

XI. POLICY ON VACATION AND LEAVE *(Revised July 14, 2023)*

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. Policies, Leave Procedures

A. General

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 sick leave; medical, parental or caregiver leave; bereavement leave, a general leave of absence; military leave; jury duty 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 avail themselves of resources available under these policies without fear of negative consequences to their standing at work. Each program must comply with this Policy and applicable ACGME Common Program and Program-Specific requirements in implementation of leaves of absence. Please note that a specialty may have more specific requirements limiting the amount of time a resident may be absent from training in order to be Board eligible or without necessitating additional training. All residents are expected to consult with their Program Director regarding their specialty’s required length of training and the impact extended leave may have on eligibility to sit for board examinations, and to follow such additional requirements, where applicable.

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 specialty board examinations. Upon request for a leave of absence, including medical, family or caregiver leaves of absence, the Program Director must provide the resident with accurate information regarding the impact of the proposed leave of absence, both for (i) completing the residency program,

and (ii) with respect to the resident’s eligibility to participate in examinations by the relevant certifying board(s).

The total time required to complete program requirements for graduation is determined by the Program Director and the program’s Clinical Competency Committee, in accordance with institutional requirements, ACGME Common Program and Program-Specific requirements, and with specialty board requirements. Programs should work with residents to accommodate leaves of absence. Training is expected to be extended if the Program Director, in consultation with the Clinical Competency Committee, has determined that an extension is necessary in order for competencies to be achieved.

C. Requesting Leaves of Absence

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 and 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 must notify the Office of Graduate Medical Education if a resident is seeking medical, parental or caregiver leave or military leave, addressed below. Depending on the type of leave requested, the Office of GME will coordinate with Human Resources and Institutional Equity to determine if a resident requesting medical, parental or caregiver leave is eligible for leave under the Family and Medical Leave Act (“FMLA”). The Program Director shall provide a timely response to the resident seeking leave.

Medical, parental and caregiver leaves of absence are addressed more fully in Section III of this Policy.

III. Leave and Time Away from Work

A. 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.

B. Sick and Wellness Days

The purpose of sick leave is to provide leave for residents needing treatment or recovery time from personal illness or to tend to the illness of an immediate family member (a child, parent, or legal spouse) which requires the resident’s personal attention. Sick leave is provided and structured with the goal of minimizing disruptions to both patient care and training, while allowing residents and fellows sufficient protected time for appropriate personal health maintenance and wellness. Residents are permitted up to 14 calendar days

(10 business days + 4 weekend days), of paid sick or personal leave during each academic year (collectively “sick leave”). Individual programs should tailor sick leave to their own particular scheduling requirements. Sick leave in excess of 14 calendar days may be taken from the resident’s vacation time for the academic year.

Residents may use sick leave to attend to his/her/their personal well-being and health; for medical, dental, and mental health appointments; to attend to a resident’s dependent’s healthcare needs, or the healthcare needs of an immediate family member (child, parent, or legal spouse), where the resident’s presence is needed. Examples of permissible use of sick leave, including but not limited to, appointments with physicians, dentists, or optometrists. Sick leave may not be used to add to or extend vacation leave or Wellness Days, or as a substitute for vacation for any reason. The Program Director may request proof of the illness and an explanation why your personal attention is required prior to approving sick leave. Sick leave may be disallowed if you do not report to your supervisor within two (2) hours after your regular time to report to work (except in circumstances where the resident is not reasonably able to provide such notice, for example, due to incapacitation). In addition, you may be required to submit a doctor’s certificate to the leave coordinator in Human Resources verifying the illness after three (3) consecutive missed workdays.

In addition to the sick leave described above, at the Program Director’s discretion, each residency program may provide a total of four (4) half-days (4-hour) Wellness Days that residents may use to attend to their own personal preventative health and wellness needs or those of a dependent, including an ill or elderly family member or legal spouse with health needs where the resident/fellow’s presence is needed. If provided, Wellness Days are earned quarterly (one Wellness Day per quarter (4 hours)); may not be accrued (must be used in the quarter in which they are earned) or carried over to subsequent training years; and may not be used to extend vacation, sick or FMLA, or conference/educational leave.

Residents must provide advance notice to the Program Director prior to the use of a Wellness Day to ensure that program coverage needs are met. Please see your program specific policy regarding specific requirements. Residents may be asked to provide alternative days/times for use of Wellness Days where appropriate to accommodate the needs of the Training Program.

Programs are encouraged to implement a system of coverage to ensure that use of Wellness Days does not produce an undue burden on other residents and faculty and minimizes disruptions to patient care and resident/fellow learning. Residents are encouraged whenever possible to schedule appointments when not assigned to clinical duties but should not be penalized by programs for use of a Wellness Day. Residents may be asked to provide alternate days/times for use of Wellness Days where appropriate to accommodate the needs of the program.

Wellness Days are structured as 4-hour increments to allow residents/fellows to perform normal duties before and/or after the appointment and are in addition to time allowed for resident/fellow professional development, vacation, or sick leave. Departments will be required to make reasonable effort to accommodate residents and fellows using a Wellness Day during scheduled duties.

If a resident needs to attend a medical, dental, or mental health appointment during training hours and the resident has exhausted the resident's paid sick leave and/or Wellness Days for the academic year, the resident is asked to provide as much advanced notice of the need for time off to the Program Director as possible, as circumstances allow. The Program Director will be responsible for working with the resident to determine how to best allow the impacted resident to attend to the resident's appointment(s). Unused sick leave is not carried over to the next academic year and is forfeited at the end of the academic year.

Residents are advised that that their residency program and specialty boards may have a requirement on the maximum length of time the resident can be away from his/her/their training program without necessitating additional training to complete residency or take boards, as applicable. Absences beyond that designated time each academic year, including absences for vacation or sick leave, or absences otherwise leading to a delay in achieving progress along the applicable milestones, may extend the resident's time in training.

C. Bereavement

Bereavement leave will be granted for a death in the resident's immediate family. For purposes of this Policy, "immediate family" means child, parent, sibling, legal spouse, parent-in-law, grandparent, grandchild, or stepfamily member. Residents are permitted to use available sick leave or vacation time for bereavement leave. Bereavement leave in excess of a resident's available sick leave or vacation time is unpaid.

The maximum bereavement leave is three (3) working days for a funeral held within one hundred (100) miles of New Orleans or five (5) working days for a funeral held more than one hundred (100) miles from New Orleans.

If you require additional time away from work for bereavement, you may use available vacation leave.

As with all forms of leave, extended bereavement leave may result in a resident needing to extend his/her/their training to complete residency or sit for specialty board examinations. The Program Director may request confirmation of the location of a funeral for purposes of approving the length of bereavement leave.

D. Educational

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. Educational leave is in addition to vacation or sick/personal/wellness leave available to 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 educational 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

educational leave. Reimbursement or payment of expenses connected to an educational or scientific meeting is at the discretion of the Program Director and individual departments, and in accordance with School of Medicine and University accounting policies.

E. Military Leave

The University supports our Residents who are reservists or guard members in the uniformed services. “Uniformed service” means the Armed Forces, the Army National Guard and the Air National Guard when engaged in active duty for training, inactive duty training, or full-time National Guard duty, the commissioned corps of the Public Health Service, and any other category of persons designated in the Uniformed Services Employment and Reemployment Rights Act (USERRA).

If a resident is recalled to active duty in the uniformed services, he/she/they should notify the Program Director and the Office of Human Resources and Institutional Equity, leaverequest@tulane.edu, as soon as possible for details regarding his/her/their rights and obligations and the documentation required to be submitted to the Office of Human Resources and Institutional Equity.

Tulane University provides a “pay differential” to preclude loss of earnings while on a military leave of absence for up to 30 days. The University will pay you the difference between your regular University pay and the amount you are paid by the uniformed service, including all entitlements and allowances for which you are eligible to receive. In order to receive the pay differential, you must send a written request to the Office of Human Resources and Institutional Equity and the Office of Graduate Medical Education along with a copy of the Leave and Earnings Statement(s) covering the period of Military leave.

You may request an Extended Military leave of absence in the event you are required to perform active-duty service in the uniformed services for more than 30 days. You may continue to be covered by Tulane’s group health plans on the same terms that are applicable to active employees during Extended Military leave. You will be required to continue to pay your share of all premiums due.

Pursuant to USERRA, if you are absent from work for an extended period of uniformed service, you are entitled to certain re-employment rights and benefits as long as:

- You gave advance notice of your impending uniformed service;
- Your cumulative length of absence does not exceed the maximum period;
- You report or re-apply for employment within the deadlines prescribed by USERRA upon your release from duty or upon your recovery from disease or injury resulting from your service; and
- You were released from active duty under other than dishonorable conditions.

In general, you are entitled to re-employment in your former or similar position. The University will make reasonable efforts to return you to your former position. However, if that is not possible, the University will make reasonable efforts to place you in a comparable position.

Upon returning to work following Extended Military leave, you will be restored the benefits that you would have accrued if you had remained an active employee in accordance with USERRA.

Military leave 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. As with all forms of leave, extended military leave may result in a resident needing to extend his/her/their training to complete residency or sit for specialty board examinations.

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. Questions about this policy should be directed to the Office of Human Resources and Institutional Equity.

F. Jury Duty/Court Appearances

As the Sponsoring Institution for graduate medical education, Tulane School of Medicine, encourages residents to fulfill their civic responsibility to serve as jurors when called. 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 and/or patient care. If a resident is called for jury duty, they must present the summons to their Program Director as soon as it is received. Residents required to serve will receive pay during involuntary jury duty. Residents are required to report to work at the completion of each day of jury service if it concludes prior to the end of scheduled work hours. 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. Time for appearance in court for personal business will be the resident's responsibility. Normally, vacation days will be used for this purpose, with the Program Director's approval.

G. Paid Medical, Parental/Pregnancy, and Caregiver 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. Eligibility starts the day the resident is required to report to his/her/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. Residents are required to use their paid sick and vacation leave until it is exhausted during the 6 weeks of paid medical, parental, or caregiver leave. Approved leave may be taken as consecutive leave or divided into shorter leave periods, over the course of the training program, not to exceed six (6) weeks of paid approved, medical, parental or caregiver leave. Residents will be allowed one (1) additional week of paid time off if he/she/they have taken the 6 weeks of paid leave during the appointment year. The additional week may only be used during the appointment year that the resident takes such leave. The one (1) additional week of paid time off does not roll over to any

subsequent appointment year.

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.

The one-time paid medical, parental and caregiver leave benefit 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. The six (6) week paid parental (medical and caregiver benefit) applies to domestic-partner parents.

1. Requesting Parental/Pregnancy, Medical or Caregiver Leave

To the extent reasonably possible and practical to do so, the resident shall provide *at 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. The Program Director or GME Program Administrator will instruct the resident to contact the Office of Human Resources and Institutional Equity (LeaveRequest@tulane.edu) to coordinate leave. The Office of Human Resources will communicate directly with the trainee and inform the Manager, GME Office in the Office of the Graduate Medical Education and the Program Director when a leave is approved or disapproved under FMLA. The GME Program Administrator will notify the GME Office of all parental, medical or caregiver leave requests.

2. Family Medical Leave

Under a federal law known as the Family and Medical Leave Act ("FMLA"), if you have worked for the University for at least twelve (12) months, have worked at least 975 hours during the twelve (12) months prior to requesting leave, and work at a location where there are at least 50 Tulane employees within 75 miles, you are eligible for 12 weeks of Family and Medical leave within a rolling 12-month period for certain purposes described below.

Residents are required to use all available sick and vacation leave days to be paid during FMLA leave. Health and disability insurance benefits for residents and their eligible dependents during any approved FMLA leave shall continue on the same terms and conditions as if the resident was not on leave.

Residents are advised that that their residency program and specialty boards may have a requirement on the maximum length of time the resident can be away from his/her/their training program without necessitating additional training to complete residency or take boards, as applicable. Absences beyond that designated time each academic year, including absences for vacation or sick leave, or absences otherwise leading to a delay in achieving progress along the applicable milestones, including, may extend the resident's time in training.

Eligible purposes for FMLA:

- for the birth and care of your newborn child;
- for placement of a child with you for adoption or foster care;
- to care for your spouse, child, or parent with a serious health condition;
- to take medical leave when you are unable to work because of a serious health condition;
- any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on "covered active duty;" or
- twenty-six (26) work weeks of leave during a single 12-month period to care for a covered service member with a serious injury or illness if the eligible employee is the service member's spouse, son, daughter, parent, or next of kin (military caregiver leave).

For purposes of the FMLA, "serious health condition" means an illness, injury, impairment, or physical or mental condition that involves (1) an overnight stay in a hospital or medical care facility and any period of incapacity or subsequent treatment related to the same condition, or (2) continuing treatment by a health care provider. Continuing treatment may be established under any of the following circumstances:

Short-term incapacity for more than three full consecutive calendar days that also involves one of the following:

- Treatment by a health care provider on at least one occasion with a continuing regimen of treatment under the health care provider's supervision. The visit to the health care provider must be in-person within 7 days of the first day of incapacity.
- Treatment two or more times by a health care provider. The first visit to the health care provider must be in-person within 7 days of the first day of incapacity and the second treatment must take place within thirty days of the first day of incapacity and must be determined by the health care provider.
- Pregnancy or prenatal care;
- Chronic serious health condition (such as asthma, diabetes, epilepsy) which require periodic visits for treatment by a health care provider at least twice a year;
- Permanent or long-term incapacity (such as Alzheimer's, severe stroke, terminal stages of a disease);
- Absence to receive multiple treatments for restorative surgery after an accident or injury or a condition that would likely result in an incapacity of 3 or more days if not treated (such as cancer, severe arthritis, kidney disease).
- Additionally, eligible employee's with a spouse, son, daughter, or parent who is a member of the Armed Forces (including the National Guard and Reserves) and who is on covered active duty or has been notified of an impending call or order to covered active duty may require a qualifying exigency leave of up to 12-weeks of leave. For purposes of qualifying exigency leave, an employee's son or daughter on covered active duty refers to a child of any age.
- Qualifying exigencies for which an employee may take FMLA leave include making alternative childcare arrangements for a child of the deployed military member, attending certain military ceremonies and briefings, or making financial or legal

arrangements to address the military member's absence.

- Family and Medical leave may also be taken by an eligible employee who is a spouse, child, parent, or next of kin of a covered service member of the Armed Forces (including a member of the National Guard or Reserves) to care for the member's serious injury or illness incurred in the line of duty. In such circumstances, up to 26 workweeks of unpaid leave can be taken during a single 12-month period beginning on the first day of leave to care for the service member.

A resident is not entitled to Family and Medical leave if he/her/they have not met the eligibility requirements above, have already used all available Family and Medical leave, or if the reason for the absence does not qualify for Family and Medical leave. Failure to submit any required documentation in a timely manner may result in delayed leave. Please contact the Office of Human Resources and Institutional Equity if you have questions about whether you are eligible for Family and Medical leave.

3. Non-FMLA Medical Leave

Residents who have been employed for less than 975 hours may apply for non-FMLA leave. In either case, residents are required to use available paid or unpaid leave concurrently with FMLA or non-FMLA.

The policy of Tulane University is to provide residents a Non-FMLA Medical leave of absence in accordance with the guidelines set forth below.

A resident who is disabled and unable to work should first request medical leave under the Family and Medical leave policy. A resident who is disabled and unable to work following Family and Medical leave may apply for Long Term Disability benefits. Approval of a Family and Medical leave does not guarantee approval of Long-Term Disability benefits. When the resident transitions to Long Term Disability benefits, he/she/they will be eligible for continuation of medical, dental, and vision benefits, in accordance with the Consolidated Omnibus Budget Reconciliation Act.

Residents who do not meet the eligibility requirements for Family and Medical leave may request a Non-FMLA Medical leave. Such leave will be available to residents solely for the resident to tend to their serious health condition. For purposes of this policy, a serious health condition is an illness, injury, impairment or any physical or mental condition that requires inpatient medical care or continuing treatment by a health care provider. The University reserves complete discretion to accept or deny all requests for Non-FMLA Medical leave.

A resident must notify his/her/their supervisor and the Office of Human Resources and Institutional Equity when applying for any University leave. The Office of Human Resources and Institutional Equity will inform the resident, Program Director, and Office of Graduate Medical Education when a leave has been approved, and also when the leave has expired.

Residents must submit medical certification in support of the Non-FMLA Medical leave request to the Office of Human Resources and Institutional Equity if more than five days of consecutive absence is anticipated. The Office of Human Resources and Institutional Equity can request additional information to assist it in assessing the claim for leave.

Any leave or combination of any University policy leaves generally does not exceed six months in any rolling 12-month period unless otherwise required by law.

Residents are required to use their available paid sick and vacation hours during Non-FMLA Medical leave. Once paid leave is exhausted, the remainder of the leave is unpaid. You will not accumulate vacation or sick hours while you are in an unpaid status.

Residents on an approved Non-FMLA Medical leave may continue to be covered by Tulane's Resident health plans on the same terms that are applicable to active residents. Residents will be required to continue to pay their share of all premiums due.

When a resident returns to work, he/she/they must provide a medical certification of fitness to return to work.

Additional information is available from the Tulane University Office of Human Resources and Institutional Equity: <https://hr.tulane.edu/leave-management/fmla>.

D. Extensions of Training

As noted in Section II, 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 Institution must "ensure that each of its ACGME-accredited programs 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)." (ACGME Institutional Requirement IV.H.1.g))

E. Failure to Return

Residents failing to timely return from any 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 his/her/their program.

F. Examples and FAQs

The Office of GME maintains FAQs related to this Policy. The FAQs are available in the Resident and Fellow Graduate Medical Education Policies and Procedures manual at <https://medicine.tulane.edu/graduate-medical-education/resident-and-fellow-congress-trfc#policies> and are updated from time to time.

The Office of Human Resources and Institutional Equity's FAQs pertaining to FMLA are available at: <https://hr.tulane.edu/leave-management/fmla-frequently-asked->

[questions.](#)

IV. Review/Oversight

This Policy must be available at any time in the Office of GME for review by residents.

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:

- 1) Direct reporting to his/her/their Program Director(s);
- 2) Direct reporting to the Department Chair;
- 3) Direct reporting to the GMEC or DIO;
- 4) The Program Education Committee, either directly or via the appointed resident or faculty representative;
- 5) Tulane Resident and Fellow Congress, either directly or via the resident's representative; and/or
- 6) Tulane's Office of Human Resources and Institutional Equity.

Extension of training determinations may be applied retroactively and may consider any and all leave taken during the entire training program by any resident currently in a program, to the extent allowed by that program's applicable certifying board.

EXAMPLES AND FREQUENTLY ASKED QUESTIONS

TULANE UNIVERSITY SCHOOL OF MEDICINE

POLICY ON VACATION AND LEAVE (GME)

Additional Guidance

- 1. Is guidance available to Program Directors, and to residents, regarding the impact of extended absences on a resident's eligibility to take the resident's respective specialty board exams?**

Each specialty board sets the maximum time that a resident may be absent from training before additional training is required. Each American Board of Medical Specialties ("ABMS") member board must have a written and accessible policy that states the training

requirements for candidates to become eligible for initial board certification. ABMS member boards with training programs of two (2) or more years duration must allow for a minimum of six (6) weeks of time away from training for purposes of parental, caregiver, and medical leave, at least once during training, without exhausting all other allowed time away from training and without extending training. ABMS member boards must allow all new parents, including birthing and non-birthing parents, adoptive/foster parents, and surrogates to take parental leave. The ABMS guidance is available here: <https://www.abms.org/wp-content/uploads/2020/11/parental-caregiver-and-medical-leave-during-training-policy.pdf> and may be updated from time to time.

General

- 2. In the event a resident uses the total of the six (6) week paid parental leave benefit and has or adopts another child while training in the same program, does the resident qualify for additional six (6) weeks of paid parental leave?**

No. The six (6) weeks paid medical, parental and caregiver leave benefit will renew for a second period of eligibility only if a resident continues to a different graduate medical education program.

In the event a resident uses the six (6) weeks paid medical, parental and caregiver leave as parental leave and has or adopts another child while training in the same program, FMLA (after at least 12 months of employment) and other unpaid time may still be available to the resident for leave.

- 3. May a resident take six (6) weeks of paid medical, parental and caregiver leave and twelve (12) weeks of unpaid leave?**

No. The first 6 weeks of paid leaves runs concurrently with the first 6 weeks of FMLA leave. Once the first 6 weeks of paid leave are exhausted, the remaining 6 weeks of FMLA leave are unpaid.

- 4. Are there any limitations under the FMLA for spouses working for the same employer?**

A husband and wife who are eligible for FMLA leave and are employed by the same covered employer may be limited to a combined total of 12 weeks of leave during any 12-month period if the leave is taken for birth of the employee's son or daughter or to care for the child after birth or for placement of a son or daughter with the employee for adoption or foster care or to care for the child after placement, or to care for the employee's parent with a serious health condition.

Under Department of Labor regulations, spouses working for the same employer are entitled to a combined total of 12 weeks of FMLA leave for the birth or adoption of a child or to care for a sick child or parent. If residents are married and both residents are training with the School of Medicine and are eligible for FMLA, each spouse is eligible to take 6 weeks of paid leave* individually per training program that runs concurrently with FMLA. Once the total amount of combined 12 weeks (6 and 6) of paid leave is exhausted, any additional

FMLA leave for the birth or to care for the child after birth or for placement will be unpaid. * Paid Medical, Parental/Pregnancy and Caregiver Leave, pg. 5 sec G.

- 5. If a resident has taken his/her/their six (6) weeks of paid parental leave and the resident qualifies and elects to take an additional two (2) weeks of parental leave under the FMLA, is additional training required?**

The Institution must “ensure that each of its ACGME-accredited programs 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).” (ACGME Institutional Requirement IV.H.1.g) The Program Director, in consultation with the Clinical Competency Committee regarding a resident’s competency and considering specialty board policies, must determine if a resident taking leave will need to extend his/her/their training, either to satisfy competency and program training requirements or due to the policy of the applicable specialty certifying board.

- 6. Is there a timeframe within which residents must use the week of paid time off that is reserved for use outside of the first six (6) weeks of the first approved medical, parental, or caregiver leave(s) of absence taken?**

The reserved one week of paid time off (outside the first six weeks of approved medical, parental, and caregiver leave of absence) is to be available within the appointment year in which the 6 weeks of paid medical, parental or caregiver leave is taken. The reserved week does not carry over into subsequent years of the resident’s program.

- 7. If a resident taking his/her/their six (6) weeks of paid caregiver leave has two (2) weeks of sick leave and four (4) weeks of vacation time available, are all six (6) weeks of sick and vacation leave applied to the leave?**

The sick leave and vacation time would be applied to the paid caregiver leave. One (1) additional week of paid time off would be available for the resident’s use during the appointment year in which 6 weeks of caregiver leave was taken.

Medical and Caregiver Leave

- 8. How is “child,” “parent” and “spouse” defined for leaves of absences?**

“Child,” “spouse” and “parent” are interpreted consistent with the FMLA. For example, “child” includes a biological, adopted, or foster child, stepchild, legal ward, or child of a person standing in *loco parentis*.

“Parent” means a biological, adoptive, step or foster father or mother, or any other individual who stood in *loco parentis* to the qualifying resident when the resident was a child. The term does not include parents-in-law.

“Spouse” includes individuals in same-sex marriages.

8. Must (eligible) residents prove that either they have or that a qualifying family member has a serious health condition?

The School of Medicine may require that the need for leave for a serious health condition of the resident or the resident’s immediate family member be supported by a certification issued by a health care provider. The School of Medicine must allow the employee resident at least 15 calendar days to obtain the medical certification.

Recording Leaves of Absences for Resident Hours

9. How are resident leaves of absence recorded?

Residents are responsible for requesting vacation, educational leave, or other, short-term leaves of absence from their Program Directors. Once approved, the GME Program Administrator provides a personnel action form to the GME Office for confirmation and inclusion in the resident’s GME personnel files.

Requests for medical leave are considered separately. Residents requesting 3 or more days of medical leave must complete a “Resident/Fellow Medical, Parental or Caregiver (6 weeks) Leave of Absence Request Form” as far in advance as possible, and simultaneously obtain PD approval and submit to leaverequest@tulane.edu to determine FMLA eligibility. A copy of the request must also be sent to HWeisler@tulane.edu in the GME Office.

10. How are resident Wellness Days recorded?

Departments will be asked to track this leave time separate from sick and vacation time but may not require that residents/fellows provide documentation of appointments.