



RESIDENT/FELLOW LEAVE

The resident/fellow leave guidelines of the West Virginia University School of Medicine (WVUSOM) exist to ensure the safety and general welfare of the residents/fellows and the effectiveness of the training programs. The guidelines are in accordance with the guidelines of West Virginia University, West Virginia University School of Medicine, regulatory and/or other accrediting agencies, the ABMS Certifying Boards and approved by the Graduate Medical Education Committee (GMEC). This policy is created consistent with the relevant applicable laws.

The program director and the program's Clinical Competency Committee (CCC) will review resident/fellow leave time to ensure that the Residency Review Committee and certifying board requirements are met. Due to the potential for stress and fatigue during residency training, it is an expectation that residents/fellows will take advantage of the amount of annual accumulated leave in accordance with this policy without significant consequence to medical education. If not requested by the trainee, annual leave may be assigned at the discretion of the program director.

However, the use of leave may impact a resident's/fellow's ability to complete program requirements. Therefore, a resident/fellow who takes all the allowable annual and sick leave may not be able to complete the program requirements in the standard allotted training time and/or may not be eligible to take the required and/or applicable specialty certifying board examinations at the conclusion of the training period without additional training time. The institution is not responsible for providing additional training time and, in fact, may not be able to do so without requesting permission for a complement increase from the ACGME, where permission may or may not be granted. This decision is beyond the control of WVUSOM.

In addition to WVU leave policies, the ACGME and the applicable board may have requirements that must be followed in order to obtain a certificate and sit for certifying boards. Additional training as a resident/fellow may be required.

ANNUAL LEAVE

Full time residents/fellows (defined as 1.0 FTE) will accrue two (2) days of annual leave per month. A day in the leave system is equal to 7.5 hours. While, as a resident/fellow, you are entitled to use, and may request the use of, the entirety of your annual leave, the program may recommend that its residents/fellows request no more than a limited number of days of annual leave per year to ensure that all program requirements are met. Residents/fellows should refer to their program specific manual about any such limitations and review with their program director any concerns this may generate. Annual leave **must** be accrued prior to its use. Annual leave time caps at 24 accrued days, which will appear in the university leave system as 180 hours. Once you accrue 24 days, you will stop accruing annual leave. Unused accrued annual

leave time carries over from year to year, and at the end of your residency or fellowship, beginning from the day following your last day worked on site, any unused time, up to the maximum allowable accumulation of 24 days (180 hours), will either be paid to you in a lump sum, or you may choose to remain on the payroll until your leave is exhausted if you are leaving the institution, or, if you are staying on for fellowship training or as faculty, unused accrued leave will transfer over to your new position. Up to 15 days of accrued leave may be transferred to another qualifying West Virginia state agency.

Annual leave will be granted on a “first come, first served” basis and is determined by the total number of providers requesting leave during the time requested. All annual leave must be approved in advance, by your program director and reported to the program manager, as well as the Chief Resident/Fellow and Service Chief. Program directors have the right to deny annual leave at the requested time. The amount of time that can be missed on any one rotation is limited by the educational goals of the rotation. No more than 6 days of annual leave time may be taken during a 2-week rotation. Up to 2 weeks of annual leave may be taken on single month rotations, and additional weeks may be granted on multi-month rotations.

Extended annual leave or combining annual leave with meetings is discouraged due to prolonged absence from the program. Such requests require special approval from the program director and must fall within the requirements of the ACGME and the ABMS applicable board.

A resident does not have the option of reducing the time required for the residency by forgoing annual leave.

The program may identify when annual leave time may not be used during the certain rotations or dates, which are considered “blackout” periods. Residents/fellows should refer to their program manual for this designation.

SICK LEAVE

Full time residents/fellows will accrue 1.5 sick days per month. Sick leave **must** be accrued prior to its use. An employee may use leave when they are sick, ill, or injured, or, when a member of the immediate family is seriously sick, ill, or injured. Up to 5 days of sick leave may be charged when a death occurs in the immediate family. Immediate family is defined as: parents, siblings or children by blood or law; spouse; grandparents and grandchildren; or others considered to be part of the household living under the same roof.

If you have a question whether sick leave can be used (or not), please contact your residency manager. ***Excessive/unexplained absences may affect your competency evaluation and/or your promotion to the next level of training.*** Sick leave for more than 5 consecutive workdays cannot be granted to an employee without satisfactory proof of illness or injury as evidenced by a statement of the attending physician or by other written proof. An employee who has been absent from work for an extended period because of illness or injury must obtain medical

clearance before returning to work. These situations will be managed in cooperation with the university Medical Management Office.

The University may require verification of an illness or other causes for which leave may be granted under this policy regardless of the duration of the leave. A copy of all medical documentation must be sent to the university Medical Management Office.

West Virginia University adheres to the requirements of the federal Family Medical Leave Act (FMLA). FMLA is designed to help employees balance their work and family responsibilities by allowing them to take reasonable **paid/unpaid** leave for certain family and medical reasons. FMLA leave may be used in accordance with the FMLA. Questions regarding what is covered by FMLA leave may be directed to the university Medical Management Office. Common reasons FMLA leave is approved are the following: for the birth and care of the newborn child; for placement of a child for adoption or foster care; to care for an immediate family member (spouse, child, or parent) with a serious health condition; or to take medical leave when the employee is unable to work because of a serious health condition.

FMLA provides qualified employees with up to 12 weeks of paid/unpaid, job-protected leave per year. **FMLA may be paid or unpaid, contingent upon available leave accruals.** Annual and sick leave may run concurrently with FMLA leave.

Employees are eligible for FMLA leave if they have worked for their employer at least 12 months and accrued at least 1,250 hours over the past 12 months.

PARENTAL LEAVE

West Virginia University adheres to the requirements of the West Virginia state Parental Leave Act. Parental Leave provides qualified employees up to 12 weeks of unpaid family leave during a twelve-month period **following exhaustion of all their annual and sick leave**, and may run concurrently with FMLA leave. In certain circumstances, employees may be eligible to receive assistance under the University's Catastrophic Leave Program. Employees may apply to participate in the program, and if approved, time from the Catastrophic Leave Program can be donated and applied for parental leave.

More information on parental leave can be found at the following website.

<https://talentandculture.wvu.edu/benefits-and-compensation/medical-management/parental-leave#:~:text=West%20Virginia%20University%20adheres%20to,of%20all%20their%20annual%20leave.>

CATASTROPHIC LEAVE

The WVU Catastrophic Leave Program allows eligible employees, who are approved for a medical leave and will exhaust all of their own available sick leave, annual leave and other paid time off, the opportunity to apply for participation to receive donations from qualified WVU employees. If approved, this program makes it possible for an employee to continue receiving pay during their approved medical leave, if sufficient donations are received.

Qualified recipients are leave-eligible employees who are on an authorized medical or parental leave due to their own or a qualified immediate family member's serious medical condition, resulting in financial hardship due to the exhaustion of all paid leave. During participation in this program, the employee must comply with strict Donor Deadlines in order to receive pay. Deadlines are subject to change at any time.

Qualified donors to this program are WVU leave eligible employees who wish to donate their available sick and/or annual leave. This may be to an approved specific recipient or the Catastrophic Leave Donor Bank.

Employees wishing to donate to a prospective recipient should do so as soon as possible, in order to ensure donation is received for timely application for the recipient. If leaving the University, donated leave will only be used through the last active workday.

More information can be found on the following website:

<https://talentandculture.wvu.edu/benefits-and-compensation/medical-management/catastrophic-leave>

HOLIDAYS

While the University provides scheduled holidays to its employees, a certain holiday may not be granted to allow for adequate clinical coverage. The program director and program manager will assist in scheduling and coordination of available holiday time.

If you are on a service where physicians observe a state holiday, you will not be required to work on that holiday. As professionals, you are exempt from overtime or compensatory time, therefore, if a service requires you to work on a state holiday, you will not be compensated additional amounts for that worked holiday.

However, residents/fellows who work on state-defined holidays (for example, Thanksgiving Day or a service where physicians do not observe a state holiday) will be granted an equivalent number of alternate days to be taken at a time mutually agreed upon by the resident/fellow, the residency manager, and the program director. The granting of an equivalent number of days is not required or owed by WVUSOM.

CONTINUING MEDICAL EDUCATION LEAVE

All CME conferences a resident/fellow wishes to attend must be approved, in advance, by the program director and reported to the program manager, as well as the chief resident and service chief.

Attendance at CME conferences counts toward duty hours during the actual conference time. As a result, annual leave does not need to be used for CME attendance. One day of travel time, if necessary, will be granted before and after the conference without the use of annual leave.

PERSONAL LEAVE OF ABSENCE WITHOUT PAY

A Personal Leave of Absence (LOA) may be requested by a resident/fellow after all applicable leave time has been exhausted. The University rule regarding LOA, WVU Board of Governors (BOG) Rule 3.5 – Employee Leave, and the University’s Talent and Culture Department provide guidance regarding the procedures and forms that must be completed.

LOA will be granted based on the need to address personal matters such as perinatal care or serious illness. No academic credit may be provided for a LOA. Additional months will be added to the training duration, if possible, but residents/fellows are advised that a LOA may impact a resident’s/fellow’s ability to complete program requirements. Therefore, a resident/fellow who takes an extended LOA may not be able to complete the program requirements in the standard allotted training time and/or may not be eligible to take the required and/or applicable board examinations at the conclusion of the training period without additional training time. The department is not responsible for providing additional training time and, in fact, may not be able to do so without requesting permission from ACGME, which permission may or may not be granted. The granting of permission by ACGME is beyond the control of WVUSOM. A maximum of 6 months of LOA may be honored before a resident/fellow may be required to reapply to and be reaccepted into the program. University policy and applicable state and federal laws control compensation and duration of leaves for pregnancy, illness, military, injury, or other qualifying reasons under federal and state law. Educational requirements of the residency are still required and must be met irrespective of leave. Such leaves may result in the extension of time necessary to complete the residency/fellowship. The program will make every attempt to meet individual needs regarding leave, and a LOA will be considered and provided in accordance with University policy and applicable law. The program cannot control the potential inability of a resident/fellow to complete the required training if a LOA is taken.

PROCEDURE FOR REQUESTING LEAVE

Programs will notify residents in writing how many calendar days in advance that annual leave requests must be submitted to the program director in writing for approval ***AN ANNUAL LEAVE REQUEST FORM MUST BE COMPLETED AND SUBMITTED FOR APPROVAL***. After all required signatures are obtained, the leave request form must be provided to your designated leave coordinator for entry into the following web link.

<https://wvusharedservices.wvu.edu/s/article/Leave-Forms>

If prior written approval is not sought for annual leave, disciplinary action may result, and a letter will be placed in your personnel file. Annual leave requests may not be approved. Coverage for call schedules, patient care, and other obligations must be arranged for by the resident in conjunction with program leadership and communicated. **See Annual Leave Request Form attached as Exhibit A.**

GRIEVANCE, WITNESS, AND JURY LEAVE

Employees who are subpoenaed, commanded to serve as jurors, or required to appear as witnesses or representatives for review proceedings of the Federal Government, the State of West Virginia, or a political subdivision thereof, or in defense of the University shall be entitled to work release time for such duty and for such period of required absence which overlaps regularly scheduled work time.

Employees are entitled to leave with pay for the required period of absence during the regularly scheduled work time including reasonable travel time. For additional information, refer to the WVU Department of Human Resources Policies and Procedures at the following website link: <https://talentandculture.wvu.edu/policies-forms-and-resources/hr-policies>

When attendance in court conflicts with official duties, time required, including reasonable travel time, shall not be considered as absence from duty.

EMERGENCY AND INCLEMENT WEATHER SITUATIONS

If a resident/fellow is absent due to inclement weather or an emergency situation on campus, an annual leave day will be charged unless the institution is closed.

Additional information regarding leave can be found in WVU BOG Rule 3.5 – Employee Leave 24 or West Virginia University Talent and Culture’s website available at <https://talentandculture.wvu.edu/>

This policy is consistent with applicable federal and West Virginia state law and in reference regarding the 2022 Accreditation Council for Graduate Medical Education (ACGME) amended Institutional Requirements (effective July 1, 2022) available at the following website link.

https://www.acgme.org/globalassets/pfassets/programrequirements/800_institutionalrequirements_2022.pdf

Revised by the GMEC Taskforce: November 2, 2017, August 4, 2022

Approved by GMEC: November 10, 2017, August 12, 2022



ANNUAL LEAVE REQUEST FORM EXHIBIT A

Date: _____

Name: _____

Month & Rotation: _____

List the dates for which you are requesting leave.

Vacation Dates: _____

Conference Dates: _____

Boards: _____

REQUESTS MUST COMPLY WITH THE WVUSOM RESIDENT/FELLOW LEAVE GUIDELINES.

ONCE YOU HAVE OBTAINED THE REQUIRED APPROVAL AND SIGNATURES,

Return the completed form to the Residency/Fellowship Manager.

SIGNATURES:

Program Director: _____

Residency/Fellowship Manager: _____

Chief Resident/Fellow: _____

Service Chief/Rotation Preceptor: _____