

UNIVERSITY OF LOUISVILLE GRADUATE MEDICAL EDUCATION  
**RESIDENT LEAVE OF ABSENCE POLICY & PROCEDURE**

**BACKGROUND (INTENT)**

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As an Accreditation Council for Graduate Medical Education (ACGME) Sponsoring Institution, the University of Louisville's School of Medicine must have a policy for vacation and other leaves of absence, consistent with applicable laws (ACGME Institutional Requirement IV.G.1). **A separate policy document addresses resident vacation.**

**DEFINITIONS (AS USED IN THIS POLICY)**

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**Calendar day:** all 365 days in a year, including weekends and holidays.

**Resident:** Any physician in a University of Louisville graduate medical education program recognized by the GME Office, including interns, residents, and fellows. The term "resident" in this document refers to both specialty residents and subspecialty fellows.

It is the responsibility of the resident and Program Director to discuss, in advance, information regarding the impact of an extended leave of absence upon the criteria for satisfactory completion of the program and upon a resident's eligibility to participate in examinations by the relevant certifying board(s).

- The GME sets parameters for paid time off limits; however, this does not guarantee that board eligibility will not be impacted by the duration of paid time off or the duration of paid or unpaid leave.
  - Each program must consult the American Boards of each specialty to determine whether the resident remains Board eligible or whether a training extension is necessary. As guidelines vary widely across Boards, each Board must be consulted to ensure compliance.
    - If total time away from training (within a given PGY or through the duration of the training program) extends beyond the maximum allowed by the specialty Board, and makeup time is required, the trainee's reappointment dates may be delayed by an amount equal to the makeup time (i.e., delay of promotion to the next PGY level or program completion). In effect, all future training years would become off-cycle by an amount equal to the makeup time. Any required makeup time will be paid and all fringe benefits provided.
1. Program Directors are responsible for assuring that all leaves of absence are granted in accordance with institutional, ACGME, and certifying board eligibility requirements. Should this policy be in conflict with the respective ACGME or Board Certification requirements, those requirements will take precedence.
    - a. Any leave of absence must be in compliance with the ACGME Program Requirements concerning the effect of leaves of absence, for any reason, on satisfying the criteria for completion of the residency program.
    - b. The leave must also be in compliance with the eligibility requirements for certification by the appropriate certifying board for the specialty.
  2. Leaves of absence may require additional training time to fulfill ACGME and/or Board Certification requirements. Program Directors are responsible for determining, in accordance with RRC and Board requirements, how much time must be made up. Program Directors must inform residents in writing, using the Resident Leave of Absence Request Worksheet, of any make-up time required.
    - a. If residents are required to make-up time missed, that time must be covered by a Resident Agreement, with the resident being paid at the appropriate Resident Level and all fringe benefits provided.
  3. The GME Office sets parameters for paid time off limits. A leave of absence may be paid, unpaid or a combination of paid and unpaid. Pay status of the leave does not impact board eligibility nor if a training extension is necessary.
    - a. Paid leave time may be taken intermittently following the initial leave event, at the discretion of the Program Director. A separate leave worksheet must be completed for each segment.

## TYPES OF LEAVE

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### Caregiver Leave

1. Definition of Caregiver Leave: leave granted to care for the resident's spouse, child, or parent who has a serious health condition.
2. Eligibility:
  - a. Must be taken for the purpose of caring for a spouse, child, or parent
  - b. There is no minimum duration of service requirement and eligibility will start on the day the resident is required to report (orientation date or the first day of payroll for the resident).
  - c. If the resident is also Resident/Family Leave eligible, Resident/Fellow Family Leave will run concurrently with Caregiver Leave.
3. Salary & Benefits:
  - a. 100% of salary for up to six weeks (42 calendar days) is guaranteed only for the first instance of caregiver leave within a program. Subsequent leaves may be partially paid using any combination of eligible available vacation and program director discretionary leave. Once this time is exhausted, the resident may be permitted to take additional time off without pay up to a total of twelve (12) weeks of leave per academic year under Resident/Fellow Family Leave.
  - b. Full health and disability insurance continue while the resident is on paid leave for six weeks (42 calendar days). Once the resident is on leave without pay status, the university will continue to provide his/her health benefits, provided the resident pays the portion of the premiums that normally would come out of his/her paycheck. Residents must check with U of L Human Resources Department to determine the status of the health insurance benefits during unpaid leave of absence and make arrangements for continuity of health insurance benefit coverage.
4. Funding: A resident may be paid during the leave by utilizing any unused vacation days (up to 21 calendar days per contract year). Additionally, residency Program Directors may allow up to two additional weeks (14 calendar days) of paid leave per contract year (Program Director's Discretionary Leave). One additional week of GME paid leave may be utilized. By utilizing 21 days of annual vacation leave and granted two weeks of discretionary time by the Program Director, and one week of GME paid leave, the resident can achieve a six-week (42 calendar days) paid leave
  - a. If the resident has taken less than one-week of vacation time in the current academic year prior to the beginning of the leave, they will be eligible to take additional vacation days separate from the leave, up to the point where the one-week total of vacation has been taken during the current PGY.
  - b. If one-week of vacation has been taken prior to leave, additional vacation time will not be granted.
  - c. In the event the resident has taken more than one-week of vacation in the current academic year prior to their leave, the program should contact the GME Office for review and consideration of additional funding.

### Educational or Personal Leaves (Program Director Discretionary Leave)

#### (if allowed by the RRC or Board)

1. Definition for Educational or Personal Leaves (Program Director Discretionary Leave): leave granted for educational or personal reasons
2. Eligibility: At the discretion of the Program Director, a maximum of 14 calendar days of educational or personal leave may be granted to the Physician per academic year.
3. Salary & Benefits
  - a. If approved by the Program Director, 100% of salary for up to 14 calendar days will be paid.
  - b. Full health and disability insurance continue while the resident is on paid leave for up to 14 days.
4. Funding: a resident is paid during the leave at the normal stipend and PGY levels
5. Requests for personal leave of absence for a period longer than 14 calendar days must be approved by the Vice Dean for Graduate Medical Education.
6. Educational and personal leave may vary by program according to departmental guidelines, RRC/ACGME requirements, and/or board certification requirements.

### Medical (Sick) Leave, excluding Parental (Maternity/Paternity) Leave

1. Definition: Medical (Sick) Leave shall be defined as any medical condition of the individual resident, including complications of pregnancy up to time of delivery which necessitates an absence from a resident's training program.
2. Eligibility:
  - a. Available to residents with a serious health condition that makes the resident unable to perform essential training functions.
  - b. There is no minimum duration of service requirement and eligibility will start on the day the resident is required to report (orientation date or the first day of payroll for the resident).
  - c. An additional period of paid medical leave for any prolonged injury or illness may be requested in writing by the Program Director and Department Chair and submitted for approval by the Vice Dean for Graduate Medical Education.
  - d. If the resident is also Resident/Family Leave eligible, Resident/Fellow Family Leave will run concurrently with Medical Leave.
3. Salary & Benefits:
  - a. 100% of salary for up to 90 days is guaranteed only for the first instance of medical leave within a program. Subsequent leaves may be partially paid using any combination of eligible available vacation and program director discretionary leave. Once this time is exhausted, the resident may be permitted to take additional time off without pay up to a total of twelve (12) weeks of leave per academic year under Resident/Fellow Family Leave.
  - b. Full health and disability insurance continue while the resident is on paid leave for 90 days.
  - c. After 90 calendar days of total paid medical leave, leave of absence without pay will begin. Once the resident is on leave without pay status, the university will continue to provide his/her health benefits, provided the resident pays the portion of the premiums that normally would come out of his/her paycheck. Residents must check with U of L Human Resources Department to determine the status of the health insurance benefits during unpaid leave of absence, and make arrangements for continuity of health insurance benefit coverage.
  - d. The Resident Disability Program begins its coverage 90 calendar days from the date of initial disability. Residents who require more than 90 calendar days for medical leave should apply for disability coverage as soon as they become aware that they will need more than 90 days. Applications for resident disability coverage should be requested from the Graduate Medical Education Office. If disability is denied or the individual requests leave of absence without pay, the University is not responsible for reimbursement while in this status.
4. Funding: A resident may be paid during the leave for a maximum of 90 days by utilizing any unused vacation days (up to 21 calendar days per contract year) and Program Director Discretionary Leave, and GME approved leave. The resident is expected to apply for disability coverage for leave beyond 90 days.
5. Residents on medical leave for more than seven consecutive calendar days must furnish a physician's or medical provider's statement to the Program Director that he/she cannot work for medical reasons. The resident may be requested to provide additional statements at any time during the leave and upon return must furnish a physician or medical provider's statement that he/she is medically fit to resume residency training.
6. The Program Director must inform the Vice Dean for Graduate Medical Education in writing of any medical leave of more than seven (7) calendar days. This notification must include an explanation and a completed "Request for Leave" worksheet (available from the Graduate Medical Education Office).
7. Any modifications of duty assignment related to a medical condition or returning to duty after illness, will be at the discretion of the Program Director and Department Chair, but must conform to state and federal laws relating to disabilities, if any.

### Military Leave\*

1. Definition of Military Leave: A resident ordered to uniform service,
2. Eligibility: upon presentment of military orders to his/her program director, a resident must fill out a Resident Leave of Absence Request Worksheet and be placed on military leave.
3. Salary and Benefits: While on military leave, the resident shall receive up to 14 calendar days of paid leave in a federal fiscal year (This is equivalent to the Program Director's Discretionary time). All other military leave shall be unpaid.
  - a. However, at the resident's option, the resident may request use of annual leave vacation time in order to remain in pay status. The resident may not be required to use vacation time.

4. While on military leave, the resident is entitled to reemployment without loss of position in the residency/fellowship program.
5. A resident requesting Military Leave should refer to the University of Louisville Policy on Military Leave. ([https://louisville.edu/policies/policies-and-procedures/index\\_policies](https://louisville.edu/policies/policies-and-procedures/index_policies))

#### Parental (Maternity/Paternity) Leave

1. Definition of Parental Leave shall be defined as leave following birth to bond with a newborn, new adoption or foster placement of a child, or granting of legal guardianship of a minor child.
2. Eligibility:
  - a. Available to birthing and non-birthing parents, adoptive/foster parents, surrogates, and legal guardians.
  - b. Must be taken within one year of birth, adoption, foster placement, or granting of legal guardianship of a child.
  - c. The birth, adoption, foster placement, or granting of legal guardianship must occur on or after the resident's report (orientation) date or first day on payroll.
  - d. There is no minimum duration of service requirement and eligibility will start on the day the resident is required to report (orientation date, or the first day of payroll for the resident).
  - e. If the resident is also Resident/Family Leave eligible, Resident/Fellow Family Leave will run concurrently with Parental Leave.
3. Salary & Benefits:
  - a. 100% of salary for up to six weeks (42 calendar days), per event. Additional time may be approved by the Program Director and would be paid via a combination of vacation time, Program Director Discretionary Leave, and unpaid leave under the Resident/Family Leave Policy.
  - b. Full health and disability insurance continue while the resident is on paid leave for six weeks (42 calendar days). Once the resident is on leave without pay status, the university will continue to provide his/her health benefits, provided the resident pays the portion of the premiums that normally would come out of his/her paycheck. Residents must check with U of L Human Resources Department to determine the status of the health insurance benefits during unpaid leave of absence and make arrangements for continuity of health insurance benefit coverage.
4. Funding: A resident may be paid during the leave at their current stipend level for 42 calendar days. Residents may request additional leave time beyond 42 days by using approved vacation leave (up to 21 days), Program Director Discretionary Leave (up to 14 days), or unpaid days.
5. Residents requiring additional leave due to complications of pregnancy or delivery should refer to the Medical Leave section. In cases of extended Medical leave (90 days or greater) residents should contact the resident disability insurance carrier to initiate a possible claim, or request an application from the GME Office.

#### Resident/Fellow Family Leave

1. Definition of Resident/Fellow Family Leave: Similar to the Federal Family and Medical Leave Act (FMLA), the Resident/Fellow Family Leave program allows qualified residents (male or female) to take up to 12 weeks (84 calendar days) of unpaid leave each year with no threat of job loss.
2. Eligibility: Residents who have been enrolled in a training program for one year and have worked 1,250 hours in the 12 months prior to leave are eligible for resident/fellow family leave.
  - a. Qualifying events include the birth of a newborn, the adoption of a child or newborn, taking a state-approved foster child into one's home, time off to care for a parent, spouse or child under 18 with a serious health condition, and time off to care for children who are older than 18 if they are unable to care for themselves, because of either mental or physical reasons. It will not, however, allow resident/fellow family leave time for the care of parents-in-law, or other relatives.
  - b. Resident/fellow family leave does not cover time off for, among other things: the care of a parent-in-law; death in the family; cold, flu, earaches, upset stomach, minor ulcers, headaches other than migraine, routine dental and orthodontia problems, periodontal disease or cosmetic treatments.
3. A resident may take intermittent leave or work on a reduced leave schedule where he/she works fewer hours a day or week than normally scheduled. The schedule should be designed to cause the minimum amount of disruption to the training program as is possible.

4. Resident/fellow family leave cannot exceed 12 weeks (84 calendar days), but GME may also provide for situations that go beyond the 12 weeks (84 calendar days). Additional information about extended leave is available from the Graduate Medical Education Office. Any time that exceeds available vacation/PD discretionary time will be unpaid time.
5. **Exclusion:** If both spouses are enrolled in U of L training programs, they are entitled to only 12 weeks of graduate medical student leave combined for the birth and care of a newborn or the placement of a child in their home. Otherwise, they are entitled to 12 weeks each.

## PROCEDURE

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1. For any Leave of Absence, a **Resident Leave of Absence Request Worksheet or a Parental Leave of Absence Worksheet** (available from the Graduate Medical Education Office) must be completed and signed by the Program Director and resident (if available) and approved by the Vice Dean for Graduate Medical Education .
  - a. Program Directors must inform residents in writing, using the Resident Leave of Absence Request Worksheet, of any make-up time required. If residents are required to make-up time missed, that time must be covered by a Resident Agreement,
2. After approval by the Vice Dean of GME, the Leave of Absence will be recorded in the institutional Residency Management System, MedHub, by the Administrator of the Program. The Leave of Absence will become part of the resident's official training record. MedHub allows for documentation of four types of resident absences: Vacations, Sick Days, Away Conferences, and Leaves of Absences. See Guidelines for MedHub Use document for more information.

## REFERENCES & RELATED POLICIES

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ACGME Institutional Requirements, Effective July 1, 2022, section IV.H.

Resident Vacation Policy & Procedure

## APPROVALS

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Approval of this policy will replace all prior leave policies. Approved by GMEC: April 1, 2019. Revised January 20, 2021 to allow a medical provider statement under Medical Leave. Revised February 17, 2021 to clarify PD Discretionary Leave limitations. Revised and GMEC approval March 24, 2022 effective July 1, 2022. Revision and GMEC approval May 15, 2023 effective July 1, 2023.