1. Policy Statement:
Leaves, of any kind, granted during training should follow and not exceed requirements set forth by the certifying board of the specialty in which the resident/fellow is training. In the event that the amount of leave provided to the trainee leads to the requirement of additional training time to satisfy educational requirements (e.g., at the end of the normal term of appointment), the institution will continue to pay all salary and fringe benefits during the extended appointment.

2. Reason for Policy
This policy covers all types of leave available to trainees with the number of available days and qualifying circumstances. Programs are required to use New Innovations to track the use of all leave time taken by trainees. Based upon specialty board requirements, individual program leave policies may be more restrictive than the following GME policy.

3. Who Should Read This Policy
Residency and Fellowship Program Directors, Program Coordinators and Trainees.

4. Additional Resources
   VCU Health Leave Policies (https://vcuhealth.service-now.com/hrsp?id=kb_article&sys_id=15b8b9f2db5366009ed879fdae961910)
   VCU Health FMLA Policy (https://vcuhealth.service-now.com/hrsp?id=kb_article&sys_id=07b8b9f2db5366009ed879fdae961917)

5. The Policy
   A. Sick Leave
      Paid sick leave is provided to housestaff in the amount of thirty (30) calendar days (or 22 weekdays for programs that do not routinely require on-site working on weekends) within a year’s contract period. Residents and fellows are not paid for unused sick leave and unused leave does not carry forward to the next year.

      Residents and fellows may use up to 14 calendar days (or 10 weekdays for programs that do not routinely require on-site working on weekends) from their paid sick leave time for either caregiver leave, parental leave, or a combination thereof.

      i. Personal sick leave
         a. Paid sick leave is provided to trainees in the amount of thirty (30) calendar days (or 22 weekdays for programs that do not routinely require housestaff to work weekends on-site) within a year’s contract period. Under certain circumstances, additional sick leave with or without pay (i.e., from short term disability for qualified individuals) may be granted with the written approval of the Program Director and Senior Associate Dean for Graduate Medical Education.

         b. In the event of a pandemic or other extraordinary event, trainees should follow the guidelines provided by the Health System for situations that may allow for additional paid leave time.
ii. **Caregiver sick leave**

Trainees may be allowed up to 14 paid calendar days (or 10 paid weekdays) per contract year to provide care for an immediate family member (i.e. spouse, domestic partner, child, stepchild, parent, or stepparent) due to illness. This leave will be subtracted from the trainee’s allotted Sick Leave. As noted above, time taken for caregiver leave and paternity/parental leave combined cannot exceed 14 calendar days (or 10 weekdays) in any contract year.

iii. **Paternity/Parental leave**

Residents and fellows may be allowed up to 14 paid calendar days (or 10 paid weekdays) for the birth or adoption of a child. This time may be taken continuously or intermittently and must be used within 12 months of the event. This leave will be subtracted from the trainee’s allotted Sick Leave. Time taken for parental leave and caregiver leave combined cannot exceed 14 calendar days (or 10 weekdays) in any contract year.

iv. **Maternity Leave:** Residents and fellows may take up to twelve (12) calendar weeks for maternity leave. Salary support for all 12 weeks is not guaranteed. Sources of salary may include sick leave, short term disability, and annual (vacation) time.

**Notes:**

**Family and Medical Leave Act (FMLA):** Housestaff who have been employed by VCU Health System for at least twelve (12) months and have worked at least 1,250 hours during the previous twelve (12) month period at VCU Health may be eligible for qualified family and medical leave under provisions of the federal Family Medical Leave Act (FMLA). FMLA provides eligible employees up to twelve (12) weeks of protected leave for the birth or adoption of a child or a serious health condition affecting the employee or his or her spouse, child or parent. FMLA provides for the protection of one’s job with the employer but does not assure that the individual is paid during this time. Typical sources of pay may come from sick leave, short- or long-term disability, and vacation time.

**Maternity and Parental Leave:** Except in case of emergency, all maternity, parental, or adoptive leave should be requested at least three (3) months in advance of all expected date of birth or adoption in order to plan for the resident’s/fellow’s absence to minimize disruption to the program.

**Childcare:** It is understood that parents may, at times, have difficulty obtaining childcare for a healthy child. Neither caregiver (sick) leave or parental leave is intended for this purpose. In these situations, housestaff should take advantage of options offered through VCU Health System for emergency childcare or use their vacation time.

B. **Vacation**

i. All trainees receive twenty-one (21) calendar days of vacation inclusive of weekends (or 15 weekdays for programs that do not routinely require work on weekends) per contract year. Additional compensation is not provided in lieu of vacation and allotted vacation time does not carry forward into the next academic year.

ii. **Holiday time:** Additional time off given by individual programs during the Christmas – New Year’s holiday period. Holiday time is provided at the discretion of individual program directors and is dependent upon clinical and patient care schedules of that department. The resident follows the rotation schedule of the service to which he or she is assigned for that month. Programs should establish a specific policy for
providing holiday time that applies to all trainees of that program equally and is dictated by the patient care needs without compromising the quality, safety, and efficiency of care provided by the department.

C. Professional leave

The number of days allowed for professional leave which includes attendance at conferences, fellowship and job interviewing, or in support of research and other scholarly activity, is determined at the discretion of the department and program director in which the resident/fellow is training and that allowed by the certifying body (e.g. American Board of Medical Specialties) without having to make up additional time. Programs should establish guidelines regarding professional leave to ensure that all housestaff are treated equally.

D. Jury Duty

a. Trainees notified of jury duty service for either local, state or federal court are required by law to participate unless dismissed by the court system and must be excused by work to participate. Failure to appear for jury duty is contempt of court and a criminal offense.

i. Scheduling Jury Duty

1. The resident or fellow must notify the training program director and coordinator of possible jury duty dates and times with as much advance notice as possible

2. If the trainee is relieved from serving in advance, he/she must contact the program director and coordinator regarding reporting to work.

3. In advance of jury duty, the resident/fellow should discuss with the program director what the trainee should do if court adjourns early.

4. Programs shall not schedule housestaff to work at night during the period of time that the resident/fellow is subject to jury duty, including the night before the first date of possible jury duty.

b. If a resident/fellow receives a subpoena to testify in court for a work-related case, participation in this process is considered work time and is paid as work time, not as jury duty. A subpoena to appear in court for a personal manner such as to testify in a divorce or traffic case that is not work related requires the use of vacation time.

E. Leave of absence, Other

a. Trainees may request an unpaid leave of absence from their program director. The decision to grant the leave must be approved by the program director and the Senior Associate Dean for Graduate Medical Education. The impact of granted leave on the program and the resident/fellow’s completion of training will be reviewed prior to granting any leave of absence.

F. Military leave

a. Departments should adhere to the VCU Health policy regarding military leave.

G. Bereavement leave

a. Trainees may be allowed up to three (3) days of Bereavement Leave for each immediate family member (spouse, domestic partner, child, stepchild, parent, stepparent, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother, sister, stepbrother, stepsister, brother-in-law, sister-in-law, aunt, uncle, grandparent, grandchild or spouse’s grandparent, or an adult who stood in loco parentis to the employee during childhood). Any additional leave needs will be evaluated and granted on an individual basis by the training program director and shall come from the individual’s allowed sick leave time.

b. Requirements for requesting bereavement leave

i. Trainee should notify their program director as soon as possible regarding the need for bereavement leave
ii. Trainee must provide documentation to their program director that supports their request for bereavement leave, e.g. obituary, funeral notice, religious service bulletin

H. Educational Training Leave
Educational training leave is time permitted for residents and fellows to participate in an elective experience at a facility outside of the VCU Health System that is not typically offered by the program. Since these are training experiences, education leave counts toward the training time of the resident/fellow. All VCUHS employed residents and fellows may be eligible for up to one month of educational training leave. This is most often in the final year of their training. Educational leave may not occur in the last month of training. Salary and benefits will be paid by VCU Health System during that month. Trainees must receive permission from the program director to participate in educational leave. The program must contact the Graduate Medical Education Office to ensure that all required paperwork is completed prior to the rotation.

Notes:

Impact on Training Time: Accrediting and board certifying bodies define the amount of time residents and fellows must serve at each postgraduate level and the total training time required to be eligible to take the board certifying examination. Housestaff taking leave beyond vacation time may be required to do additional training in order to meet these requirements. The program director is responsible for determining if and how much additional training time is required and communicate the requirement to the trainee.

Documentation of Leaves: Programs are required to maintain up to date training records in New Innovations. The training record must reflect any additional training time and any delays in promotion or graduation dates. All leaves must also be documented in the block schedule.