

## LEAVE POLICIES

All programs are required to use New Innovations to track annual, sick, and educational leave time taken by residents. Residents are required to submit a GME timesheet to their program each month listing any annual, sick, educational, or Family Medical leave taken. All leave must be approved in writing in advance of being taken. Based upon specialty board requirements, individual program leave policies may be more restrictive than the following GME policies. This policy applies to all accredited and non-standard programs, as well as extra chief year residents.

### Annual Leave

Paid annual leave of three (3) weeks, consisting of twenty-one (21) days with a maximum of fifteen (15) "working days" (Monday-Friday) plus six (6) "weekend days" (Saturday-Sunday), may be given per twelve-month period. Annual leave or leave without pay is granted at the discretion of the Program Director and must be approved, in writing, by the Program Director (or his/her designee) in advance. Annual leave must be used for any time away from the program not specifically covered by other leave benefits below. Annual leave does not carry over from year to year and residents are not paid for unused leave. Residents terminating before the end of their training year will be paid only through their final active working day and will not be paid for unused annual leave.

### Sick Leave

Residents are allotted three (3) weeks of paid sick leave per twelve-month period for absences due to personal or family (spouse, child, or parent) illness or injury. Annual paid sick leave consists of twenty-one (21) days with a maximum of fifteen (15) "working days" (Monday-Friday) plus six (6) "weekend days" (Saturday-Sunday). A physician's statement of illness or injury may be required for absences of more than 3 consecutive days or an excessive number of days throughout the year. Sick leave is non-cumulative from year to year. Residents are not paid for unused sick leave. Under certain circumstances, additional sick leave without pay may be approved. The resident may be required to make up any time missed in accordance with the Residency Program and board eligibility requirements.

### Family and Medical Leave (FML)

Residents who have been employed for at least twelve-months and have worked at least 1,250 hours during the previous twelve-month period are eligible for qualified family and medical leave under provisions of the federal Family Medical Leave Act (FMLA). FMLA provides eligible employees up to 12 weeks of protected unpaid leave for the birth or adoption of a child or a serious health condition affecting the employee or his or her spouse, child, or parent. Residents are required to use all available sick and annual leave days to be paid during FML leave.

UTHSC Human Resources office has administrative oversight for the FML program. The Program Coordinator or Director should notify HR when it appears a resident may qualify for FML leave. HR will coordinate with GME and the Program Coordinator or Director to approve or disapprove a resident's request for FML leave. Resident rights and responsibilities under FMLA can be found on the GME website: <http://uthsc.edu/GME/pdf/fmlrights.pdf>.

### Parental Leave (Maternity/Paternity) and Caregiver Leave *effective July 1, 2022*

Parental leave is available for the parent(s) for the birth or adoption of a child. Each resident will be eligible to have six weeks (42 calendar days) of paid parental leave one time during each ACGME training program. This paid leave is in addition to the above annual and sick leave. This leave will renew for a second period if a resident continues to another UTHSC training program but does not accumulate if unused. This benefit is available to non-ACGME programs one time during their non-standard training. Parental leave should be used prior to any remaining annual and sick leave. The leave should be used

immediately following the birth or adoption of the child unless both parents are residents. Should both parents be residents, the residents may each use their leave concurrently, overlapping, or consecutively. If desired, this leave may be deferred to a later birth or adoption. Any remaining annual and sick leave may be added after this six-week benefit. It is the responsibility of the resident and Program Director to discuss, in advance, what effect taking time off from the training program may have on Board or ACGME requirements dictating a possible extension of training. Should another birth or adoption take place during the same training program after this benefit has been used, only the remaining annual and sick leave are available as paid time off, but all FMLA and other protected unpaid time are still available. The caregiver leave below is part of the same six-week benefit and not in addition to the parental leave.

Caregiver leave is available for any resident that needs to take time off for the care of a parent, spouse, or child. This additional six-week (42 calendar days) leave is available one time during the ACGME training program. This leave will renew for a second period if a resident continues to a different UTHSC training program but does not accumulate if unused. It is the responsibility of the resident and Program Director to discuss, in advance, what effect taking time off from the training program may have on Board or ACGME requirements dictating a possible extension of training. This caregiver leave is part of the same six-week benefit as the parental leave above and not in addition to.

#### Tennessee State Law ~ 4-21-408

Under Tennessee law, a regular full-time employee who has been employed by the university for at least 12 consecutive months is eligible for up to a maximum of four months leave (paid or unpaid) for adoption, pregnancy, childbirth, and nursing an infant. After all available paid sick and annual leave has been taken, unpaid leave may be approved under FML and Tennessee law provisions. The state benefit and FML benefit run concurrently with paid leave or any leave without pay.

#### Educational Leave

Educational leave is granted at the discretion of the Program Director but may not exceed ten (10) calendar days per twelve-month period. Residents should be advised that some Medical Boards count educational leave as time away from training and may require an extension of their training dates. Interviews are not considered educational leave.

#### Bereavement Leave

Residents may take up to three (3) days of paid leave due to the death of an immediate family member. Immediate family shall include spouse, child or stepchild, parent or stepparent, grandparent, grandchild, parent-in-law, foster parent, brother, sister, brother-in-law, sister-in-law, daughter-in-law, or son-in-law of the trainee. With approval of the Program Director, additional time for bereavement may be taken using annual leave or leave without pay.

#### Military Leave

Military leaves of absence will be administered in accordance with the provisions of University Personnel Policy #370: <https://universitytennessee.policytech.com/dotNet/documents/?docid=129&public=true>  
Residents must notify their Program Director when military leave will be required and must provide their Program Director with appropriate documentation of their military service. Depending on the length of leave and specialty board requirements, training time may be extended.

#### Jury Duty

A resident that is summoned for jury duty in federal or state courts in the state of Tennessee must provide a copy of the summons to their Coordinator who will provide to the GME Office. Upon doing so the University will excuse the resident from work each day the resident is providing service to the court. The resident must request a statement from the court clerk each day they are serving on a jury and provide to their Coordinator when they return to work. This court time will not count towards the residents annual or

sick leave time. This time away from the program may extend the training time of the program depending upon Board requirements. This leave does not apply when a resident is party to litigation which does not involve the University, i.e., a malpractice lawsuit from their previous institution, and must take annual leave or leave without pay.

#### Time Off to Vote

The University encourages all employees to vote in local, state, and national elections and provides residents and fellows who are registered voters, reasonable time off to vote in an election held in their local municipality. Residents may receive time off without loss of pay, not to exceed three (3) hours between the opening and closing of polls if the request is made to their Program Director before noon the day prior to the election. Each program may specify the hours during which the resident may be absent.

Residents are strongly encouraged to vote during non-working hours. If the polls open three (3) hours or more before the resident's work schedule begins or if the polls close three (3) or more hours after the resident's work schedule ends, the resident may not receive time off to vote.

#### Holidays

Due to the 24-hour nature of patient care, residents are not entitled to holiday leave. A Program Director may approve time off on a holiday for a resident who is rotating on a clinic or service that closes due to the holiday or may reassign the resident to another location.

#### Religious/Cultural Holidays and Activities

The University employs a very diverse workforce and as such will try to reasonably accommodate requests for specific days off when requested. Residents are not entitled to holiday leave, but when a resident wishes to have a specific day off due to a religious holiday, the program should try to accommodate as possible. This would not be paid holiday leave, but may be their required 1 in 7 days off, annual leave, etc. The same reasonable accommodation should be granted, when possible, for other religious activities, such as daily prayer, fasting, etc. which may be accommodated through leave, schedule adjustments, call coverage changes, etc. Note that a request is not guaranteed for approval but should be accommodated when possible. The Office of Equity and Diversity ([www.uthsc.edu/oed](http://www.uthsc.edu/oed)) is the official office that facilitates accommodation requests for the campus. If you have questions regarding the process, please call (901)448-2112 or email ([hsc-oed@uthsc.edu](mailto:hsc-oed@uthsc.edu)).

#### Administrative Closings/Inclement Weather

Residents are essential personnel and provide essential services. The University may close its administrative offices during inclement weather for those individuals classified as non-essential regular staff employees. Residents, however, provide direct patient care in our hospitals and clinics and must report to work as scheduled. If a clinical site closes a clinic or service and does not require the resident's attendance, the clinic manager or attending will notify the resident and/or Program Director as soon as possible. The resident must notify the Program Director if they are instructed that their clinical service is closed due to weather. The Program Director may elect to reassign the residents to another clinical assignment for patient care or allow the resident to stay home without having to use annual leave. If a clinical site/service remains open to provide essential patient care and the resident cannot report to work due to travel/weather conditions, then the absence shall be charged as annual leave. Residents must notify their attending/site director and Program Director as soon as possible that an absence is required. The Program Director, or designee, is the only individual that may have final approval for the resident to stay home.

#### End of Leave (Leave Policy)

An extended absence, for any reason, may prevent a resident/fellow from fulfilling the requirements for participation in educational and scholarly activities and achieving the residency/fellowship responsibilities

(See GME Agreement of Appointment). Generally, leaves of absence will be granted for a maximum of six (6) months. Residents are subject to termination upon a) exhaustion of all available annual leave, sick leave and other approved or statutory leave, or b) failure to return to work as scheduled at the end of the authorized or statutory leave.

An absence will be charged against any accrued annual, sick, or other available approved unpaid leave program. If all such paid and unpaid leaves are exhausted, the absence will be unexcused and the resident subject to dismissal for job abandonment.

The GME Assistant Dean, in his/her discretion, may authorize additional leave but only in extraordinary circumstances.

Notes:

- Residency positions will be protected during the period of approved Family Medical Leave or as required by law.
- Residency positions in a prescribed AIRS program may be protected as described in GME Policy #260.
- An unpaid leave of absence may affect a resident's visa status.
- A leave of absence may require extension of training to meet program or board eligibility criteria.

#### Compliance with Board Requirements for Absence from Training

It is the responsibility of the Program Director to verify the effect of any absence from training will have on the resident's ability to finish on time and meet RRC and Board eligibility requirements. All approved training extensions necessary to meet board eligibility are paid with full benefits.

Board certification eligibility information is provided to residents by each program and can also be accessed through the American Board of Medical Specialties: <http://www.abms.org>.

#### Extension of Training

If an extension of training is required, residents are allocated additional annual and sick leave according to the following:

- Less than three (3) months – no additional leave
- Three (3) to six (6) months – 25% of the leave allocated within a twelve-month period
- Six (6) to nine (9) months – 50% of the leave allocated within a twelve-month period
- Nine (9) to less than twelve (12) months – 75% of the leave allocated within a twelve-month period
- Additional year of training twelve (12) months – all paid leave equivalent to an entire academic year is allocated

#### Consequences of Unapproved Leave

Failure to comply with leave policies, including obtaining written prior approval, may result in leave without pay and may be reflected in the resident's final summative evaluation as a professionalism issue. Programs may have additional leave restrictions based upon individual specialty board requirements and will distribute their program policies and procedures to residents and faculty. Up to 1 week of Annual Leave is at risk at the discretion of the program, see your program handbook for documentation. Note: Interview days are considered Annual Leave or regularly scheduled days off.