

UM/JHS GRADUATE MEDICAL EDUCATION (GME) MEDICAL, PARENTAL, AND CAREGIVER LEAVE OF ABSENCE POLICY (including one-time leave).

SCOPE: Applies to all University of Miami/Jackson Health System residents and fellows (“Residents”) in Accreditation Council for Graduate Medical Education (“ACGME”) accredited and non-accredited/nonstandard programs.

BACKGROUND: The purpose of this policy is to establish guidelines for leaves of absence (“LOA”) in accordance with the federal law, state law, and institutional policies. This policy is also consistent with ACGME Institutional Requirements IV.H.1. Each UM/JHS GME program may supplement this policy with written procedures regarding application and use of LOA.

In keeping with the goal of promoting wellness amongst residents and fellows, ACGME requires that institutions develop a policy with the following guidelines:

1. All residents/fellows are provided with a minimum of six weeks of approved medical, parental, and caregiver leave(s) of absence for qualifying reasons that are consistent with applicable laws at least **once** and at any time during an ACGME-accredited program, starting the day the resident/fellow is required to report;
2. Provides residents/fellows with at least the equivalent of 100 percent of their salary for the first six weeks of the first approved medical, parental, or caregiver leave(s) of absence taken.
3. Provides residents/fellows with a minimum of one week of paid time off reserved for use outside of the first six weeks of the first approved medical, parental, or caregiver leave(s) of absence taken.
4. Ensures the continuation of health and disability insurance benefits for residents/fellows and their eligible dependents during any approved medical, parental, or caregiver leave(s) of absence;
5. Describes the process for submitting and approving requests for leaves of absence.
6. Policy must be available for review by residents/fellows at all times.
7. The policy ensures that each of its ACGME-accredited programs provides its residents/fellows with accurate information regarding the impact of an extended leave of absence upon the criteria for satisfactory completion of the program and upon a resident’s/fellow’s eligibility to participate in examinations by the relevant certifying board(s).

The aforementioned leave reasons specified in this ruling will be covered under the Family Medical Leave Act (FMLA) and the Public Health Trust’s (PHT’s) Medical Leave of Absence (MLOA) process. Matrix Absence Management, Inc. (“Matrix”) is Jackson Health System’s administrator for The Leave of Absence Programs including FMLA and MLOA. The ensuing paragraphs, provides a detailed description of the different types of leave (s) of absence inclusive of those specified in the ruling, eligibility, application and approval processes.

Family and Medical Leave Act (FMLA)

FMLA entitles eligible residents/fellows of covered employers to take unpaid, job-protected leave for specified family and medical reasons with continuation of group health insurance coverage under the same terms and conditions as if the resident and/or fellow had not taken leave. ***Please refer to section 4 for specific eligibility guidelines.***

Medical, Parental & Caregiver Leave Eligibility under FMLA and MLOA

- To qualify for FMLA, the resident/fellow must have worked for JHS/PHT at least 12 months, including any prior employment with JHS/PHT to qualify for the FMLA.
- In the event the resident/fellow requests medical, parental, and caregiver leave(s) of absence prior to completion of 12 months of employment, their request will be reviewed through PHT's Medical leave of absence (MLOA) process.
- Leave (s) of absence will be administered under the requirements of applicable federal, state, and local laws and statutes, and according to JHS/PHT's policies and procedures.

Eligible residents/fellows may be granted up to 150 days or 20 weeks (FMLA, MLOA) of leave of absence, whether in pay status or out of pay status, unless the leave is for education, personal leave, military leave, or by court order.

1. General Leave(s) of Absence Provisions

a) All Resident and/or Fellows

i. Resident/fellows must use paid leave benefits according to pay rules in order to be paid for time off while on an approved Leave of Absence.

- *Resident/fellow's vacation and sick time allotments are outlined in the Committee of Interns and Residents (CIR) Collective Bargaining Agreement.*
- *For approved medical, parental, and caregiver leave(s) of absence, a resident's and/or fellow's sick time will be exhausted first, then any available vacation time and after exhaustion of both banks, the resident/fellow will be paid 100% of their salary under Employer Short Term Disability during the approval period.*
- *Residents will be eligible for 1 week of additional paid time off to be utilized in the same appointment year as their first approved 6 week leave of absence.*

ii. All leave of absence periods run concurrently and will be applied to the 150-day entitlement. For example, if a resident and/or fellow requested an FMLA/MLOA leave for their own medical condition and requested parental/caregiver leave for the same leave period, both leaves combined cannot exceed the 150-day entitlement.

- b) The first 12 weeks of any medically-/health-related Leave of Absence (including any Injury on Duty leave, which is covered separately in JHS Policy No. 347 - Worker's Compensation Injury and Illness on Duty) will automatically be designated as FMLA leave, provided the resident and/or fellow is eligible.
- c) Matrix in agreement with the resident and/or fellow's department manager (i.e. Program Director), has the right to deny commencement of leave until all certifications and approvals are obtained.

- Failure to submit notification, obtain certification and/or approval in a timely manner will result in denial of leave of absence benefit.
- d) Except when a resident and/or fellow is incapacitated, the Resident and/or fellow's immediate manager (i.e. Program Director) must approve a Leave of Absence before the leave.
- e) The Division head/ Program Director (or designee) must approve any non-FMLA Leave of Absence such as Medical Leave of Absence (MLOA).
- f) The President or designee in Human Resources must approve any leave over 150 days (unless otherwise authorized by the law).

2. Resident and/or fellow Rights

- a) Resident/fellows who are eligible for benefits will be entitled to retain employer sponsored benefits and Resident and/or fellow-purchased benefits, as long as they are on an approved leave of absence and continue to make benefit premium payments.
- b) Resident/fellows using FMLA and Domestic Violence Leave will be maintained in their current or equivalent position for the duration of the leave period, whenever possible.
- c) Upon completion of an approved non-FMLA/non-Domestic Violence Leave of Absence, reasonable effort will be made to return the resident/fellow to their PGY-Level and Specialty.
- d) Resident and/or fellows will be guaranteed their previous classification, but not necessarily their previous assignment, shift, or days off.

3. Process for requesting a Leave of Absence

- a) Whenever possible, it is the resident/fellow's responsibility to schedule time off (30-day notice) in a manner that does not interfere with business operations or place undue hardship on co-workers.
- b) All new FMLA, Medical leave (MLOA), Domestic Violence, and Injury on Duty Leave of Absence requests and requests to renew an initial request must be initiated by the resident/fellow by calling Matrix at 877-202-0055.**
- c) Requests to use FMLA, Domestic Violence or Injury on Duty leave intermittently after the initial request has been granted for a specific period of time must be requested by the resident/ fellow through Matrix.
- d) A Leave Request must be submitted and approved for each period of time requested off.
- e) All requests must include:
 - i. The date the leave is to begin.
 - ii. The exact or approximate date the resident/ fellow intends to return to work.
 - If the exact date is not known, the resident / fellow must designate a date they agree to provide an update to the manager regarding intention to return to work or the need to extend the Leave.

- iii. The leave request should indicate if the return-to-work date is exact or an estimated date.
- iv. The type of leave requested.
- v. Leave of absence and planned requests must be submitted and approved by the manager at least 30 days in advance of the start of the leave unless the need for leave was unforeseeable and cannot be delayed 30 days.
 - If 30 days' notice is not possible, the resident /fellow must submit a request form and seek approval from the manager before the leave commences unless the resident/ fellow is physically unable.

4. FMLA Requirements & Supporting Documentation

- a) The leave must be for the birth or adoption of a child, for the resident/ fellow's own serious health condition, or to care for a covered person with a significant health condition.
- b) Covered persons are limited to the resident /fellow, a spouse, parents or a child under 18.
- c) Grandparents, registered domestic partners, the children of registered domestic partners and the parents of the registered domestic partner are also covered under the Miami-Dade County Family Leave Ordinance (FLO).
- d) Married residents/fellows who work for the same employer (JHS) must share the 12 weeks for the birth of a child.
- e) Leave may be taken as continuous time off or be taken intermittently to reduce the number of hours used in a pay period.
- f) Resident/fellows may use the leave continuously or intermittently (except for the care of a newborn child).

Note: Federal guidelines for FMLA supersede Miami-Dade FLO benefits except for the addition of the grandparents and domestic partner relationships as covered parties.

- g) Resident /fellows requesting a leave to care for a child, parent, grandparent, domestic partner relationship or spouse will be required to provide proof of the covered relationship. Acceptable forms of proof are as follows:

Acceptable Documentation for Different Types of Relationships:

- Spouse: Marriage License or copy of prior year tax return
- Parent: Birth Certificate of the Resident and/or fellow
- Domestic Partner: Miami Dade County Certificate of Domestic

Partnership

- Birth Child Birth: Certificate or copy of prior year tax return
- Domestic Partner's Child: Birth Certificate of child and Miami Dade County

Certificate of Domestic Partnership

- Domestic Partner's Parent: Birth Certificate of the Domestic Partner showing the name of the parent and Miami Dade County Certificate of Domestic Partnership
 - Stepchildren Birth: Certificate and copy of Marriage License OR copy of prior year tax return
 - Adopted Children: Court Documents naming Resident and/or fellow as parent
 - Legal: Guardian / Custody / Loco Parentis Court order naming Resident and/or fellow as legal guardian, custodian
 - Grandparent: Birth Certificate of the Resident and/or fellow and Birth Certificate of the Parent, showing the name of the Grandparent and a copy of prior year tax return showing financial dependency of the grandparent.
- h) Resident /fellows who take the leave intermittently have a statutory obligation to make a "reasonable effort" to schedule such leave to be as non-disruptive as possible to the operations of their department.
- i) Resident /fellows are required to provide notice of the need for the leave at least 30 days in advance or for unforeseeable as soon as the need for leave becomes apparent.
- j) The Resident /fellow must ensure that the "Certification of Health Care Provider" form is completed and submitted within 15 days of the date the request was made.
- k) The Healthcare Provider may be contacted for clarification and authentication of the medical certification by certain persons at JHS (including another healthcare provider, a human resource professional, Matrix, or a management official, but not the resident /fellow's direct supervisor) with the permission of the resident/fellow.
- If the resident/ fellow refuses to give permission to have the Healthcare Provider contacted, the leave may be denied.
- l) Effective January 16, 2009, changes to FMLA regulations provide expanded FMLA benefits to members of military families, as defined below:
- i. Military Caregiver Leave allows eligible Resident and/or fellows to take up to 26 weeks of leave to care for a family member who becomes seriously ill or injured as a result of service in the military or who has a pre-existing injury or illness that was aggravated by service in the line of active duty.
 - ii. Resident / fellow must be the spouse, son, daughter, parent or next of kin of a covered service member.
 - iii. Next of kin is identified as a blood relative who has been granted legal custody of the service member by court decree or statutory provisions, brothers and sisters, grandparents, aunts, uncles and first cousins.
 - iv. Covered service member is identified as a current member of the armed forces, National Guard, reserves, or members of these forces who are on temporary disability retired list and covered veterans who are undergoing medical treatment, recuperation or therapy for a serious injury or illness.
 - v. This leave may be taken on an intermittent or reduced schedule basis.

vi. In order to qualify for this leave, the Military Medical Form must be completed by a Department of Defense health care provider including TRICARE and/or providers for the U.S. Department of Veteran Affairs

5. Unplanned Leave and Emergencies:

- a) In the case of an emergency preventing the resident/ fellow from coming to work, the resident/ fellow should notify the manager verbally as soon as the need for time off is known.
- b) If the resident/ fellow is eligible, the manager should notify the resident/ fellow that the time off is being designated as FMLA, pending certification of the medical documentation supporting the time off.

6. Intermittent or Reduced Leave Hours

- a) Resident /fellows who have been approved to use FMLA or Domestic Violence leave are eligible to request the leave on an intermittent basis or to reduce the number of hours worked in a day or work week for a specific reason or covered party must contact manager (Program Director) immediately and Matrix by calling 1-877-202-0055 within 48 hours of absence to obtain approval for each period of time off requested.
- b) Matrix will determine if additional certification is required based on the information on file and notify the manager (Program Director) if the leave is approved.
- c) Failure to submit a request and/or obtain approval may result in the time off being charged as an unplanned absence occasion.
- d) Intermittent or Reduced Leave Hours are not eligible to request under any non FMLA leave request such as Medical Leave (MLOA and Personal Leave).

7. Approval of Leave of Absence, Resident and/or fellow and Program Director Responsibility

- a) Matrix must approve a Leave of Absence before the leave commences except when the Resident/ fellow is hospitalized or otherwise incapacitated.
- b) Resident/fellow must contact Matrix at 877-202-0055 and his/her immediate supervisor/program director as soon as is practicable.
- c) The Program Director must approve any non-medical leave of absence and Medical leave of Absence (MLOA).
- d) The President or the President's designee in HRCMD must approve a non-medical leave of absence in excess of 12 months.
- e) Resident / fellow must communicate with their Program Director at least every two weeks throughout their leave of absence and must communicate with Matrix while on a Leave of Absence at the frequency stipulated in any correspondence from Matrix.
 - Resident / fellows must communicate their intention to return to work and anticipated return-to-work date or to inform their immediate supervisor/program director of a need for continuing their Leave of Absence.

- Resident/ fellows are also required to keep their contact information current by immediately submitting any change in address or other contact information through Employee Self Service at the Jackson Health website (www.jacksonhealth.org).
 - Resident/fellows should contact their program director at least 2 weeks prior to the end of the leave to plan a return-to-work schedule and should also contact the **Employee Health Services** for return to work clearance process. **(Please refer to JHS Policy No. 391 - Return to Work Clearance for additional information).**
- f) The resident/fellow's program director is responsible for monitoring residents and fellows on Leave(s) of Absence and taking appropriate action as outlined in this policy.
- g) The resident /fellow's program director may not request specific medical information from a resident / fellow or Matrix.
- h) No medical information will be released without the resident's/fellows' permission.

Program Requirements

Programs are required to provide its residents and fellows with accurate information regarding the impact of an extended leave of absence on the criteria for satisfactory completion of the program and their eligibility to participate in examinations by the relevant certifying board(s).

The total time allowed away from a GME program in any given year or for the duration of the GME program will be determined by the requirements of the applicable specialty board and will be tracked by each program. Board requirements override UM/JHS GME permitted LOA with the exception of federally protected time. LOA in excess of board allowance will cause training period to be extended. Extension of training is limited to 60 calendar days in accordance with the CIR Collective Bargaining Agreement (CBA) and is at the discretion of the Program Director. Additional extension is subject to availability of funding and space in the program. Residents and fellows are encouraged to refer to the specialty board for specific details.

For additional information regarding leave(s) of absence, please refer to your CIR CBA, JHS Policy 319 – Personal Leave, Leave of Absence, Mandatory Leave, and Union Leave; or contact JHS Leave Management Department via email (JHSLOA@jhsmiami.org).