



**INSTITUTE FOR FAMILY HEALTH
POLICY/PROCEDURE STATEMENT
FOR GRADUATE MEDICAL EDUCATION**

Policy/Procedure Title: Vacation and Leave of Absence Policy
ACGME Institutional Requirement: IV.H
GMEC Revision/Review Date: 6/13/23

SCOPE: This policy applies to all ACGME-accredited residency and fellowship programs at the Institute for Family Health. This policy is superseded by relevant provisions of collective bargaining agreements for residents who are members of a recognized union. (See CIR contract).

PURPOSE: This policy establishes the guidelines that govern resident vacations and other leaves of absence, as required by the Accreditation Council for Graduate Medical Education (ACGME). This policy also references guidelines from the federal Family and Medical Leave Act (FMLA) and New York State Paid Family Leave Law (PFL), and is reflective of guidelines established by the ACGME and American Board of Family Medicine and impact on resident/fellow duration of training.

POLICY:

Summary of Policy: All residents and fellows are entitled to six (6) weeks of approved leave for a medical, parental, and/or caregiver purpose consistent with applicable ACGME and the American Board of Family Medicine (ABFM) requirements at least once and at any time during their training, starting the day the resident/fellow is required to report. This six-week leave must be paid at the equivalent of 100% of the resident's/fellow's regular rate of pay. Residents/fellows are entitled to reserve one (1) week of their vacation time for use outside of this leave. Residents/fellows may also subsequently become entitled to leaves under the FMLA and/or PFL upon satisfying the respective eligibility requirements of each of those laws, which are discussed further below.

Types of Leave of Absence:

Family and Medical Leave Act (FMLA): The Family and Medical Leave Act (FMLA) provides eligible employees with up to twelve (12) workweeks of unpaid leave for certain family and medical reasons during a 12-month period and/or because of a "qualifying exigency" arising out of the fact that a family member is a military member on or called to active duty to a foreign country by the Regular Armed Forces, National Guard or Reserves on behalf of the United States. To be eligible for FMLA Leave, an employee must have been employed for at least twelve (12) months and work at least 1,250 hours during the twelve (12) months preceding the commencement of the leave. For more information about the applicability and requirements of the FMLA, please see the IFH Employee Handbook.

New York State Paid Family Leave Law (PFL): Effective January 1, 2018, the New York Paid Family Leave Law (“NYPFLL”) provides eligible employees in New York with paid, job protected leave for certain family and medical reasons or to address certain qualifying exigencies arising out of the fact that the employee’s spouse, domestic partner, child, or parent is on or has been called to active duty status as a member of the Armed Forces, National Guard or Reserves. Employees who are regularly scheduled to work twenty (20) or more hours per week will become eligible for NYPFL benefits after twenty-six (26) consecutive workweeks of employment. Employees who are regularly scheduled to work fewer than twenty (20) hours per week will become eligible for NYPFL benefits after the 175th day worked. For more information about the applicability and requirements of PFL, please also see the IFH Employee Handbook.

Leave under ACGME Requirements: Prior to being eligible for FMLA or PFL, residents/fellows will be entitled to paid leave when they commence their training. Per the ACGME requirements effective July 1, 2022, a resident/fellow is entitled to up to six (6) weeks of an approved leave for a medical, parental and/or caregiver purpose¹ at the time they commence their training. The first leave of up to six (6) weeks would be fully paid at the resident’s/fellow’s regular rate using available leave entitlements provided by the employer. The resident/fellow is also entitled to reserve at least one (1) week of vacation time for use outside of the leave.

Unpaid Leave of Absence: Program directors may, at their discretion, approve an employee’s request for leave without pay. All leave of absence requests must be communicated in advance and in writing to the program director with a copy to the DIO.

Program directors must consider the applicable ABFM and ACGME Residency Review Committee (RRC) requirements in determining whether such leave may be granted. These requirements may necessitate an extension of the training period in order for the resident/fellow to qualify for certification. If a leave will result in an extension of training, program directors must notify the employee in writing, with a copy to the DIO, outlining the educational ramifications of the leave (i.e., delay in graduation, repeat of a module, etc.).

Conference Days: Time away from the residency for educational and scholarly purposes such as conferences and workshops are granted at the discretion of Program Director based upon objectives, department needs, and performance evaluation. This time does not considered leave time.

Holidays: Holidays are designated by Institute for Family Health policy and are subject to ABFM requirements. Resident physicians in their capacity as health providers may be required to work on holidays to cover essential services. The Chief Residents will ensure that these responsibilities are covered in an equitable manner.

Condolence/Bereavement Leave: In the unfortunate event of the death of an immediate family member (spouse, parent, grandparent, guardian, child, sibling or corresponding in-law or step relationship), employees may take up to five (5) consecutive days off with pay within a reasonable date of the death for the purpose of attending the funeral or making arrangements. Please see the Institute’s Bereavement Leave policy for additional details.

¹ A “caregiver” is defined as a resident or fellow who cares for a child, parent, or spouse with a serious health condition.

Jury Duty: Jury Service is required of all US Citizens. Residents must consult with the Residency Administrator and Program Director immediately upon notification to report for jury duty. All attempts will be made to accommodate the specific dates listed on the jury summons. However, in some instances, requests for delay of jury duty may be required by Program needs. In such cases, The Program Administrator will assist residents in postponing their jury duty.

Maintenance of Health Benefits during Leave of Absence: During any approved leave of absence, an employee is entitled to continued group health plan coverage as would have been provided if the employee had continued to work. If the employer provides a new health plan or benefits or changes health benefits/plans while an employee is on an approved leave, the employee will receive the new or changed plan/benefits. To the extent that an employee's leave is paid by the Institute for Family Health, the employee's portion of health insurance premiums will be deducted from the employee's salary. For the portion of the leave that is unpaid by the Institute for Family Health, or where the employee continues on leave after exhausting their leave entitlement in the 12 month period, the employer will follow its established policy for providing such health benefits. When an employee returns from leave, the employee is entitled to be restored on the same terms as before taking the leave.

Procedures for Requesting a Leave of Absence: Residents/fellows seeking to request a leave of absence should notify their program director or administrator, and contact the IFH Human Resources (HR) generalist for their location. HR will provide leave of absence forms appropriate to the reason for the request and will guide residents/fellows on their specific leave requests. The forms should be completed at least thirty (30) days prior to the leave when the need for leave is foreseeable. HR will maintain confidentiality related to the leave and will communicate with the residency/fellowship program as appropriate. HR will also guide the return from leave process.

Impact of Leaves of Absence on Duration of Training: Residents/fellows who utilize Leave of Absence benefits must satisfy all training guidelines prior to graduation. ABFM or RRC requirements may necessitate an extension of the training period in order for the resident to qualify for certification. If a leave will result in an extension of training, program directors must notify the resident/fellow in writing, with a copy to the DIO, outlining the educational ramifications of the leave (i.e., delay in graduation, repeat of a module, etc.). As of July 2021, all ABMS Member Boards with training programs of two (2) or more years duration, including the ABFM, will allow for a minimum of six (6) weeks away once during training for purposes of parental, caregiver, and medical leave, without exhausting time allowed for vacation or sick leave and without requiring an extension in training. Member Boards are required to communicate when a leave of absence will require an official extension to help mitigate the negative impact on a physician's career trajectory that a training extension may have, such as delaying a fellowship or moving into a full, salaried position.

Approved By:  Date: 6/13/2023

Designated Institutional Official