

Leave Policy Rider

In accordance with section IV.H.-H.1.g of the Accreditation Council for Graduate Medical Education (“ACGME”) institutional Requirements, SUNY Downstate Health Sciences University (“the Sponsoring Institution” or “SUNY Downstate”) must have a policy for vacation and other leaves of absence, consistent with applicable laws. This policy must ensure that each of its ACGME-accredited programs at SUNY Downstate provides its Residents/Fellows with accurate information regarding the impact of an extended leave of absence upon the criteria for the satisfactory completion of their respective Program and upon a Resident’s/Fellow’s eligibility to participate in examinations by the relevant certifying Board(s).

Purpose

To provide the requirements and recommendations to all Graduate Medical Education (“GME”) training programs regarding policies for leaves of absence due to illness, pregnancy/birth, parental or caregiver leave. This policy will also ensure a smooth re-entry of the Resident/Fellow into the training program.

Scope

This policy applies to all GME programs (internships, residencies and fellowships) at SUNY Downstate. This rider complements the GME Leave Policy and is in addition to the applicable policies and procedures governing and complies with the Family Medical Leave Act (FMLA) and other employer leave policies.

Responsibility

It is the responsibility of each training Program to create a leave of absence (“LOA”) policy for their Program including a standard process for approvals/denials of leave of absence requests. It is the responsibility of the Program to explain to the Resident/Fellow his/her rights under this policy and to obtain the required Human Resources documentation from the Resident/Fellow. The policy must be readily available to all Residents/Fellows applying to/or within the Program. The policy must be shared with the SUNY Downstate’s GME and will be made available on each of the Program’s website.

Policy Requirements:

According to the ACGME Institutional Requirements (IV.H.-H.1.g); SUNY Downstate’s policy is amended to reflect the following:

- SUNY Downstate will (provide):
 - Residents/Fellows with a minimum of six (6) 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 first day the Resident/Fellow is required to report for their residency/fellowship;
 - Residents/Fellows with at least the equivalent of 100 percent of their salary for the first six (6) weeks of the first approved medical, parental, or caregiver leave(s) of absence taken;

- Residents/Fellows with a minimum of one (1) week of paid time off, reserved for use outside of the first six (6) weeks of the first approved medical, parental or caregiver leave(s) of absence taken. This week is defined as the “Floating week”;
- Residents/Fellows can use up to three (3) weeks of annual vacation time and two (2) weeks of sick leave time to satisfy the six (6) week leave of absence request. One (1) week of vacation can be reserved and can be used at the discretion of the Resident/Fellow. One (1) “Floating Week” must be reserved (as stated above) and can be used up to twelve (12) months from the first approved leave of absence;
- Ensure 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;
- SUNY Downstate and Program policies will be available for review by Residents/Fellows at all times. SUNY Downstate policies can be view at: <https://www.downstate.edu/education-training/graduate-medical-education/fellowships-residency-programs/policies-procedures.html>;
- Ensure 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).

Process for Submitting and Approving requests for leave of absence:

- Residents/Fellows must first submit leave request to their Program Directors
- Under the direction of the Program Director, the Resident/Fellow must submit request to their pay source Employer and complete the Human Resource approval process.
- All leave requests must receive final approval by their pay source Employer.
- Program Directors must complete and submit the Leave Request Form to the (Institutional Oversight Committee) (“IOC”) All leave requests will be reviewed by the Graduate Medical Education Committee (“GMEC”) annually.
- Resident’s/Fellow’s entitlement to leave benefits are dependent upon union collective bargaining agreements, applicable state laws and Human Resources policies at the respective pay source Employer.

Program Directors are required to address the following in their leave of absence policy:

- Sick leave and parental leave (these policies must comply with SUNY Downstate ACGME, and medical board policies)
- Procedure for requesting, submitting and approving requests for leaves of absence
- Policy must be available for review by Residents/Fellows to review at all times
- Flexibility in the granting of leave of absence e.g. (surrounding childbirth)
- Protected lactation time and facilities at the respective workplace(s)
- How to handle time off requests for doctor appointments, childcare issues, and/or caregiver days
- Payment of salary and benefits during the period of the leave of absence.

Policies must specifically state:

- Gender is not to be considered when considering leave of absence requests
- Parental leave includes foster, adoptive, and surrogate parents
- Use of these leaves of absences (paid parental, sick leave or caregiver leaves) will not be considered when making decisions regarding benefits, promotion, academic standing, or continued employment
- The additional one (1) week of paid time off reserved (“Floating Week”) is available for use outside of the first six (6) weeks of the first approved medical, parental, caregiver leave(s) and must be taken within twelve (12) months of the first leave request.

Policy Recommendations and Considerations

- Provide for options for an extension of training if the Resident/Fellow requests and when it is possible in the given Program and/or under the policies of the medical board. Program Directors, in conjunction with the Clinical Competency Committee can also require extension of training if additional time is required in order for the Resident/Fellow to meet the required competency to graduate and practice autonomously
- Program Director will continue to give the approval for readiness to take the Boards in accordance with the specialty board requirements
- Preserve vacation and electives when possible. Vacations can be carried over from one (1) year to the next only. Residents/Fellows will not be allowed to carryover vacation beyond one (1) academic/calendar year.
- Program administrators can advocate for extended salary (bridge lines) if training will be extended due to an approved leave of absence
- All Programs should provide locations for the lactation facilities to eligible Residents/Fellows.

Considerations for return to work:

- Consider adjusting schedules and calls as well as adjusting duties to ease the return-to-work transition as needed, on a case-by-case basis. In addition, consider any physical limitations or accommodations, and refer Residents/Fellows to Human Resources for such accommodations (when required).
- Consider creative use of work-from-home or telemedicine rotation options to extend leave beyond six (6) weeks without Residents/Fellows needing to extend training times, when possible.

Family Medical Leave Act (FMLA):

- All leave policies must comply with FMLA standards and employer/union collective bargaining agreements.
- Residents/Fellows may also maximize leave time under FMLA thus taking a total of twelve (12) weeks of leave, of which five (5) weeks may be unpaid (depending on leave accruals). Residents/Fellows may also be eligible for NYS Paid Family Leave.

Appendix

- A. ACGME Leave Benefits UUP
- B. Leave Request Form