

## *Policies and Procedures*

<i>Section:</i> <b>School of Medicine</b>		<i>NO.</i>				
<i>Chapter:</i> <b>Graduate Medical Education</b>	<i>Issued:</i> <b>10.2015</b>	<i>REV. A</i> 02.2017	<i>REV. B</i> 10.2021	<i>REV. C</i> 06.2022	<i>REV. D</i> 08.2023	
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### **PURPOSE**

In compliance with the ACGME Institutional and Common Program Requirements, it is the goal of Creighton University to outline the types of leave available to the residents and fellows of Creighton University. The Creighton University Graduate Medical Education (GME) Leave Policy was developed to serve the best interests of the individual, their colleagues, and the mission of the School of Medicine.

### **SCOPE**

This policy applies to all Creighton University residents and fellows and their respective programs.

### **DEFINITIONS**

- **Calculating Leave Days** – One week of leave will deduct five days of leave used from the appropriate leave pool. The American Board of Medical Specialties will differ when looking at how to calculate leave taken and this should be addressed at the program level.
- **Designated Institutional Official:** The Designated Institutional Official (DIO) is the individual ultimately responsible to lead and ensure appropriate oversight of all GME programs at the sponsoring institution.
- **Holidays:** The days designated as holidays under federal, state, or local law.
- **House Staff Physician:** House Staff Physician (HSP) is used interchangeably with the term resident or fellow.
- **Immediate Family:** Spouse or civil union partner, children (biological, step, adopted, foster and any other child for whom the HSP stands in loco parentis) parents (biological, step, adopted, in-law, and civil union partner's parents), and siblings (biological, adopted, and step) and grandparents (biological, step, adopted, in-law and civil union partner's grandparents).
- **Sick leave** - leave paid for necessary time away from work for the reasons outlined below:
  - Personal illness of the HSP.
  - Illness of a member of the Immediate Family when the HSP's presence and assistance is necessary.
  - The HSP's medical or dental appointments and/or to accompany Immediate Family when the HSP's presence is necessary. These appointments must be coordinated and approved by the program director and program coordinator, or designee in advance. Appointments need to be made at a time that presents the least amount of inconvenience or interruption to the HSP's duties.
  - Legal appointments, change of residence arrangements or court appearances where the HSP is a victim of domestic violence, sexual assault or stalking.

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- Legal appointments, change of residence arrangements or court appearances where an Immediate Family is the victim of domestic violence, sexual assault or stalking and the HSP's presence and assistance is necessary.
- **Unpaid leave** – Unpaid leave can be either FMLA or exceptional leave needed when all other leave banks have been utilized. In this policy unpaid leave refers to the latter. In this type of leave benefits or salary may not be covered during an absence counted as unpaid leave.

### **POLICY**

All GME Programs must have a policy on Leave of Absence, and all such policies must be consistent with this Policy. Each program will have a program level policy that describes the process for submitting and approving leave requests. Programs may not restrict the amount of leave due to resident. They do need to advise residents and fellows of the impact of their leave on their board eligibility or their ability to graduate on time. Program specific policies or standard operating procedures should list board eligibility requirements and should require program director approval for HSP leave.

Use of paid time off for HSPs will be encouraged for the purpose of increasing the personal well-being of HSPs. Programs have the right to determine when paid time off can be taken for vacation or education leave. Approval of vacation or education leave will be at the discretion of the program director and may be affected by the assigned rotation. Program Directors cannot deny military, election/jury duty or Human Resources-approved Family Medical Leave Act (FMLA) leave. In the case of a stated hospital or regional emergency that meets criteria in the Substantial Disruptions in Patient Care Policy, urgent professional responsibilities may cancel previously arranged vacation or sick leave.

It is recognized that rotations do not follow a 40-hour work week. It is also recognized that certain blocks of time make up for extended hours, or are irregular, based on the learning experience schedule. The amount of time that will be charged for leave will be equivalent to the amount of residency credit given for that time taken and does not relate to total hours worked. It is not an allowable practice to charge more leave if a week is an 80- hour week or charge less leave if a block of time does not add up to 40 hours due to shift work.

It should be noted that recurring duties such as number of call days should not be accrued for a resident on extended leave (more than 2 consecutive weeks leave); the resident should not have to pay back those types of duties when they return.

For HSPs who use leave, the HSP's training period may be extended by the Program Director, after consulting with the CCC, to meet either board eligibility or competency requirements. Since each HSP must meet certain education requirements, as defined by their Training Program, ACGME, licensing agencies and/or by the applicable American Board of Medical Specialties, the HSP may be required to

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make up missed time due to leave prior to advancing to the next level of training and/or prior to completion of the graduate medical education (GME) program. Any required makeup time will be paid; fringe benefits will be included, with the exception of additional vacation, sick and education leave days which will only be provided for extensions in excess of one month.

### **Medical, Parental, and Caregiver Leave**

HSPs will be eligible for up to thirty (30) days of paid Medical, Parental, and Caregiver (MPC) Leave for qualifying reasons that are consistent with FMLA (regardless of eligibility under federal law for FMLA leave), at least once during HSP's time in the Program, starting the first day HSP reports to work in the Program.

HSP's thirty (30) days of MPC leave is available in addition to vacation and sick leave. Vacation and sick leave may be used prior to or after MPC leave in a contract year. HSP may not use MPC leave in the same year the HSP uses the University parental leave benefit.

This MPC leave benefit is only available once to HSP during their time in the Program. MPC leave may be used intermittently over the course of their training program for the same qualifying event. MPC must be used in full-day increments. Should Resident complete this Program and continue to another Program sponsored by Creighton, HSP will again be eligible for MPC leave. All FMLA and other protected unpaid time may still be available to HSP for leave.

### **Election Duty/Jury Duty**

Absences required for election duty or jury duty are governed by Creighton policy. Please see Human Resources for more information.

### **Military Leave**

Military Leave is governed by Creighton policy and subject to USERRA, a federal law protecting the rights of employees with military duty. Please see Human Resources for more information.

### **Holiday Leave**

Federal, state, University or local Holidays are part of an assigned work week and not guaranteed as a day off from service. If an HSP is assigned to cover the clinical service on a Holiday, there is no compensatory day off to make up for that assignment. Holidays do not need to count as a leave day but if a HSP's leave occurs either before or after a Holiday, the program director is not obligated to give the HSP the holiday off from service.

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### **Vacation Leave**

HSPs will be provided twenty (20) vacation days per contract year. Vacation days cannot be carried over to the next contract year. HSPs who are employed for less than one academic year will be prorated for that academic year.

### **Sick Leave**

HSPs are provided ten (10) sick days per contract year. Sick days may be used for an absence from work to care for an ill or injured Immediate Family member. HSPs do not accumulate sick leave credit, and no additional compensation will be paid for unused sick leave. Unused sick leave will not be paid when the HSP leaves employment. Sick leave cannot be used to pay for any other benefit. Sick leave will only be approved as per the definition in this policy. Human Resources may ask for verification (treating provider note) of the basis for sick leave.

### **Public Health Emergency Leave**

During a public health emergency (as determined by the University) and if HSP is unable to work remotely, HSP may take up to ten (10) days of paid public health emergency leave for the following reasons:

- The HSP or an Immediate Family member has a positive diagnosis of the illness that is the cause of the public health emergency, and the University determines that it is unsafe for the HSP to come to work while positive for the public health emergency.
- The HSP is seeking a medical diagnosis or medical treatment for HSP or Immediate family for the illness causing the public health emergency.
- The HSP is caring for an Immediate Family member for the illness causing the public health emergency.
- The HSP needs to care for a minor Immediate Family Member whose child's childcare facility or school is closed due to the public health emergency.

HSP must first apply any existing sick leave balance before using Public Health Emergency Leave for HSP or Immediate Family. Supporting documentation must be submitted to Human Resources.

### **Educational Leave**

HSPs be provided with up to five (5) days of educational leave in each year. It will be at the Program Director's discretion to approve education leave and the length of such leave. This time shall be in addition to the vacation allotment and shall not exceed five days. HSPs should refer to the training program's procedures on educational and scholarly activities and to the Program Director for program specific ACGME requirements for leave and eligibility for board testing.

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Educational leave can be used for board review courses, presentations, and attendance at international, national, and regional meetings. Educational leave cannot be used for independent study days (i.e., days to study at home or within a group) or to supplement other types of leave.

### **Bereavement Leave**

House staff may take bereavement leave as provided by the Creighton Human Resources policy.

### **Unpaid Leave**

Unpaid leave is not allowed except in extreme circumstances. The decision to grant unpaid leave can only be made by the DIO. The request must come from the Program Director or from the HSP after documented conversation with the Program Director. The DIO's decision will be made after input from Human Resources and is not appealable.

In the event unpaid leave is granted, paid leave must be exhausted prior to utilizing unpaid leave. Benefits may not be available to the HSP during unpaid leave. An HSP with unpaid leave exceeding six months will be terminated and required to reapply for admission to their residency or fellowship program should they wish to resume their GME training. Unpaid leave in excess of six months requires notification of the specialty boards of an interrupted training period. Unpaid leave approval by the DIO is limited to one month at a time.

Please refer to the House Staff Agreement Contract and to the Program Director for additional program specific ACGME requirements for leave and eligibility for board testing.

### **University Closed Days**

Days in which Creighton University is closed are part of an assigned work week and not a day off from service for HSPs. If an HSP is assigned to cover the clinical service on a closed day, there is no compensatory day off to make up for that assignment.

### **Appeal Process**

If there is a discrepancy between the HSP and the Program regarding the availability of leave or the calculation of leave, the DIO shall have final decision.

### **PROCEDURE**

1. Leave requests, excluding MPC and unpaid leave, must follow the departmental process and be coordinated and approved by the Program Director and Program Coordinator. If approved, the days should be logged with their appropriate duty types ("Sick", "Conference", etc.) in New Innovations.

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2. To obtain authorization for leaves of absence above and beyond the usual paid time off that residents receive (20 days of vacation and 10 days of sick), the Creighton GME Leave of Absence form should be completed and procedures followed.

### **REFERENCES**

Creighton University Policy

House Staff Agreement

Institutional ACGME Requirements

Creighton GME Leave of Absence Form

### **AMENDMENTS OR TERMINATION OF THIS POLICY**

This policy supersedes all program level policies regarding this area/topic. In the event of any discrepancies between program policies and this GME policy, this GME policy shall govern.

Creighton University reserves the right to modify, amend, or terminate this policy at any time.

*GMEC Approved 08.11.2023.*