ARTICLE 15: LEAVE OF ABSENCE

A. Total Leave—Vacation/Educational Leave

Vacation/Educational leave with compensation shall be four (4) seven (7) day workweeks (28 days total) per postgraduate year. Postgraduate year does not always align with the academic year. Total leave time does not accrue from year to year and must be scheduled and taken in the same postgraduate year the vacation/educational leave is earned. Vacation/Educational leave shall be scheduled by mutual agreement with the program and/or department and given as leave. Procedures for requesting and assigning vacation/educational leave schedules must follow written policy and be in compliance with each program’s ACGME program and specialty board requirements, which concern the effect of leaves of absence on satisfying the criteria for completion of the residency program. Requests shall not be unreasonably denied.

B. Sick Leave

1. Sick leave is provided to residents in order to continue their salary during illness or injury, medical appointments, for parental bonding, family illness, or bereavement leave. Sick leave is not to be used as additional vacation. Each intern, resident, and fellow shall be granted 12 days per postgraduate year. Unused sick days do not carry forward to the next postgraduate year.

2. Each resident shall immediately notify their Program Director of any illness when practicable and shall provide a health provider’s note to document illnesses lasting three or more days. A resident who becomes ill while on vacation will be permitted to use sick leave based upon satisfactory verification of the resident’s illness or injury.

C. Jury Duty

Leave of absence for jury duty will normally be granted. When granted, no loss of pay will occur. Depending on the length of the leave, the resident may be required to make up training time with a delayed graduation date, pursuant to the trainee’s ACGME and specialty Board requirements. If required, training time must be made up before the resident advances to their next PGY level.

D. Military Leave

Residents may be granted leave with pay from their training program to meet military obligations. (Refer to University of California Policy – PPSM 2.210 Absence from Work, Section 111.E.1).

E. Pregnancy, Childbirth, or Related Medical Condition Leave
1. An employee who is disabled because of pregnancy, childbirth, or related medical conditions may take an unpaid Pregnancy Disability Leave for the period of actual disability of up to four months. Pregnancy Disability Leave may also be used for prenatal care. A resident who is disabled due to pregnancy may opt to utilize the long-term disability program provided through the housestaff health benefit package, which is available following the four week waiting period. During the waiting period, the resident can use any unused sick, vacation or educational leave. Depending on the length of the leave, the resident may be required to make up training time with a delayed graduation date, pursuant to the trainee’s ACGME and specialty Board requirements. If required, training time must be made up before the resident advances to their next PGY level.

2. If a resident on an approved Pregnancy Disability Leave is eligible for Family & Medical Leave, up to 12 work weeks of Pregnancy Disability Leave will run concurrently with the trainee’s Family & Medical Leave entitlement under federal law. Upon concluding a Pregnancy Disability Leave, a resident may be eligible for up to 12 work weeks of Family & Medical Leave under the California Family Rights Act (CFRA) for any covered reason except pregnancy, childbirth, or related medical conditions.

3. At the conclusion of the Pregnancy Disability Leave (or earlier upon the resident’s request if that request is consistent with the advice of the resident’s health care provider), the resident will be returned to their original training responsibilities. A note from the resident’s healthcare provider will be required clearing the trainee to return to work.

F. Parental Bonding Leave

1. An eligible resident is entitled to Family & Medical Leave to bond with their child after the child’s birth or placement with the employee for adoption or foster care, and to attend to matters related to the birth, adoption, or placement of the child. For such purposes, the University shall provide the following weeks of paid leave:

   Effective upon ratification of the contract: Four (4) weeks paid parental leave

2. Parental Leave shall be granted in increments of less than two (2) weeks duration on any two (2) occasions during a calendar year. The University, at its sole non-grievable discretion, may require that any additional Parental Leave requested during this same time period be for a minimum duration of two (2) weeks. Leave granted for such bonding purposes must be concluded within twelve (12) months following the child’s birth or placement with the employee.

3. Depending on the length of leave, the resident may be required to make up training time with a delayed graduation date pursuant to the trainee’s ACGME and specialty
Board requirements. If required, training time must be made up before the resident advances to the next PGY level.

G. Family & Medical Leave

1. To be eligible for Family & Medical Leave, a resident must have:
   a. Been employed by the University for at least a total of 12 months; and
   b. Worked at least 1,250 hours in the 12 months immediately preceding the start of the leave.

2. An eligible resident may take unpaid Family & Medical Leave of up to a total of twelve (12) workweeks in a calendar year. Such leave can include use, at the beginning of the leave, of any remaining unused sick, vacation/educational leave. Depending on the length of the leave, the resident may be required to make up training time with a delayed graduation date, pursuant to the trainee’s ACGME and specialty Board requirements. If required, training time must be made up before the resident advances to their next PGY level.

3. A resident requesting Family & Medical Leave will be required to present medical certification prior to taking their leave.

4. A resident should inform his/her Program Director of the need for a Family & Medical Leave at least thirty (30) days in advance of the anticipated start date of the leave if the need for leave is foreseeable. If the need for leave is not foreseeable, the resident should give notice to their Program Director as far in advance as possible. Failure to comply with this notice requirement may result in postponement of leave.

5. The resident should also provide notice to his/her Program Director as far in advance as possible if the period(s) for which the resident needs Family & Medical Leave change(s).

6. A resident may request, from his/her department, an extended unpaid family and medical leave for the birth of the resident’s own child, for the placement of an adopted or foster child with the resident, for the resident’s own serious health condition, or for the serious health condition of the resident’s parent, spouse, domestic partner, or child.

7. The resident may also request, from his/her department, an extended unpaid family medical leave to care for a family member or next of kin who is a covered service member undergoing medical treatment, recuperation or therapy for a serious injury or illness. In order to care for a spouse, domestic partner, son, daughter, or parent of a military member, a resident may take Qualifying Exigency Leave to attend to any
qualifying exigency (as defined in the University of California Policy – PPSM 2.210 Absence from Work Policy) when the military member is on covered active duty or call to covered active duty (or has been notified of an impending call or order to cover active duty).

H. Leave of Absence Without Pay

1. Except as provided in Sections H.2 and H.3 below, an eligible resident on approved leave without pay may, in accordance with the benefit plan documents, rules, and regulations, elect to continue University-sponsored benefit plans for the period of time specified in the benefit plan documents, rules, and regulations at his/her own expense.

2. A resident on an approved medical leave, who does not meet the eligibility requirements for FMLA, may elect to continue participation in health plan coverage (medical, dental, and vision) as if on pay status for a period of up to twelve (12) workweeks in any 12-month period.

3. A resident on an approved federal Family Medical Leave Act (FMLA) leave shall be entitled, if eligible, to continue participation in health plan coverage (medical, dental, and vision) as if on pay status for a period of up to twelve (12) workweeks in any 12-month period. However, a resident who exhausts his/her entitlement to health plan coverage while on an approved Pregnancy Disability Leave that runs concurrently with federal Family and Medical Leave, shall not be entitled to an additional twelve (12) workweeks of health plan coverage under the California Family Rights Act.