

## Graduate Medical Education Policy

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### LEAVE POLICY

It is the policy of Graduate Medical Education to provide its residents and fellows (hereinafter “Trainees”) with appropriate time off to ensure the Trainee’s well-being and to comply with the Sponsoring Institutions policies and applicable requirements for accreditation and/or specific specialty/subspecialty board-certification. Furthermore, anytime away from training must adhere to the department and/or program policies. Each program must have a policy which defines the amount of leave permissible for satisfactory completion of the program and specialty board-certification. Trainees should consult their Program Director for information regarding the length of leave and potential effects on the duration of the training program.

Trainees must consider the potential effect of leave on training completion as required by the Accreditation Council for Graduate Medical Education (ACGME) or Council for Podiatric Medical Education (CPME), and for board-certification as defined by the American Board of Medical Specialties (ABMS) or the American Board of Podiatric Medicine (ABPM).

It is the responsibility of the Trainee to contact the applicable board and the Program Director to discuss ramifications of leave of absence on the ability for the Trainee to sit for the specialty boards and to discuss the requirements for the completion of the training program.

For questions regarding Trainee leave policies, please contact Graduate Medical Education at 757-446- 6190.

#### **Leave at the Veterans Affairs Medical Center (VAMC)**

Annual and Sick Leave are prorated for available use at the Veterans Affairs Medical Center (VAMC). For example, if the rotation at the VAMC is four months, the Trainee will have one third of the allowable Annual Leave (five scheduled working days) available for use.

#### **A. DEFINITIONS**

- 1. ACGME Leave:** An absence from an assignment or educational activity with pay, not to exceed six-weeks. ACGME Leave can only be used once during a Trainee’s training program.

2. **Administrative Leave:** An absence from an assignment or educational activity with or without pay not otherwise covered by defined institutional leave policies as approved by the Program Director and as determined by Human Resources.
3. **Family and Medical Leave Act (FMLA):** FMLA is unpaid job-protected leave for up to 12 weeks (26 weeks for qualified Military Care Giver leave) on a rolling calendar year.
4. **Military Leave:** Absence from work for military training or full-time service in the Uniformed Services in accordance with federal and state law.
5. **Professional Leave:** An absence from work to attend professional meetings or conferences, job or fellowship interviews, or taking board-certification examinations or other examinations approved by the Program Director.
6. **Unexcused Leave:** Failure to appear for an assigned clinical educational duty is grounds for disciplinary action up to and including termination of contract.

## **B. LEAVE TYPES**

1. **ACGME Parental, Caregiver, Medical Leave (ACGME Leave):** In accordance with the Accreditation Council for Graduate Medical Education (ACGME) institutional requirements (effective July 1, 2022), at least once during the duration of the training program, GME will provide Trainees with a minimum of six (6) weeks of paid time away from training with one additional week of leave. The Trainee will be required to exhaust any available leave during the absence. In the event the Trainee does not have a sufficient leave balance, the Trainee will receive additional paid leave, not to exceed six weeks with one additional week of leave. Trainees are responsible for checking with their specialty board and Program Director regarding the use of this leave and any related extension of training.

The ACGME Parental (both birthing and non-birthing parent), Caregiver, Medical Leave can be used concurrently with other GME Leave Policies, if eligible. ACGME Leave is available to the Trainee on the first day of their employment. Trainees must notify the Program Director or their designee as soon as reasonably possible to allow time for adequate coverage of educational clinical care responsibilities. Trainees should contact Human Resources to initiate the leave. Trainees that exhaust leave through the ACGME Leave may request additional unpaid leave if necessary. This is a GME specific policy but may run concurrently with other available institutional leaves.

2. **Family Medical Leave Act (FMLA):** FMLA is a separate leave but may run concurrently with ACGME Leave, but cannot exceed 12 weeks of leave. Trainees that have worked at

least 12 months at EVMS/ODU and have a total of 1250 work hours or more, are eligible to take FMLA. FMLA grants Trainees with 12-weeks of job protected leave.

**FMLA may be taken for any one, or combination of the following reasons:**

- Incapacity due to pregnancy, prenatal medical care or birth of a child
  - To care for the trainee's child after birth, or placement for adoption or foster care for the employee's spouse, son, daughter or parent who has a serious health condition.
  - For the employee's own serious health condition
  - Any qualifying exigencies arising out of the fact that a trainee's spouse, son, daughter or parent is a member of the Armed Forces who is on covered action duty or under a Federal call or order to active duty.
- 3. Civil Leave:** Civil Leave is granted to Trainees who are subpoenaed or summoned to serve on a jury or as a non-party witness in any court proceeding. Trainees who are defendants in criminal cases are not eligible for Civil Leave. The Program Director should be notified as soon as the Trainee becomes aware of the need for leave. Following completion of jury duty, the Trainee must present to his/her Program Director a statement from the Clerk of the Court specifying the days and hours spent in court. Trainees should refer to Human Resources Civil Leave Policy.
- 4. Military Leave:** Military Leave is separate from ACGME Leave. Trainees should refer to Human Resources Policy on FMLA/Military Leave. Trainees will be granted the necessary time off from training if called upon by the government for service in the U.S. Armed Forces. For a Trainee in good standing, re-entry into the program upon completion of any military time shall be guaranteed by the Program Director of the program in which the Trainee was granted the leave of absence. The postgraduate level at which the Trainee returns to the program shall be at the discretion of the Program Director.
- 5. Professional/Education Leave:** This leave is determined and granted by the individual Program Director. Time spent attending professional meetings, conferences, job or fellowship interviews, or taking board-certification examinations or any other examinations is not counted as Annual Leave if the activity is approved by the Program Director. Program Director approval is required.

## **C. LEAVE BENEFITS**

- 1. Sick Leave:** Trainees are provided up to 20 scheduled work days per academic year of paid Sick Leave. Sick Leave may be used for illness, injury, medical, and dental treatment, for the employee, employee's spouse (husband or wife), the employee's dependent

child (biological, adopted, foster child, stepchild, legal ward or a child of person standing in loco parentis, under 18 years old, or over 18 years old but incapable of self-care due to a mental physical disability), the Trainee's or spouse's parent/step-parent. Also see FMLA and/or ACGME Parental, Caregiver, Medical Leave. To ensure Trainee duties are covered during this leave category, Trainees must immediately notify his/her Chief Resident and the Program Director/Coordinator of any need for Sick Leave. Use of Sick Leave benefit beyond three consecutive days requires a physician's note. Sick leave is not cumulative and does not carry forward to the next academic year.

2. **Annual Leave:** Trainees receive three weeks (15 scheduled workdays) free of clinical or educational duties per academic year (July 1 through June 30). Annual Leave requests must be made in advance and approval received by the Program Director, or designee, and the educational director at the institution in which the Trainee is assigned. The total number of consecutive Annual Leave days that may be taken is at the discretion of the Program Director. Annual Leave days are not typically granted during the last week of June or the first week of July. Trainees who begin training on dates other than July 1<sup>st</sup> will have Annual Leave prorated by quarter. Start day during: 1<sup>st</sup> quarter = 15 days; 2<sup>nd</sup> quarter = 10 days; 3<sup>rd</sup> and 4<sup>th</sup> quarter = 5 days. Annual Leave does not carry forward from one academic year to the next. Any Annual Leave remaining at the end of the academic year or at the end of employment is not paid out to the Trainee.

## **D. PROCEDURES**

### **1. Requests for Leave**

Leave requests must be made to the Trainee's Program Director with as much notice as possible. Trainees requiring more than five consecutive days must, in addition to requesting leave from the Program Director, contact Human Resource and submit a formal request via the **EVMS Leave Management Platform (Absence Tracker)**. Please refer to the GME Leave Reporting Instructions as provided by your Program Coordinator or their designee.