SUBJECT: LEAVE POLICY

Originating Department: Graduate Medical Education
Date Approved by GMEC: 12/11/2019
Original Date: 6/16/2010
Revisions: 12/11/2019

In accordance with section IV.G.1-2 of the ACGME Institutional Requirements, the Sponsoring Institution 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 provides its residents/fellows with accurate information regarding the impact of an extended leave of absence upon 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).

GENERAL

Specific details of leave benefits vary according to pay source and are governed by the policies of such pay source, including vacation leave, sick leave and bereavement policies. Each Program must allow an appropriate length of absence for residents unable to perform patient care responsibilities and have policies and procedures in place to ensure coverage of patient care in consideration of resident absences. Policies must be implemented without fear of negative consequences for a resident unable to provide clinical work.

VACATION /SICK LEAVE

Residents in all Programs are afforded a minimum of 20 working days of annual vacation time and up to 15 days of sick leave per year.

LEAVES OF ABSENCE

In addition to vacation leave and sick leave, a leave of absence may be granted to SUNY-Downstate residents at the discretion of the Program Director.

Reasons for a Leave of Absence: A leave of absence may be granted for personal reasons such as dependent or elder care, or community service. Dependent care is covered under the Family and Medical Leave Act (FMLA, see below), in the case of serious health conditions.

Length of Leave: A leave of absence may be granted for not more than 12 months. A specific date of
return to duty must be established. Leaves granted for less than 12 months may be extended, if requested prior to expiration, for up to a total absence of 12 months.

**Return from Leave:** A resident granted leave is assured of his or her position at the conclusion of the leave. The resident must keep the Program apprised of his/her plans periodically, and in a timely fashion, so as not to interfere with the scheduling of rotation assignments.

When a date of return is known, the resident must notify the Program Director to confirm arrangements for return to active status. Required length of notice may vary widely by Program. It is the responsibility of the resident to provide notice to the Program Director in accordance with individual Program requirements. A minimum notice of one month is desirable and is requested if feasible. A resident's failure to return from a leave or to return to as arranged with the Program, will result in termination of employment.

It is up to the individual Programs to determine if any portion of an extended leave of absence must be made up, either in accordance with Review Committee or ABMS specialty board requirements of that discipline or at the Program Director's discretion. The availability of a salaried position to make up time taken during leave is not guaranteed.

**Leave Application:** The resident will present to the Program Director in writing a formal request for a leave of absence no less than thirty (30) days prior to the beginning date of the leave. In the case of an emergency, this time period may be waived. This request will include reason for leave, dates of leave, and expected return date. The Program Director, acting for the Department/training program, will decide and notify the resident in writing as to whether or not the request has been approved and if approved any potential impact of the leave on resident fulfillment of training requests.

**FAMILY MEDICAL LEAVE**

Under the FMLA a resident may be entitled to 12 weeks of unpaid leave for any of the following reasons: to care for the employee's child after birth, or placement for adoption or foster care; to care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or for a serious health condition that makes the employee unable to perform his/her job. Requests for FMLA must be processed through the residents' pay source.

The Program Director will consider the applicable ACGME and Review Committee requirements applicable to the Program in determining whether such leave may be granted. It is possible that additional training after such leave may be needed for board certification requirements. However, no assurances can be given that the resident will be entitled to compensation during this additional period.

Approved by the GMEC and DIO, effective 12/11/2019

Chairman of the GMEC

DIO