve Duty, Bereavement

Leave time for purposes of jury duty, military reserve duty, and bereavement will comply with the policies of the trainee's employer, per TTUHSC EP OP 70.01, "Leaves of Absence", <http://el Paso.ttuhsc.edu/opp/documents/70/op7001.pdf>

9. Effect of Leave Time on Eligibility for Board Certification

Trainees should be aware that graduation from residency and Board certification depends on the completion of a specified amount of training. Each program must provide information regarding the specific training requirements for the trainee's particular program. Extended absences from the program may require additional time and training.

In general, leave exceeding one month in duration will result in an extension of the trainee's training. The program must provide the trainee with written notice in the event their training will be extended because of a leave of absence. In such case, the trainee's agreement of appointment may be amended.

Certifying Boards vary in their requirements regarding the effect of leaves of absence taken—for any reason—during trainee's training on their eligibility and timing for board certification. Trainees should access the specific relevant information from their certifying boards, available from the American Board of Medical Specialties (ABMS) website.