

# UPMC Medical Education

## Policies and Procedures

Approved by:

GME Committee: 7/8/2009

Latest Revision: 9/22/2010

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Department:	Graduate Medical Education
Title:	<b>Leave of Absence/Family Medical Leave Policy</b>
Purpose:	To establish guidelines for programs directors, resident, and fellows to follow when a leave of absence is being requested.
Scope:	All UPMC Medical Education-sponsored Residency and Fellowship programs
Responsible Parties:	ACGME/NRMP Designated Institutional Official; Vice-President, Graduate Medical Education

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### **I. Policy**

This policy will be administered consistent with the Family and Medical Leave Act of 1993. The Family and Medical Leave Act entitles eligible employees, as defined in the Act, to take unpaid family care and/or medical leaves of up to 12 weeks in any rolling 12-month period. The Act protects the resident/fellow physician's employment and medical benefits during authorized family and medical leaves. Consistent with the Act, this policy provides for paid leave periods which shall be substituted for all or part of the unpaid leave period provided by the Family and Medical Leave Act.

FMLA's may be granted for: (a) a serious health condition which prohibits the physician from performing the essential functions of his or her job; (b) the need to care for a child, spouse, or parent (not including in-laws) with a serious health condition; (c) any qualifying exigency (as defined by regulations issued by the Secretary of Labor) arising out of the fact that the spouse, son, daughter or parent of the employee is on active duty, or has been notified of an impending call to active duty status with the U.S. Armed Forces, in support of a contingency operation; (d) birth of a child and to care for the newborn child; or (e) the placement of a child for adoption or foster care.

At the conclusion of a FMLA leave, a Personal Leave of Absence (PLOA) must be granted for resident/fellow physicians if the leave is due to their own qualifying FMLA serious health condition which continues to be approved for short term disability as determined by UPMC's third party disability carrier. The total amount of time a resident/fellow physician can be on a LOA (whether FMLA or PLOA) may not exceed twenty-six weeks in any rolling 12-month period. If a resident/fellow physician has been on a leave of absence for more than 26 weeks in a 12-month period, the resident/fellow physician may be removed from payroll and considered terminated from employment consistent with the Resident Fellow Employment Agreement, ACGME regulations and the Program Director and Vice President of GME approvals.

## **II. Definition:**

Nothing in this policy is intended or will be interpreted to extend the term of the affected individual's employment agreement.

## **III. Eligibility:**

- A. All residents and fellows who have completed 12 months of employment and who have worked at least 1250 hours during the 12-month period are eligible to apply. . Resident/Fellow physicians who do not qualify for FMLA may qualify for PLOA (Personal Leave of Absence) and/or Short Term Disability. Other LOAs may be granted at the discretion of the program director and after the interests of both the resident or fellow and the program have been considered.
- B. Residents or fellows approved for leave under this section are required to first utilize all available vacation time, or short-term disability benefits, which may be compensable leave and shall be considered part of the FMLA leave.
- C. Upon return to work under the terms of this policy, the resident or fellow shall be restored to the former position or an equivalent position in his or her program with his or her former wage rate, benefits and other terms and conditions of employment. However, any resident or fellow granted leave shall be responsible for making up the leave time in terms of maintaining his or her satisfactory performance and program progression, as determined by the program director and documented via the Short Term Disability Attestation Form or other written documentation outlining the program extension time.
- D. Each Program Director serves as the key resource on specialty board examinations and materials for application and preparation. Therefore the Program Director should be contacted by the Resident/Fellow to confirm the effect that a leave of absence, for any reason, will have on their ability to satisfy criteria for completion of the residency or fellowship program and board eligibility.

## **IV. Guidelines:**

- A. Medical Leave for Serious Medical Condition of Resident/Fellow Physician  
A resident/fellow physician will be granted medical leave for up to 26 weeks during any rolling 12-month period in the event of his or her own serious medical condition or illness, conditional upon approval for short term disability by UPMC's third party disability carrier. At the conclusion of the FMLA, an additional 14 weeks of Personal Leave of Absence (PLOA) will be granted if the leave is due to the resident/fellow physician's own qualifying FMLA serious health condition and if continued approval for short term disability by UPMC's disability administrator is obtained. The total amount of time a resident/fellow physician can be on a leave of absence may not exceed 26 weeks in any rolling 12-month period. If a leave of absence extends beyond 26 weeks, the resident/fellow physician may be removed from payroll, terminated from employment consistent with the Resident Fellow Employment Agreement and ACGME regulations and may apply for disability insurance under the employer provided Long-Term Disability Plan.

1. A serious health condition is defined as an illness, injury, impairment, or physical or mental condition that involves:
  - (a) inpatient care (i.e., an overnight stay) in a hospital, hospice or residential medical care facility, or any subsequent treatment in connection with such inpatient care; or
  - (b.) a period of incapacity of more than three consecutive calendar days and any subsequent treatment or period of incapacity that also involves either two or more treatments by a health care provider or one treatment followed by a regiment of continuing treatment such as prescription drugs or therapy requiring special equipment; or
  - (c.) any period of incapacity due to pregnancy; or
  - (d.) any period of incapacity less than three days due to a chronic serious health condition, which requires periodic visits for treatment or continues over an extended period or may cause episodic rather than a continuing period of incapacity; or;
  - (e). any permanent or continuing period of incapacity due to a condition for which treatment may not be effective, but is under the supervision of a health care provider; or
  - (f.) any period of incapacity relating to receipt of multiple treatments by a health care provider; or
  - (g.) any period of incapacity for the treatment of a substance abuse problem.
2. A resident/fellow physician who is granted Family and Medical Leave due to his/her own serious medical condition will be eligible for salary continuation upon approval for short term disability by UPMC's disability administrator. Eligibility for salary continuation will continue during periods of approved PLOA as outlined above in item IV (A). No resident/fellow physician will be paid for total leave time in excess of 26 weeks during any consecutive 12-month period.
3. The resident/fellow physician must contact the UPMC disability administrator as soon as possible in order to medically certify his/her claim and to determine the medically necessary length of leave. Eligibility for Salary Continuation is contingent upon approval for short term disability with the UPMC disability administrator.
4. During a paid or unpaid leave, the resident/fellow physician may elect to perform certain responsibilities on a part-time basis, if approved by the resident/fellow physician's Program Director and Vice President GME and in coordination with UPMC's disability administrator's transitional return to work program. In no event, however, shall a resident/fellow physician who is on a

leave of absence be compelled to waive any part of the leave to which he or she is entitled under this policy.

5. When medically necessary, leave may be used on an intermittent basis.
6. Any workweek in which a resident/fellow physician works a reduced schedule due to a personal serious medical condition, shall be counted to expend the salary continuation period maximum of 26 weeks, but shall not be counted toward the 26 weeks of medical leave that result in termination of employment or the FMLA entitlement.
7. In order to return to work, the resident/fellow physician must receive medical clearance from both the treatment provider and UPMC's disability administrator stating that he/she is able to return to full duty or stating any necessary physical or schedule restrictions.

B. Medical Leave for Serious Medical Condition of Family Member

Resident/fellow physicians will receive up to 12 weeks of unpaid leave for the serious medical condition of a spouse, child or parent.

1. In addition to other necessary leave application documents a Certification of Treating Physician must be submitted to the PSD Office of Administrative Services and Physician Relations for review and subsequent approval. If medical information submitted in connection with a resident/fellow physician's request for a leave of absence does not appear to justify the need for a leave and the PSD Office of Administrative Services and Physician Relations wishes to obtain a second or third opinion, Employee Health will assist in identifying and engaging the appropriate professionals in order to obtain such additional opinions.
2. When medically necessary, leave may be used on an intermittent basis.

C. Qualifying Exigency (as defined by regulations issued by the Secretary of Labor)

An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered service member who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status or is otherwise on the temporary disability retired list for a serious illness or injury sustained in the line of duty on active duty is entitled to a total of 26 weeks of leave in a single 12-month period to care for the service member. For the purpose of this section, "serious illness or injury" means an injury or illness incurred by the member in the line of duty on active duty with the U.S. Armed Forces that may render the member medically unfit to perform the duties of the member's office, grade, rank or rating.

D. Parental Family Leave

Resident/fellow physicians are eligible for up to 12 weeks of unpaid leave in the event of the birth or adoption of a child when taken within one calendar year after the birth or adoption.

1. Parental leave may be taken on an intermittent basis with the approval of the Program Director.

2. In any case in which a husband and wife are both UPMCME residents or fellows and are entitled to leave, the aggregate number of weeks to which they may be entitled may be limited to 12 work weeks in any 12 month pay year period, except in cases that pertain to caring for a sick child.

**V. Procedure:**

- A. Resident/fellow physicians requesting leave under this policy must do so through the submission of a written request to the PSD Office of Administrative Services and Physician Relations. This request will result in the preparation of a leave packet specific to the leave application of the requestor. The resident/fellow physician is responsible for timely completion of all documents and instructions as well as submitting signed forms for review and pre-authorization to the Program Director.
- B. If the reason for the leave is foreseeable, the resident/fellow physician is required to provide 30 days notice of intent to take leave. If the need for leave is not foreseeable, the resident/fellow physician is required to provide as much notice as possible. Every effort shall be made to encourage a collegial exchange to minimize the impact of the leave on the program operation.
- C. The Program Director or his designee is responsible for notifying the PSD Office of Administrative Services and Physician Relations of any modifications to the originally submitted leave documentation including new return to work dates and recording schedule changes via the GME ROCS system.
- D. The Program Director or his designee is responsible for notifying Corporate and Captive Insurance of any modifications to malpractice coverage during leave periods.
- E. The PSD Office of Administrative Services and Physician Relations will notify appointed personnel within the department of approved periods of medical leave as well as medically managed return to work conditions as provided by the third party disability carrier.
- F. Upon return from medical, family, or parental leave granted under FMLA, the resident/fellow physician will be assured of the same or equivalent position. A leave of absence granted under this policy shall not, in itself, adversely affect decisions regarding the resident/fellow physician's salary, benefits, or promotion.
- G. During all paid and unpaid leaves described above, the GME office will continue to pay its share of medical, life and disability insurance premiums, and the resident/fellow physician will be responsible for his or her portion. If a resident/fellow physician is unable to return from a medical leave after 26 weeks and is terminated from employment, the resident/fellow physician may be eligible for benefit continuation through COBRA.

- H. A resident/fellow physician must return to work on the first scheduled workday following the expiration of the leave. A resident/fellow physician who fails to do so is considered voluntarily terminated unless the Program Director and Vice President of GME determines that there are compelling and unavoidable reasons to maintain the resident/fellow physician's program participation.