

## **Medical Education Policy: Leave of Absence**

Facility: CMC  
Origin Date:  
Revision Date: March 2018  
Sponsor: GMEC

**Important:** Duration and successful completion of residency and fellowship training is ultimately governed by the certifying board of the specialty. When residents have extended time away from their program, this may create a need to lengthen their training. Some boards mandate that a resident be removed from the program if he or she is absent for more than 12 weeks in one year. Program Directors/Program Managers must consult with the certifying board for the specialty to determine the effect the leave of absence has on the training duration for each resident who takes a leave of absence.

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### **1. PURPOSE:**

Carilion Medical Center (CMC) recognizes the need for residents in medical education programs to occasionally request an extended period of time away from their educational program and course of employment.

### **2. SCOPE:**

This Policy applies to all ACGME, Council on Podiatric Medical Education (CPME), Commission on Dental Accreditation (CODA) accredited post-graduate training programs sponsored by CMC and AOA accredited Carilion Clinic based programs sponsored by the Osteopathic Medical Network for Excellence in Education (OMNEE).

### **3. DEFINITIONS:**

**Family and Medical Leave Act (FMLA):** is federal legislation that provides eligible employees up to twelve (12) weeks of unpaid, job-protected time away from work for their own serious medical condition or to care for a family member with a serious medical condition.

**Leave of Absence (LOA):** is a period of time away from employment and the residency training program.

**Resident:** refers to all interns, residents, and fellows participating in CMC post-graduate training programs.

**Rolling-Year:** The period used to evaluate the availability of FMLA leave time, Resident Medical leave and eligibility for Personal Leave. When using a rolling-year the amount of FMLA used in the 12 months prior to the most recent absence is assessed.

**Salary Continuation:** Continuation of full salary for a period of up to 150 calendar days during leaves of absence related to the resident's own serious health condition.

**Serious Health Condition:** is a condition that may include a period of incapacity that involves inpatient care, outpatient care requiring absence plus treatment, pregnancy, chronic conditions requiring treatments, permanent/long-term conditions requiring supervision and/or multiple treatments (non-chronic conditions).

#### 4. **TYPES OF LEAVE:**

##### **Resident Medical Leave and Salary Continuation (GME Only)**

This is a generous resident specific benefit that only applies to residents and fellows in accredited training programs. Eligible residents requiring LOA related to their **own serious health condition** will receive full salary continuation for a period of up to 150 calendar days, per rolling-year. The resident must be under the care of a licensed physician or other approved healthcare provider not related to the resident during the LOA. The resident will be required to provide proof of medical care and Carilion will request information from the resident's personal physician or other approved healthcare provider to verify the presence and nature of the condition. The resident will be required to be evaluated by Carilion Employee Health, a licensed physician, or other approved healthcare provider of Carilion's choice to determine fitness for duty before returning to work.

The resident will maintain employment with Carilion during the 150 calendar day period of Resident Medical Leave and Salary Continuation.

**If the resident taking Resident Medical Leave is also eligible for FMLA and/or Personal Leave, the resident must apply for and use FMLA and/or Personal Leave concurrent to the Resident Medical Leave.**

**When a LOA is needed for reasons other than the resident's own serious medical condition, other leave options including FMLA and Personal Leave described below may protect their employment as a resident.**

**Family and Medical Leave Act (FMLA) (Federal Legislation and Carilion mandated):** The Family Medical Leave Act (FMLA) provides eligible employed

residents with up to 12 weeks of unpaid, job-protected leave per rolling-year due to their own serious health condition or to care for an immediate family member with a serious health condition. It also requires medical benefits to remain in effect during this time.

**Eligibility:** An employed resident must have (a) worked for their employer for at least 12 months and (b) have worked at least 1250 hours during the 12 months preceding the leave-eligible event.

**Guidelines:**

- FMLA provides for up to Twelve (12) weeks of job-protected leave in a rolling-year.
- When an employed resident has multiple circumstances which qualify for FMLA protection the available twelve (12) weeks of job-protected leave is shared among all qualifying circumstances.
- The available twelve (12) weeks may be used for either intermittent or continuous absences.

**Resident Specific Pay Practices related to FMLA:**

- **FMLA - Medical Leave:**
  - Residents may be eligible to receive up to 150 days of salary continuation starting on the first day of absence related to their own serious health condition as provided above – Resident Medical Leave and Salary Continuation.
  - Medical Leave beyond 150 days will be WITHOUT pay.
  - Program-specific policies outline the use of vacation days during medical leave.
- **FMLA - Family Leave:**
  - Family Leave to support a parent, child, or spouse with a Serious Health Condition: unpaid with option to use available vacation days for pay.
  - Program-specific policies outline the use of vacation days during family leave.

**Resident Specific Pay Practices related to FMLA – Family Leave:**

- Residents who do not qualify for the Resident Medical Leave and Salary Continuation are eligible for 3 days of salary continuation for the birth of a child, adoption, or newly placed foster child.

**Personal Leave (Carilion policy):** Personal Leave provides unpaid leave for personal needs not covered under FMLA or other leave options for a minimum of 7

and a maximum of 42 continuous days of absence. Personal Leave is any time off that is granted for reasons including (but not limited to) family issues, extenuating personal needs, elective office, or medical leave when an employed resident does not meet the eligibility criteria for FMLA.

**Eligibility:**

- Residents must be employed in a Full-Time, Regular Part-Time or Part-Time capacity.
- Residents must have no disciplinary actions in the past twelve (12) months.
- Residents are only eligible for one (1) Personal Leave per rolling-year.
- Personal Leave is approved at the discretion of the DIO and Program Director.

**Resident Specific Pay Practices related to Personal Leave:**

- **Personal Leave for the resident's own serious health condition:** The resident may be eligible to receive up to 150 calendar days of salary continuation starting on the first day of absence related to the his or her own serious health condition as provided above – Resident Medical Leave and Salary Continuation.
- **Personal Leave for the birth of a child, adoption, or newly placed foster child:** Residents not eligible for Resident Medical Leave and Salary Continuation are eligible for 3 days of salary continuation for the birth of a child, adoption, or newly placed foster child.
- **Personal Leave to support a parent, child, or spouse with a Serious Health Condition:** unpaid with option to use available vacation days for pay.
- Program-specific policies outline the use of vacation days during Personal family leave.

**Other Leave Options:**

**Bereavement Leave (Carilion policy)** is a Leave of Absence for the death of an immediate family member including spouse, domestic partners, parents, legal guardian, parents of a spouse, children, children's spouse, legal dependents, grandchildren, brothers and sisters, grandparents, brother or sister-in-law (spouse' sibling or sibling's spouse) and step-relations listed above.

**Eligibility:** Current active employment.

**Duration:** Up to three (3) scheduled shifts of paid leave (maximum of thirty-six (36) hours).

**Military Leave** is Leave of Absence provided for service in the uniformed services including active duty, active duty for training, initial active duty for training, inactive duty training, full-time Nation Guard duty, and a period for which a person is absent

from a position of employment for the purpose of an examination to determine the fitness of the person to perform any such duty. For Uniform Services Employment and Reemployment Rights Act 1994 (USERRA) provision, contact Benefits in Carilion Human Resources.

**Eligibility:** Current active employment.

**Duration:**

- A resident may request up to ninety (90) calendar days of military leave.
- After ninety (90) days, the Program Director separates the resident from the program if not returned from active duty.
- Human Resources will identify separations as a result of enlistment in order to comply with USERRA reinstatement provisions.

**Pay For Residents and All Eligible Carilion Employees:**

- Active Duty: The resident does not receive pay from Carilion while on active duty.

**Workers' Compensation:** Leave resulting from a workers' compensation claim is covered under the *Workers' Compensation* policy.

**5. PROCEDURE:**

**Notification:**

- A resident requesting a LOA must notify the Program Director and those responsible for the scheduling of rotations and call as soon as it is foreseeable that a LOA may be required.
- Early notification allows adjustments in scheduling to minimize impact on the entire residency program.

**Leave during critical or required rotations;** (as determined by the Program Director) may be detrimental to successful completion of the program and may extend the duration of the program or delay graduation to allow the resident to make up the missed rotation(s).

**Impact on total duration of the program:**

- Program and Board standards usually state the minimum duration of a residency program.
- A LOA that prevents the resident from achieving minimum program duration standards will need to be made up to achieve successful program completion.

**Requesting a Leave of Absence:**

- **FMLA:** Family Leave and Medical Leave.

- The resident must notify their Program Director of their intent to request a LOA and discuss plans for the Leave and the potential impact on the training program.
  - The Program Director will notify the DIO of the requested leave.
  - The Program Director or Program Manager will direct the resident to contact Carilion's Absence Management vendor, The Standard, at (888)288-1389 to initiate the FMLA process.
- **Personal Leave**
    - The resident must notify their Program Director of their intent to request a Personal Leave (unpaid) and discuss plans for the Leave and the potential impact on the training program.
    - The Program Director discusses the request with the DIO, who has the final authority to approve or disapprove the request.
    - The Program Director or Program Manager will direct the resident to contact Carilion's Absence Management vendor, The Standard, at (888)288-1389 to initiate the Personal Leave process.
- **Bereavement Leave:**
    - The resident must notify their Program Director of their intent to request a Bereavement Leave.
    - The Bereavement Leave process is handled by the Program Director or Administrative Director per Carilion policy.
- **Military Leave:**
    - The resident must notify their Program Director of their obligation to take a Military Leave to discuss plans for the Leave and the potential impact on the training program.
    - The Program Director or Program Manager will direct the resident to Human Resources to initiate leave process.
    - The Program Director or Program Manager will direct the resident to contact Carilion's Absence Management vendor, The Standard, at (888)288-1389 to initiate the Military Leave process.

**Return to work from a Leave of Absence:**

- **Leaves for the Resident's Own Medical Condition**
  - If FMLA or Personal Leave is used the resident must contact Carilion's Absence Management vendor, The Standard, at (888)288-1389 to initiate the return process.
  - The resident must contact their Program Director as soon as it is foreseeable that they will be returning to the training program.

- The Program Director will notify the DIO of the resident's intent to return to the Program.
- The Program Director or Program Manager will contact Employee Health to help guide the resident through the return to work process to be sure the resident is appropriately cleared and fit for duty.
- **Leaves for All Other Circumstances**
  - If FMLA is used the resident must contact Carilion's Absence Management vendor, The Standard, at (888)288-1389 to initiate the return process.
  - The resident must contact the Program Director to initiate the return process.
  - The Program Director will notify the DIO of the resident's intent to return to the program.

**Benefits During a Leave of Absence:**

- Eligibility for all benefits continues during a LOA.
- If the duration of a LOA exceeded a period of pay or salary continuation, the resident will be required to make up benefit premiums for each period that pay was not received. Arrangements for repayment of benefit premiums may be made with HR Benefits.
- If the resident fails to return to work from a LOA, eligibility for medical and dental benefits will terminate on the last day of the month during which the approved LOA ends. Continuation of medical benefits will be offered through COBRA or through conversion or other portability option. Life and disability coverage ends on the date of separation from employment.

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<b>Name</b>	<b>Title</b>	<b>Dept./Committee</b>	<b>Date</b>
Daniel Harrington, MD	DIO	GMEC	December 18, 2007
Daniel Harrington, MD	DIO	GMEC	January 1, 2011
Daniel Harrington, MD	DIO	GMEC	April 1, 2011
Daniel Harrington, MD	DIO	GMEC	June 21, 2011
Donald Kees, MD	DIO	GMEC	August 19, 2014
Donald Kees, MD	DIO	GMEC	March 20, 2018

