

DEPARTMENT OF ANESTHESIOLOGY



Standard Operating Procedure Title: Leave Policy

Policy Number:

Date Established: 3/1/2009

Date Reviewed:

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HOLIDAY/VACATION/EDUCATION LEAVE/SICK TIME

Departmental leave policy follows the policies of Vanderbilt University Medical Center but also adheres to the requirements of the American Board of Anesthesiology. The American Board of Anesthesiology restricts the total days of absence (except academic meeting time, see below) during clinical anesthesia training to twenty (20) working days per year, or a cumulative total of sixty days over the three years of clinical anesthesia training. Absences in excess of this limit will require lengthening of the total training time to the extent of the additional absences. With the exception of approved educational leave to attend scientific meetings, other leave time, i.e., vacation, sick time and personal leave, count toward the 60 day total.

The ABA permits up to five working days per year to attend scientific meetings.

1. Holidays

All time off, including holidays, is scheduled at the discretion of the Program Director. Official Vanderbilt holidays are not automatically observed as time off for house staff.

2. Vacation

All house staff on one year appointments are eligible for three weeks of vacation upon their start date. For appointments less than one year, vacation will be prorated accordingly. House staff must schedule vacation days with the Program Director. Vacation time must be used in the appointment year in which it is accrued. Any unused time does not carry over and is not paid out at the appointment year-end.

3. Sick Time

Time off due to illness must be reported to the Program Director at the time of the illness. If a resident needs to take time off work due to illness, the resident should call the SICK line at 343-0311 to notify the department of the absence. If additional days of illness are anticipated, residents should personally contact the division director of their service, or his designee.

House officers accrue paid sick time at the rate of one day per month except when he/she is on unpaid leave. House officers on unpaid leave do not accrue sick time. House officers are not paid for unused sick time, but sick time does carry over to the next appointment year where applicable. Sick time can only be used for time off due to the resident's illness or the illness of an eligible family member. For the purpose of this policy, eligible family members are defined as: spouse, domestic partner, parent, grandparent, sibling, biological child, stepchild, adopted child, foster child and child (ren) of the staff member. Sick time must be utilized prior to going into unpaid status, if available. If the resident wants to continue receiving full salary for time off due to an injury or occupational disease which is compensable under the Tennessee Workers' Compensation Act, workers compensation benefits may be supplemented by available sick or vacation time up to the resident's full weekly salary.

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N. LEAVE POLICY

Vanderbilt recognizes that a resident may need to be away from work due to medical or certain family reasons. Leaves of absence are defined as approved time away from residency duties, other than regularly scheduled days off as reflected in a rotation schedule. All leaves will be scheduled with prior approval by the Program Director or Chief of Service, with the exception of emergencies or unexpected illnesses. In unexpected/emergency situations, the resident should contact the Program Director or Chief of Service at the earliest possible time. Leave time under any of these categories will not be credited as time toward Board eligibility. When the need/request for leave is foreseeable, the request should be submitted at least thirty (30) days prior to the leave. When the need for the leave is unforeseeable or the thirty days notice cannot be given, the request should be submitted as soon as practical.

In order to remain in a paid status, the house staff member will utilize sick time first for a leave related to a medical condition, then vacation time, then will be placed on unpaid leave once all available paid leave time has been exhausted.

House officers on medical leave **MUST** obtain a *Return to Work/Physician Release* form and return it to Occupational Health who will notify the Program Director or his/her designee **BEFORE the resident may return to work.**

1. Family and Medical Leave Act (FMLA) and Tennessee Parental Leave Act (TPLA)

Consistent with the FMLA, eligible house officers are able to take up to 12 weeks of leave for certain personal medical reasons or for qualifying family reasons. House officers are eligible if they have worked at least 12 months and have had at least 1250 hours of work.

FMLA leave may be taken to care for a spouse, child or parent with a serious health condition. If the leave is to care for a newborn, or a recently adopted infant, or infant in foster care, the TPLA provides an additional 4 weeks (up to 16 weeks) for care and bonding with the infant.

Leave under FMLA or TPLA is either paid or unpaid. Sick and vacation time must be used before a resident goes into unpaid status; for a medical condition, the department will use available sick leave first, then vacation time. Health insurance is maintained throughout the leave period, but if the resident is in unpaid status she/he must continue to pay her/his share of the cost. A resident uses FMLA/TPLA (if available) for the following:

- a pregnancy related condition, or to recover from childbirth
- the father of a new born, newly adopted infant, or one placed in his home for foster care may use FMLA/TPLA for infant care.
- a resident who incurred a serious injury while in active military duty, or one who has a spouse, child, parent who incurred a serious injury while in active military duty or one who is the next of kin to an injured service member, may be entitled to up to 26 weeks of leave, in a 12 month period, for treatment of her/his injury, or care of the injured service member (Military Caregiver Leave).
- a resident whose family member, including next of kin, is called to active duty, or who otherwise incurs a military related exigency, may be entitled to 12 weeks of FMLA to deal with the problems caused by the exigency (Qualifying Exigency Leave).

As well as taking FMLA in continuous blocks, for medical conditions, a resident may be entitled to intermittent leave for treatment appointments, or episodic conditions, for her/himself or for care of a

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qualifying family member. For questions regarding either of these leave policies contact the Administrative Director of GME.

The FMLA process is located here: <http://www.mc.vanderbilt.edu/root/vumc.php?site=gme&doc=33945>
Questions regarding FMLA/TPLA leave should be addressed to the Office of Graduate Medical Education.

2. Parental Leave/Adoption

Parental leave is available to eligible house officers for the birth or adoption of a child under the FMLA and the Tennessee Parental Leave Act (TPLA). If certain conditions are met, a resident may be eligible for parental (or other) leave related to adoption, pregnancy, childbirth, and/or nursing an infant for a period of up to 16 weeks. Time off under the TPLA and the FMLA runs concurrently. Please see above section on FMLA/TPLA for more information.

If paid sick or vacation time is available, it must be used prior to going into unpaid status. Contact the Office of GME for more information about qualifying conditions and the provisions for parental leave under these laws. For care of a newly adopted child, available vacation and then unpaid leave is used.

3. Medical Leave

Medical leave which is not FMLA/TPLA eligible or which is requested after FMLA/TPLA leave is exhausted is available at the discretion of the Program Director in up to 30-day increments up to a maximum of 52 weeks. Medical documentation is required if the resident is away from work for more than 5 calendar days. House officers will be required to exhaust other forms of leave for which they may qualify prior to being eligible for medical leave. If paid sick or vacation time is available, it must be used prior to going into unpaid status.

4. Education Leave

Education leave may be granted at the discretion of the Program Director.

5. Military Leave/Jury Duty

House officers will be granted military leave or leave for jury duty as required by applicable law. Please contact the Office of GME for specific questions about such leave.

6. Personal Leave

If a resident does not qualify for FMLA or medical leave, they may be allowed to take personal leave. Personal leave may be provided at the discretion of the Program Director in up to 30-day intervals according to the policies established by the individual residency programs. House officers will be required to exhaust other forms of leave for which they may qualify prior to being eligible for personal leave.

7. Bereavement Leave

If there is a death in a house officer's family, he or she may take up to three working days off as leave with pay. For this purpose, "family" is defined as spouse, domestic partner, child, mother, father, mother-in-law, father-in-law, sister, brother, grandparent or grandchild. Except in very unusual circumstances, bereavement leave must be utilized within 14 days of the date of death.