

## **UCSF Resident and Clinical Fellow Leave Policy**

### **Vacation Leave**

Vacation leave with compensation shall be four (4) workweeks per academic year. Vacation time does not accrue from year to year and must be scheduled and taken in the same academic year the vacation is earned. Under special circumstances, departments may make a discretionary allowance for carry over beyond that year. Vacation leave shall be scheduled by mutual agreement with the program and/or department and given as leave depending upon the mode of scheduling of a given service. Procedures for requesting and assigning vacation schedules must be written policy and be in compliance with each program's ACGME Program Requirements, which concern the effect of leaves of absence, for any reason, on satisfying the criteria for completion of the residency program.

### **Administrative Holidays**

Administrative holidays for residents and clinical fellows will be consistent with the schedule at the institution to which the resident or clinical fellow is assigned and with the policies of the program and/or department.

### **Sick Leave**

Sick leave with compensation is given at the rate of twelve (12) days per academic year (one day per month). Sick leave is credited to the year of appointment and does not carry over from year to year. In addition, vacation leave may be used to cover sick leave which exceeds twelve (12) days. The total length of sick leave (paid and unpaid) may not exceed twelve (12) workweeks in a calendar year (see "Family and Medical Leave" section below). Additional sick leave may be granted at the discretion of the program and/or department. Makeup time may be required to meet educational objectives and be in compliance with ACGME Program Requirements.

### **Personal Leave**

Personal leave to attend to personal matters of a serious, time consuming nature may be taken by mutual agreement with the program and/or department. Personal leave in excess of vacation and sick leave is uncompensated.

### **Attendance at Educational Meetings and Activities**

Attendance at educational, scholarly, and professional activities is scheduled by mutual agreement with the program and/or department.

### **New Parent Leave**

***Compensated leave is a minimum of two (2) workweeks.*** Time taken in addition to this exceeding vacation leave and sick leave will be uncompensated. In accordance with the Family and Medical Leave Act (FMLA), leave can extend to twelve (12) workweeks. The resident or clinical fellow must give written notice to the program and/or department of his/her intention to take leave prior to the expected birth or adoption.

## **Family and Medical Leave**

Family and medical leave is provided for an eligible resident or clinical fellow's serious health condition, or the serious health condition of the person's child, spouse or parent. Medical leave may be requested for a medical condition affecting his/her ability to continue in a training program or provide patient care. These leaves must include the use of vacation leave and sick leave at the onset of the leave. The duration of the leave must conform to the program and/or department's and the American Board requirements together with the applicable state and federal law, including the federal Family and Medical Leave Act (FMLA) of 1993.

### FMLA

FMLA allows for qualified employees to take leave of up to twelve (12) workweeks in a calendar year, continuance of health plan coverage, and employment reinstatement rights due to:

- Employee's own serious health condition;
- Care for child, parent, spouse, or domestic partner (same sex or opposite sex) with a serious health condition; or
- Care for a newborn child or a newly placed adopted/foster child (applicable for both maternity and paternity leave).

In order to qualify for FMLA, a resident or clinical fellow must meet the following two criteria:

- Provided at least 12 months of University service (does not need to be continuous) AND
- Worked at least 1,250 hours in the 12 months immediately preceding the leave (these are actual hours worked – including overtime – and do not include time on vacation, sick leave, or other paid leave).

### Benefit and Pay Status

FMLA does not require residents or clinical fellows be paid during leave, only that benefit coverage continues during the Family and Medical Leave. However, in accordance with UCSF policy, vacation leave and sick leave may be used towards pay during the FMLA leave period. Once vacation leave and sick leave have been used, unless otherwise negotiated with the training program and/or department, leave will be unpaid.

While on unpaid leave (other than FMLA leave), the resident or clinical fellow will be eligible to maintain insurance coverage for the remainder of the leave and may be required to reimburse the department or program for the cost of the insurance. In accordance with federal law, the department or program will continue its contribution to health insurance benefits for up to twelve (12) workweeks per year of FMLA leave.

Moonlighting while on Family and Medical Leave is not allowed and may be cause to terminate leave.

### Pregnancy-Related Disability

The California Family Rights Act allows for an additional twelve (12) workweeks of leave after the birth of a child for pregnancy-related disability. This leave is in addition to the twelve (12) workweeks of Family and Medical Leave in a twelve-month period.

### Qualifying Time for American Board Requirements

The duration of Family and Medical Leave must be in compliance with each program's requirements, which concern the effect of leaves of absence, for any reason, on satisfying the criteria for completion of the training program (see "American Board Requirements" below).

### **Leave for Military Service**

Residents and clinical fellows are eligible for up to thirty (30) days of military leave with pay while engaged in the performance of military duty. All benefit coverage will continue during paid military leave. Absence from the training program to meet military service obligations must be with the approval of the program director and/or department.

### **Leave for Jury Duty**

A resident or clinical fellow called to Jury Duty will receive regular compensation for time served. The program director and/or department must be notified as soon as a jury summons is received. Only the court, pursuant to the procedure outlined in the Jury Summons Notice, can grant deferment or excused absence from jury service.

### **Other**

#### Disability Benefits

Please note that residents and clinical fellows are not eligible for, nor covered by the state of California for short-term disability insurance. However, residents and clinical fellows enrolled in the UCSF Housestaff Benefits Plan are entitled to disability coverage following 30 consecutive days of "total disability." For more information, please contact Housestaff Benefits in Human Resources at (415) 476-8093.

#### American Board Requirements

It is the responsibility of the department, program, and resident or clinical fellow to be in compliance with the Program Requirements concerning the effect of leaves of absence on satisfying the criteria for completion of the training program, and guaranteeing eligibility for certification by the relevant certifying Board. Prior to granting leave, American Board requirements should be reviewed by the program director and resident or clinical fellow to assure that the resident or clinical fellow is familiar with the possibility of having to make up time away from training. If extended leave results in the requirement for additional training in order to satisfy American Board requirements, financial support for the additional training time must be determined when arrangements are made for the leave and the makeup activity.