

# VCU Health System

## Graduate Medical Education Guideline

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### HOUSESTAFF FAMILY AND MEDICAL LEAVE GUIDELINES

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#### I. Guidelines

The MCV-VCU Graduate Medical Education programs provide eligible house officers with up to 12 weeks (480 hours) of paid or unpaid family and medical leave because of the birth of a child or the placement of a child with the house officer for adoption or foster care; because the house officer is needed to care for a family member (spouse, child, parent) with a serious health condition; or because the house officer's own serious health condition makes him/her unable to do his/her job. This is applicable to all eligible housestaff regardless of funding source. These guidelines supersede any previous maternity leave policy. Graduate Medical Education programs follow the VCUHS Family Medical Leave Act policy #2176.00 with these additional caveats. For the purpose of this policy, the house officer's supervisor is their Program Director. It is also recognized that residents do not have PTO but rather 3 weeks of vacation and 30 calendar days of sick leave. These may not carry over and are per PGY year, which is typically July 1 to June 30<sup>th</sup>.

#### II. Application of Guidelines

A. Time frames: Eligible house officers may take up to 12 weeks of family and medical leave in a 365-consecutive day period which begins on the first day the person needs to use the leave. When family and medical leave is taken for the birth of a child, the leave may be taken before and/or after the birth, but is not to exceed a total of 12 weeks and must be taken within 12 months of the birth of the child. When leave is taken for the placement of a child with the house officer for adoption or foster care, it must be taken within 12 months of the date of placement.

B. Each House officer's FMLA request is broken into 3 parts:

1. Individual's preference
2. Employment rules concerning pay
3. Specialty Board requirements

At each step the individual making the request to use FMLA needs to decide what is best for them in their situation.

- C. Eligibility: To be eligible for guaranteed family and medical leave, a house officer must satisfy the following: 1) have been employed by the Medical College of Virginia Hospitals for at least 12 months; and 2) have worked for the Medical College of Virginia Hospitals at least 1,250 hours during the 12 month period prior to the start of the leave. (NOTE: neither the 12 months nor the required 1,250 hours have to be worked during consecutive months).

PGY-1 house officers are **not** eligible for family and medical leave unless they were previously employed for twelve months and have worked at least 1,250 hours since becoming re-employed. A PGY-1 house officer is only eligible for sick leave (as medically dictated) up to 30 calendar days. A house officer may use any unused vacation time (up to 14 working days).

- D. Use of leave: House officers have the option of using paid leave, as appropriate under each particular leave policy, for all or part of the absences covered under family and medical leave. House officers are strongly encouraged to use only vacation time and sick leave (sick leave can only be used for the period defined as medically disabling) because failure to do so might impair the timely completion of their academic program. If additional time is needed after vacation and sick leave are exhausted, then the house officer will be placed on leave without pay. House officers are responsible for contacting the personnel officer concerning the maintenance of their health care coverage while on leave without pay. The total amount of family and medical leave should not exceed 12 weeks per 365-day period.

**NOTE: Other leave policies have not changed as a result of these guidelines.**

- E. Restricted Use of Leave: When both parents of a child work for MCVH, the total amount of leave requested by both employees is limited to a combined total of 12 weeks in a 365-day period when the leave is for the birth, adoption or foster care placement of a child with the house officer or for the care of a child. This limitation does not apply if the leave is taken because the house officers' own serious health condition or to care for the other spouse, parent (not in-law) or child with a serious health condition. Family and medical leave may not be used for non-serious personal illnesses or to care for a family member with a non-serious illness (such as colds or flu, etc.).
- F. Intermittent and Reduced Schedule Leaves: These guidelines allow house officers to take intermittent leave or to work a reduced schedule, not to exceed 12 weeks in a 365-day period.
- G. Notification of Use of Family and Medical Leave: House officers should provide at least 30 days advance written notice before family and medical leave is to begin, if the need for leave is foreseeable, such as an expected birth, adoption, or planned medical treatment. If emergencies or unforeseen events preclude such advance notice, the house officer should give notice as soon as practicable under the

circumstances. Because some rotations may involve risks for the fetus, pregnant house officers should contact their program directors promptly regarding such risk. The risk is usually greater in the first weeks of gestation. Therefore, timely pregnancy testing and notification of such is important in reducing or avoiding such risk.

- H. Medical Certification: Medical certification for an employee's own serious health condition or for an immediate family member's serious health condition may be required before family and medical leave is granted.
- I. Bereavement/Family Sickness: All house officers are eligible for three days bereavement leave within each PGY year in instances of a family member's death or for a family member's illness.

### III. Reinstatement to the House Staff Program

Promotion of the house officer to the next level is subject to meeting the existing academic requirements of the program. An appropriate plan to make-up training time lost due to use of family and medical leave will be determined by the Program Director.

Each residency program is held to academic standards from the ACGME or the ADA and their specialty boards. It is the responsibility of the Program Director at the **TIME OF THE FMLA REQUEST** to contact the appropriate board and the RRC for the ruling on make-up time. Promotion of the house officer to the next level is subject to meeting the existing academic requirements of the program. An appropriate plan to make up training time lost due to use of family and medical leave will be determined by the Program Director after reviewing the appropriate medical specialty board requirements.

If make-up training occurs in a fiscal period different from that when the leave is taken, funding must be carried forward to the next fiscal year. Funding will not be provided by VCUHS unless there is prompt notification in writing and approval by the Associate Dean for Graduate Medical Education. ~~Funding past the initial completion date will be only for up to a maximum of four (4) weeks. After that the resident will be paid \$1 per pay period in order to maintain their malpractice. The house officer will also be required to maintain their health insurance at their own expense.~~ (This section of the policy is suspended effective 3/11/2008, GMEC.)

### IV. Authority and Interpretation

The Graduate Medical Education Office is responsible for official interpretations of these guidelines and reserves the right to revise or eliminate these guidelines as necessary. Questions regarding the application of these guidelines should be directed to the Graduate Medical Education Office.

MCV HOUSE OFFICER MEDICAL AND FAMILY LEAVE REQUEST

Name \_\_\_\_\_

Employee Number \_\_\_\_\_

Program \_\_\_\_\_

PGY Level \_\_\_\_\_

Reason for leave \_\_\_\_\_

Dates requested from \_\_\_\_\_ through \_\_\_\_\_

Sick leave from \_\_\_\_\_ to \_\_\_\_\_

Annual leave from \_\_\_\_\_ to \_\_\_\_\_

Leave without pay from \_\_\_\_\_ to \_\_\_\_\_

Return to work date \_\_\_\_\_

Estimated date of promotion \_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

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Are there any fiscal implications? \_\_\_\_\_ Yes \_\_\_\_\_ No

If so, what are they?

\_\_\_\_\_

Approved/Not Approved

\_\_\_\_\_  
Program Director

\_\_\_\_\_  
Date

Approved/Not approved

\_\_\_\_\_  
Associate Dean, Graduate Medical Education

\_\_\_\_\_  
Date