

XI. POLICY ON VACATION AND LEAVE *Revised 6/8/2022*

I. References

In accordance with Section IV.H. of the ACGME Institutional Requirements, the Sponsoring Institution must have a policy for vacation and leaves of absence, which, among other requirements, provides residents/fellows (collectively, “residents”) with a minimum of six (6) weeks of approved medical, parental, and caregiver leave(s) of absence for qualifying reasons that are consistent with applicable laws, at least once during a resident’s ACGME-accredited program, starting with the day the resident is required to report. A Sponsoring Institution’s vacation and leave of absence policy must additionally ensure that each of its ACGME-accredited programs provides its residents with accurate information regarding the impact of an extended leave of absence upon the criteria for satisfactory completion of the residency program and upon a resident’s eligibility to participate in examinations by the relevant certifying board(s) and include the additional components set forth in Section IV.H of the Institutional Requirements effective July 1, 2022, as set forth herein.

II. Policy

A. Program Requirements

There may be circumstances in which a resident is unable to attend work for situations such as fatigue, illness, family emergencies and parental leave. Several forms of leave may be available to a resident, including a general leave of absence; military leave; jury duty; sick leave; medical, parental or caregiver leave; bereavement leave and vacations. Each residency program is responsible for providing an appropriate length of absence for residents requiring leave or otherwise unable to perform their patient care responsibilities and for maintaining policies and procedures to ensure coverage of patient care, consistent with this Policy. Residents must be able to implement these policies without fear of negative consequences. Each program must comply with this Policy and applicable ACGME Common Program and Program-Specific requirements in implementation of leaves of absence.

B. Leave Time Prolonging Training

Leaves of absence may affect a resident’s eligibility for promotion, ability to complete training within expected time frames or eligibility for board examinations. The aggregate amount of leave time a resident may take *without the need for additional time in training* is determined by the Program Director considering program and specialty board requirements but may not exceed the maximum time away from training permitted by a program’s specialty board or specialty board rules. Program Directors are responsible for providing a resident requesting or taking an extended leave of absence (or a leave of an unknown duration) with accurate information regarding the impact of the leave upon the criteria for satisfactorily completing the program, including the potential need to extend training, if applicable, as well on the resident’s eligibility to participate in certifying

board examinations.

C. Requesting Leaves of Absence; Failure to Return

A resident's Program Director is responsible for reviewing a resident's request for a leave of absence. To submit a leave of absence request, a written request shall be submitted by the resident seeking the leave of absence to the resident's Program Coordinator or Program Director, in accordance with program policy or procedures, and shall include: the reason for the requested leave of absence, dates for the requested leave, expected return date and such additional information as required or requested by the Program Director. The Program Director shall provide a timely response to the resident seeking leave. Family and Medical Leave (FMLA), medical, caregiver and parental leave and military leave should be coordinated through the Office of Graduate Medical Education.

As stated in Section C of this Policy, upon request for a leave of absence, the Program Director must provide the resident with accurate information regarding the impact of the proposed leave of absence, both for completing the residency program and with respect to the resident's eligibility to participate in specialty board examinations. The number of total months required to complete program requirements for graduation is determined by the Program Director and the residency program's Clinical Competency Committee, in accordance with program and specialty board requirements.

Residents failing to timely return from an approved leave of absence without obtaining a written, approved extension of the leave, may be subject to disciplinary action, up to and including dismissal from their program.

D. Vacation

All programs must provide residents with a minimum of three (3) weeks of vacation and no more than four (4) weeks of vacation per academic year. Vacation time does not carryover from one academic year to the next.

E. Sick, Personal and Wellness Days

Residents are permitted two (2) weeks of paid sick, personal, and wellness leave during each academic year (collectively "sick leave"). Sick leave in excess of two (2) weeks may be taken from the resident's vacation time for the academic year.

Residents may use sick leave to attend to their personal well-being and health; for medical, dental, and mental health appointments; to attend to a resident dependent's healthcare needs, or the healthcare needs of an ill or elderly family member or partner, where the resident's presence is needed. If a resident needs to attend a medical, dental, or mental health appointment during training hours and the resident has exhausted their sick leave for the academic year, the Program Director will be responsible for working with the resident to determine how to best allow the impacted resident to attend to their appointment(s). Residents are asked to provide advance notice of the need for sick days if

the circumstances allow.

Residents are advised that that their specialty or residency program may have a requirement on the maximum length of time the resident can be away from their training program without necessitating additional training to complete residency. Absences beyond that designated time each academic year, including vacation or sick leave, may extend the resident's time in training. Unused sick leave is not carried over to the next academic year and is forfeited at the end of the academic year.

F. Medical, Parental, and Caregiver Leaves of Absence (Maternity and Paternity Leave)

Paid Leave

Effective July 1, 2022, six (6) weeks of paid medical, parental, and caregiver leave shall be available to residents for qualifying reasons consistent with applicable laws, on a one-time basis starting the day the resident is required to report to their program. The six (6) weeks of paid medical, parental, or caregiver leave shall be approved in advance, paid at 100% percent of the resident's salary, and may be taken at any time during a resident's program. Approved leave may be taken as a continuous leave or divided into shorter leave periods, over the course of the program, not to exceed six weeks of paid approved, medical, parental or caregiver leave.

A resident taking paid medical, parental or caregiver leave shall use any vacation and sick leave available to the resident for the applicable academic year in excess of one week, as the first sources of funding for the medical, parental or caregiver leave. One (1) week of paid sick or vacation leave shall be reserved for use outside the six (6) weeks of paid leave during the academic/appointment year that a resident takes a paid medical, parental or caregiver leave. Health and disability insurance benefits for residents and their eligible dependents shall continue on the same terms and conditions during any approved, paid medical, parental, or caregiver leave of absence, as if the resident were not on leave.

Once the initial six (6) weeks of paid leave has been exhausted, subsequent periods of medical, parental or caregiver leave(s) shall be unpaid unless the resident has unused sick or vacation time available to apply to the medical, parental or caregiver leave. Unused vacation leave is not carried over to the next academic year and is forfeited at the end of the academic year.

Unpaid Leave

Unpaid medical, parental or caregiver leave may be available under the FMLA to a resident who has exhausted their 6 weeks of paid parental, medical or caregiver leave or for whom paid parental, medical or caregiver leave is not otherwise available. Unpaid leave may also be available to extend the total period of qualifying leave for a resident first taking paid leave. Additional information is available from the Tulane University Office of Human Resources and Institutional Equity. Group health insurance coverage

during FMLA leave will be available to the resident and eligible dependents on the same terms and conditions as if the resident had not taken leave.

Scope of Leave

Parental leave is available to a resident for the birth and care of a child, including birth via surrogate, the adoption of a child or placement of a child with the resident for foster care. Parental leave applies to biologic, adoptive, and domestic-partner parents. Leave is also available for the care of an immediate family member with a serious health condition or the trainee's own serious health condition.

Requesting Parental, Medical or Caregiver Leave

To the extent reasonably possible and practical to do so, the resident shall notify their Program Director, providing at least a least thirty (30) days' notice) of the request for medical, parental or caregiver leave and the resident's plans to return to the residency program following the leave. Duration of leave exceeding the period of time allowed by a program's specialty board or program for a leave of absence without additional training, will extend the resident's time in training.

G. Bereavement Leave

Bereavement leave will be granted for a death in the resident's or the resident's significant other's immediate family. Bereavement leave is unpaid leave; however, residents are permitted to use paid remaining sick leave or vacation time for bereavement leave.

Bereavement leave shall not exceed three (3) working days for a funeral that is held within a 300-mile radius of New Orleans, Louisiana and shall not exceed five (5) working days for a funeral outside this radius. For purposes of this Policy, immediate family is defined as the resident's or the resident's significant other's mother, father, sister, brother, children, grandparents, and grandchildren.

Bereavement leave in excess of a resident's remaining sick leave or vacation time is unpaid, though benefits will continue for up to six (6) weeks. As with all forms of leave, extended leave may result in a resident needing to extend his/her/their training to complete residency or sit for a resident's specialty board examinations. The Program Director may request confirmation of the location of a funeral for purposes of approving the length of bereavement leave.

H. Educational Leave

It is the policy of the School of Medicine that residents are allowed to attend and participate in educational and scientific meetings that contribute to the medical education of the resident.

Subject to the advance, written approval of the Program Director, residents may use up to

five (5) working days per academic year of educational leave for the purpose of participating in an educational or scientific meeting that contributes to the medical education of the resident. Permission for and approval of the leave must be granted in writing by the resident's Program Director or the Program Director's designee. This Policy does not address expenses or reimbursement of expenses as a part of education leave. Reimbursement or payment of expenses connected to an educational or scientific meeting is at the discretion of the Program Director.

I. Military Leave

Eligible employees, including residents, who are members of the National Guard, Naval Militia, a reserve component of the United States military forces or any other category of persons designated in the Uniformed Services Employment and Reemployment Act (USERRA) and who are required to undergo annual field or periodic weekend training, or active-duty training shall be granted military leave for such period as provided by regulation or emergency situation. Tulane University provides a "pay differential" to preclude loss of earnings while on a military leave of absence for up to 10 days. This pay will be the difference between the resident's regular salary and the money received from the National Guard or other reserve unit. Military leave for hours for annual field, weekend or active-duty training are in addition to the resident's regular vacation benefit. Any additional leave required by a resident to satisfy a remaining military obligation will be granted without pay or, if the resident wishes, the resident may use unused vacation time. Armory drills or multiple training assemblies do not qualify for short-term military leave with or without pay. If a resident enters the Armed Forces of the United States while an employee of the University, the resident will have certain re-employment rights, as required by USERRA, after completing military service. Contact the Tulane University Office of Human Resources and Institutional Equity (attention: Bunnie Sylve).

J. Jury Duty

The Sponsoring Institution encourages residents to fulfill their civic responsibility to serve as jurors when called. If a resident is called for jury duty, they must present the summons to the Program Director as soon as it is received. However, the School of Medicine reserves the right to request that residents be released from jury duty if an absence will negatively impact a training program's operations. Residents will receive pay during jury duty. When a resident returns to work at the conclusion of jury duty, they must provide evidence of the dates of service to their Program Director.

K. Review/Oversight

1. This Policy must be available at any time in the GME Office for review by residents.
2. The GMEC shall monitor and provide oversight of ACGME-accredited programs' implementation of this Policy and requests for leaves of absence, including medical, parental, and caregiver leaves of absence, at least annually and in the aggregate. The GMEC encourages residents to raise concerns regarding their vacation and leave time through one of the following mechanisms:

- a. Direct reporting to Program Directors;
 - b. Direct reporting to the Department Chair;
 - c. Direct reporting to the GMEC or DIO;
 - d. The Residency Education Committee, either directly or via the resident's/faculty's representative; and/or
 - e. Tulane Resident and Fellow Congress, either directly or via the resident's representative.
 - f. Tulane's Office of Human Resources
3. Extension of training determinations under Section F (medical, parental and caregiver leave) may be applied retroactively to all residents currently in a program, to the extent allowed by a program's applicable certifying board.