

**UNIVERSITY OF FLORIDA HEALTH SCIENCE CENTER/JACKSONVILLE**  
**Office of Educational Affairs**

<b>Approval Date:</b> 11/1/2022	<b>Subject:</b> LEAVE TYPES AND USAGE, INCLUDING LEAVE OF ABSENCE	<b>Page 1 of 6</b>
<b>Approved by:</b> GMEC		<b>Revised Date:</b> 9/30/2021
<b>Effective Date:</b> 7/1/2020		<b>Reviewed Date:</b>

**POLICY:**

The sponsoring institution must provide written institutional policies regarding trainees types of leave and leaves of absence (with or without pay) to include vacation, sick, parental, bereavement, military, jury, court appearance, domestic violence; these policies must comply with applicable laws. This policy must ensure that each program provides its residents/fellows with accurate information regarding the impact of an extended leave of absence upon the criteria for satisfactory completion of the program and upon a resident's/fellow's eligibility to participate in examinations by the relevant certifying board(s).

**DESCRIPTION:**

Residents/fellows shall be entitled to leave with pay for the purpose of vacation and sick leave, depending upon the length of appointment, during the training period July 1 through June 30, as described in this section. Leave will be granted and charged in one-day increments for each workday of leave requested and approved. Each program will specify the effect of leave on promotion, eligibility to participate in examinations by the relevant certifying board and length of training. If the leave taken exceeds that which is allowed by a program, the resident may be required to extend his/her training to fulfill board requirements.

Requests for leave must be submitted to and approved by the program director (PD) prior to the date the leave is taken. Leave may be advanced to residents/fellows proportionate to that person's expected period of service during the academic year, but should not exceed more than 50% of the available balance of leave. All leave requests, whether paid or not, fall within the American Board of Medical Specialty guidelines. Overuse of leave during any given year may impact a resident's/fellow's on-cycle graduation.

**TYPES OF LEAVE**

**Annual Vacation Leave:**

All residents/fellows shall be granted 15 days of vacation leave per contract year of full-time employment, if consistent with board requirements. Unaccrued vacation leave that has been taken will not be required to be paid back.

**Annual Sick Leave:**

All residents/fellows shall be granted 10 days of sick leave per contract year of full-time employment, if consistent with board requirements. Residents/fellows shall be entitled to utilize sick leave for: time off from work because of exposure to a contagious disease that may endanger others; personal visits to doctors, optometrists, therapists, or dentists; and for personal illness, which includes absence caused by or contributed to by pregnancy. Additionally, sick leave may be used in reasonable amounts for illness, injury, or death within the resident's/fellow's immediate family, as per the Family and Medical Leave Act (FMLA) guidelines. In instances of a serious medical condition of a resident/fellow or a member of the resident's/fellow's family, the resident/fellow may be eligible for an extended medical leave of absence under the (FMLA) or UF's Extended Leave of Absence program. Please see the FMLA section for more information.

**Parental/Caregiver/Medical Leave of Absence:**

Residents/fellows may take up to six weeks of approved medical, parental, or caregiver leave(s) of absence a qualifying reason consistent with applicable laws at least once and at any time during an ACGME-accredited or non-accredited program, starting the first day the resident is to report, as required by the ACGME institutional requirement IV.H.1.a. Qualifying reasons include: personal or familial needs, including parental leave for the birth and care of a newborn, adopted or foster child; caregiver leave for the care of an immediate family member (child, spouse or parent) with a serious health condition; or medical leave for the trainee's own serious health condition. Once during each resident's/fellow's training period, four weeks of paid leave will be provided for this purpose, which can be used in conjunction with two weeks of sick leave for a total of six

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weeks **without requiring extension of training (additional leave periods may be allowed but may require an extension of training to meet board eligibility requirements)**. If the leave period exceeds this six weeks, the resident may extend paid leave using any available vacation leave or may be taken as unpaid leave. A parental leave period may begin two weeks before the expected due date of the child's arrival and must occur within 12-months of the child's birth/adoption/foster placement. Residents/fellows who plan to utilize parental/caregiver/medical leave of absence are expected to notify their PD as soon as possible of their intent to use this leave to facilitate appropriate scheduling. Complicated pregnancy or delivery will be handled in accordance with the FMLA and disability policies. The total time allowed away from a program in any given year, or for the duration of the program, will be determined by the requirements of the specialty board involved. Any absence that exceeds the specialty board eligibility requirements must be made up.

**Requests for parental/caregiver/medical leave of absence will be submitted by the trainee using the leave of absence request form.**

**Bereavement Leave:**

Residents/fellows must submit requests for bereavement leave to their PD, who may grant up to 5 days off per contract year for the funeral of an immediate family member. The program shall provide 2 days of paid bereavement leave per fiscal year. If a resident/fellow requests and is granted more than 2 days of bereavement leave, the resident/fellow may use his/her vacation and/or sick leave or take the time as unpaid.

*Note: "Immediate family member" includes an employee's spouse, domestic partner, great-grandparent, grandparent, parent, brother, sister, child, grandchild, or great-grandchild, or the grandparent, parent, brother, sister, child, grandchild, or great-grandchild of the employee's spouse or domestic partner, or the spouse or domestic partner of any of them. Immediate family member also includes individuals for whom the employee is the current legal guardian*

**Military Leave:**

Absences for temporary military duty (e.g., two-week annual training) will not be taken from vacation or sick leave, but will be considered leave with pay for up to 17 days per fiscal year. If activated from reserve to active duty status, the resident/fellow will receive thirty (30) days full pay before going on leave without pay. Insurance policies will remain in effect for dependents during the period of active duty for up to one year. Additional extensions of insurance require approval from the Senior Associate Dean for Educational Affairs and/or the Graduate Medical Education Committee. Any absences must be made up in accordance with the applicable specialty board policy. <https://benefits.hr.ufl.edu/time-away/other-types-of-leave/military-leave/>

**Jury Duty Leave:**

Jury duty leave must be approved by the resident's/fellow's PD in advance. Residents/fellows who are summoned to jury duty will be granted paid leave for all hours required for such duty. The University will not reimburse the employee for meals, lodging, or travel expense while serving as a juror. If jury duty does not require absence for the entire workday, the resident/fellow should return to work immediately upon release by the court. Any absences must be made up in accordance with applicable specialty board policy. A program may require the resident/fellow to provide proof of jury duty.

**Court Appearance Leave:**

A resident/fellow subpoenaed as a witness in a court or administrative hearing, not involving personal litigation or service as a paid expert witness, shall be granted court appearance leave. Court appearance leave

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must be approved by the PD. If the court appearance does not require absence for the entire workday, the resident/fellow should return to work immediately upon release by the court.

**Approval:** Upon receipt of a subpoena, a resident/fellow must notify his/her PD. If a resident/fellow is subpoenaed, his/her department is obligated to provide paid leave, unless the subpoena is related to "Personal litigation" defined as a lawsuit in which the resident/fellow is a party. For appearances related to personal litigation, the resident/fellow must use vacation leave or leave without pay.

**Domestic Violence Leave:**

Residents/fellows are entitled to up to 3 days of leave in an academic year, if the employee or a family or household member is a victim of domestic violence. Residents/fellows are required to use accrued paid leave, if available, for domestic violence leave. In the event that the resident/fellow does not have sufficient paid leave days to cover the domestic violence leave, the leave time will be unpaid. Except in cases of imminent danger to the health or safety of an employee, or to the health or safety of a family or household member, a resident/fellow seeking domestic violence leave from work must provide his/her PD advanced notice of the leave.

**Examples of Activities Covered by the Leave:** Domestic violence leave is permitted for the following specific activities:

- seeking an injunction for protection against domestic violence or repeat violence, dating violence, or sexual violence;
- obtaining medical care or mental health counseling or both for the employee or a family or household member to address injuries resulting from domestic violence;
- obtaining services from victims' services organizations such as a domestic violence shelter or rape crisis center;
- making the employee's home secure from the perpetrator of domestic violence or finding a new home to escape the perpetrator;
- seeking legal assistance to address issues arising from domestic violence or attending or preparing for court related proceedings arising from the act of domestic violence.

**Educational Leave:**

Residents shall be eligible for three (3) days educational leave to attend specialty specific conferences provided the absence does not exceed the allowable absence(s) by the appropriate board and is approved by the PD. Residents shall be eligible for leave to take the American specialty board and state licensure examinations will be authorized at the discretion of the PD. The leave will not exceed the time actually required for taking the examination and for travel to and from the examination site. Only one licensure and one specialty exam shall be authorized per resident. Any additional absence will be charged to vacation leave or leave without pay if vacation leave is not available.

**Administrative Leave:**

Residents shall be placed on administrative leave if it is deemed necessary for the safety and wellbeing of the resident, patient(s), or others.

**Compensatory Leave:**

Residents/fellows do not earn compensatory leave.

**Holidays:**

Residents/fellows shall be entitled to observe all official holidays designated by the University of Florida, except when they are on duty or call for clinical responsibilities. Residents/fellows on Veteran's Administration Medical Center (VAMC) rotations shall be entitled to observe all official holidays designated by

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the federal government for VAMC employees, except when they are on duty or call for clinical responsibilities. When on duty or call for clinical responsibilities on designated holidays, the assignment will be considered as part of the residency and will not result in extra remuneration.

University of Florida residents and fellows are provided two extra holiday leave days in addition to Christmas and New Year's Day for a total of four days of holiday leave. All responsibility and authority for scheduling leave, as well as meeting both the educational and clinical service needs of the program rests with the PD. If the resident/fellow is required to work on either Christmas or New Year's Day, the trainee may get one additional holiday leave day to use before June 30<sup>th</sup>.

The official University holiday schedule can be found at: <http://hr.ufl.edu/benefits/leave/holidays/>

#### **FMLA ENTITLEMENT**

The Family and Medical Leave Act ("FMLA") provides eligible employees with up to 12 work-weeks of unpaid, job-protected leave per year and requires group health benefits to be maintained during the leave as if the employees continued to work rather than taking leave. Residents/fellows may choose to use accrued paid vacation and/or sick leave instead of unpaid leave for any portion of the 12 work-weeks. The University will grant an eligible employee up to a total of 12 work-weeks of unpaid leave during the FMLA Benefit Year for one or more of the following reasons:

- for incapacity due to pregnancy, prenatal medical care, or childbirth;
- placement of a child with the employee for adoption or foster care, and to care for the employee's newly adopted child or child newly placed in the foster care of the employee;
- to care for the employee's family member with a serious health condition;
- the employee's serious health condition.

#### **Eligibility:**

All residents/fellows are eligible for up to 12 work-weeks of FMLA leave once they have worked at the University at least 12 months (need not be consecutive) or at least 1,250 hours during the 12 months prior to the start of the FMLA leave. FMLA does not guarantee the leave period will be paid.

#### **FMLA Benefit Year**

The University of Florida uses the UF academic year as its FMLA Benefit Year, which is the twelve-month period from July 1 through June 30.

#### **Serious Health Condition**

Serious health condition means an illness, injury, impairment, or physical or mental condition that involves:

- any period of incapacity or treatment connected with inpatient care in a hospital, hospice, or residential medical care facility; or
- a period of incapacity requiring absence of more than three calendar days from work, school, or other regular daily activities that also involves continuing treatment by (or under the supervision of) a health care provider; or
- any period of incapacity due to pregnancy, or prenatal care; or
- any period of incapacity (or treatment therefore) due to a chronic serious health condition; or
- a period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective; or,
- any absences to receive multiple treatments (including any period of recovery therefrom) by, or on referral by, a health care provider for a condition that likely would result in incapacity of more than three consecutive days.

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**Definition of Family Member for Purposes of FMLA Leave**

The Federal definition of “immediate family member,” for purposes of FMLA leave requests, is an employee’s spouse, children (son or daughter), and parents. The University’s definition for “immediate family member” includes an employee’s spouse, domestic partner, great-grandparent, grandparent, parent, brother, sister, child, grandchild, or great-grandchild, or the grandparent, parent, brother, sister, child, grandchild, or great-grandchild of the employee’s spouse or domestic partner, or the spouse or domestic partner of any of them. Immediate family member also includes individuals for whom the employee is the current legal guardian.

While use of vacation and/or sick leave and extended medical leaves of absence are available for employees to use for the care of family members who meet the University’s definition of immediate family member, those absences will not be designated as qualifying as FMLA leave unless the employee’s family member also meets the federal definition of immediate family member.

**Requesting FMLA**

A resident/fellow must provide his/her program at least 30 days advance notice before FMLA leave is to begin if the leave is foreseeable based on an expected birth, placement for adoption or foster care, or planned medical treatment for a serious health condition of the employee or of a family member. If 30 days’ notice is not practicable, notice must be given as soon as practicable.

The resident/fellow will confirm with the University’s Office for Human Resources Services whether he/she is eligible for leave under FMLA by completing the form on UF’s website <https://benefits.hr.ufl.edu/time-away/fmla/fmla-preliminary-request-form/>. If he/she is eligible, the University’s Office for Human Resources Services will provide the resident/fellow notice of his/her rights and responsibilities and will specify any additional information that may be required to be submitted. If the resident/fellow is not eligible for FMLA leave, the notice from the University’s Office for Human Resources Services will provide a reason for the ineligibility.

Completed FMLA paper work must be turned into either the PD or the University’s Office for Human Resources Services, including physician certification before the leave begins. FMLA paperwork can be obtained through the program coordinator or online at <http://hr.ufl.edu/benefits/leave/fmla/>.

Additional FMLA information is available on the Department of Labor’s website <http://www.dol.gov/whd/regs/compliance/posters/fmla.htm>

**EXTENDED LEAVE OF ABSENCE (SHORT TERM DISABILITY)**

**Extended Leave Policy:**

Leave requests lasting more than 14 days will be submitted to the Office of Educational Affairs using the Leave of Absence Request Form. Trainees who wish to use short-term disability may also complete the short-term disability information for qualifying events. An extended leave with pay may be provided for individuals electing to utilize parental/caregiver/medical leave of absence. Individuals wishing to use leave of absence without pay for personal reasons, will not go through the disability provider. Extended leave is coordinated through the Office of Educational Affairs in partnership with program leadership.

**Extended Leave of Absence with Pay (Short Term Disability):**

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Extended leave of absence with pay is a benefit that is afforded to residents and fellows in instances in which accrued sick leave hours and parent/caregiver/medical leaves of absence have been exhausted and additional time away is required because of a personal (not family) serious health condition. *Serious health condition* is classified as an illness, injury, impairment, or physical or mental condition that involves:

- any period of incapacity or treatment connected with inpatient care in a hospital, hospice, or residential medical care facility; or
- any period of incapacity (or treatment therefore) due to a chronic serious health condition.

**Process for Obtaining Extended Leave with Pay:**

1. Prior to being granted Extended Leave with Pay through short term disability leave, the resident/fellow must have exhausted all of his/her own accrued sick time.
2. The absence must be the result of the employee's own serious health condition, not for illnesses involving family members or others.
3. Requests for extended leave with pay must be submitted prior to the employee's having exhausted all of his/her own personal leave to the Office of Educational Affairs. Request forms can be obtained through the GME Office or sent electronically to the requested.
4. Requests will be reviewed to ensure they meet the aforementioned criteria by the disability provider. A written response of approval or denial will be provided to the requested within seven business days of the request.

**Extended Leave of Absence without Pay:**

Requests for extended leave of absence without pay must be submitted, in writing, to the PD using the leave of absence request form.

- purpose of the leave of absence;
- period of leave to be taken without pay;
- number of leave hours being requested;
- date of expected return [the date can be adjusted, either with the resident returning earlier or extending the leave without pay with submission of a new request];
- statement acknowledging the residency program may be extended as required by the applicable specialty board

The resident/fellow will be notified once the request has been approved.

**Benefits:**

While on a leave of absence, all housestaff will retain their health benefits regardless to pay status for up to the 6 months as long term disability may apply. *Some restrictions may apply depending on healthcare provider.* For more information as to benefit allocation during extended leave please contact UF Benefits at 352-273-5089.

**Key contacts:**

GME Office: 904-244-3149

Fringe Benefits: <https://benefits.hr.ufl.edu/my-benefits/>

Julia Morris

904-244-3471 or [ufcomjaxbenefits@jax.ufl.edu](mailto:ufcomjaxbenefits@jax.ufl.edu)

GatorCare Representative: [www.gatorcare.org](http://www.gatorcare.org)

Kelley Thomas

904-244-9130 or [Kelley.thomas@floridablue.com](mailto:Kelley.thomas@floridablue.com)

Human Resources: 352-265-8017