

GRADUATE MEDICAL EDUCATION (GME)
INSTITUTIONAL RESIDENT/FELLOW LEAVE POLICY

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. This policy is in accordance with the rules, policies, and guidelines of West Virginia University, West Virginia University School of Medicine, regulatory and/or other accrediting agencies (i.e. Accreditation Council for Graduate Medical Education – ACGME), the American Board of Medical Specialties (ABMS), and Certifying Boards; and are approved by the Graduate Medical Education Committee (GMEC). This policy is created consistent with the applicable laws.

Due to the prevalence of stress and fatigue in residency and fellowship training, WVUSOM expects residents/fellows to use accrued annual leave in accordance with this GME policy and their program-specific leave policy. The guidelines set forth in these policies will aid residents/fellows to plan appropriately balancing their need for restorative time away from training with the fulfillment of their ACGME/ABMS training requirements. In addition, program leadership in conjunction with the program’s Clinical Competency Committee (CCC) will also cumulatively track resident/fellow leave time to ensure the ultimate fulfillment of required time in training. It is important to note that a resident/fellow does not have the option to reduce the time required for completion of their training program by choosing to forego annual leave. Therefore, if not requested by the trainee, restorative time away from training may be assigned at the discretion of the program director.

However, residents and fellows must understand the use of leave may impact their ability to meet all program requirements for graduation. A resident/fellow who either chooses to or must use all their institution-allotted annual and sick leave may not be able to complete their training program’s requirements within the standard training time. Potentially, this could result in the resident or fellow being ineligible to sit for their ABMS certifying exam without extending their training. Trainees must be advised: WVUSOM is not obligated to grant additional training time and, in fact, may not be able to do so without requesting a complement increase from the appropriate ACGME RRC, which may or may not grant the increase. This decision is beyond the control of WVUSOM.

ANNUAL LEAVE

Full time residents/fellows (defined as 1.0 FTE) will accrue two (2) days of annual leave per month. A day of annual leave is equal to 7.5 hours. While in training at WVUSOM, residents/fellows are entitled to use, and may request the use of, the entirety of their accrued annual leave. However, their program may recommend requesting no more than a limited number of days of annual leave per year due to ABMS “time away from training” requirements for their specialty or sub-specialty. Residents/fellows should refer to their program-specific manual about any such limitations and review these with their program director should they have any concerns. In almost all cases, annual leave must be accrued *prior* to its use.

Annual leave will cease to accrue once the trainee has earned 24 days, which will appear in the university leave system as 180 hours. Once a trainee accrues 24 days, they will cease accruing annual leave until they use some of their leave, and their leave balance again falls below 24 days. As long as the resident/fellow remains employed by WVUSOM all unused accrued annual leave carries over from year to year.

For those residents/fellows leaving the institution following the completion of their residency or fellowship program, initiating from the day following the last day worked on site, any unused accrued annual leave, up to the maximum allowable accumulation of 24 days (180 hours), will either be paid out in a lump sum, or the resident/fellow may choose to remain on the payroll until their annual leave is exhausted. **IMPORTANT NOTE:** For International Medical Graduates who require a DS-2019 in order to train and be on payroll, you will only have the option for the lump sum payout of accrued unused annual leave due to the expiration of your DS-2019 upon program completion.

For any trainees who will be remaining at WVUSOM for an additional training program, or who are hired as faculty – unused accrued annual leave will carry over to your new position. In addition, up to 15 days of accrued annual leave may be transferred to another qualifying West Virginia state agency, if applicable.

Within each training program, program directors will grant requests to use annual leave on a “first come, first served” basis as determined by the total number of residents/fellows submitting leave requests for a given time period. Therefore, it is recommended for residents/fellows to plan well in advance and to submit requests for annual leave as early as possible. Approved periods of annual leave must be reported to the program manager, the Chief Resident/Fellow and the Service Chief. Program directors have the right to deny annual leave requests based on the needs for service coverage, unless the annual leave is being taken for a leave period protected by ACGME policy or law.

The amount of time that can be missed on any one rotation is limited by the educational goals of the rotation, and individual programs may have more stringent requirements than these. However, in general, no more than six (6) days of annual leave may be taken during a 2-week rotation. Up to two (2) weeks of annual leave may be taken on single month rotations, and additional weeks may be granted on multi-month rotations. In addition, individual programs may identify certain rotations or dates when annual leave may not be requested. These are considered “blackout” periods and these black out period designations will be listed in your program-specific manual.

Important Note: Taking extended annual leave or combining annual leave with time away to attend a national educational conference is discouraged due to the impact these prolonged absences may have on meeting the ACGME and ABMS requirements for successful completion of your training program. Such requests require special approval from the program director.

SICK LEAVE

Full time (1.0 FTE) residents/fellows will accrue 1.5 days of sick leave per month. In almost all cases, sick leave **must** be accrued prior to its use. An employee may use sick leave when they are ill, injured, and/or in need of medical attention, and when a member of their immediate family is seriously ill, injured, and/or in need of medical attention. Sick leave for more than five (5) consecutive workdays cannot be granted to an employee without satisfactory proof of illness and/or injury as evidenced by a signed statement from the employee's, or employee's family member's, physician or by other written proof. Should an employee need to be absent from work for an extended period due to illness and/or injury, a signed statement of medical clearance will be required before they can return to work. These situations will be managed in cooperation with the university's Medical Management Office.

In the unfortunate event of a death in an employee's immediate family, up to five (5) days of sick leave may be requested. Immediate family is defined as: parents, siblings or children by blood or law; spouse/same-sex marriage partner; grandparents and grandchildren; or others considered to be part of the household living under the same roof.

If there are questions regarding the rules surrounding the use of sick leave, please contact your residency manager for assistance. **NOTE: *Excessive/unexplained absences may affect a resident's/fellow's ability to achieve competency in their milestones; promote to the next level of training, and/or complete the training program on time.***

The Family and Medical Leave Act (FMLA) provides qualified employees with up to 12 weeks of unpaid, job-protected leave, per year. However, **FMLA may be paid if the employee has sufficient leave accruals.** 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's Medical Management Office. FMLA is designed to help qualified employees balance their work and family responsibilities by allowing them to take reasonable leave for certain family and medical reasons. Annual, sick, and ACGME leave may run concurrently with FMLA leave. Questions regarding what is covered by FMLA leave may be directed to the university's Medical Management Office. For any trainees who will be remaining at WVUSOM for an additional training program, or who are hired as faculty – unused accrued sick leave will carry over to your new position.

MEDICAL, PARENTAL, AND CAREGIVER LEAVE

WVUSOM adheres to the West Virginia (WV) State Parental Leave Act, West Virginia State Leave Eligibility and Qualifying Condition Laws, and the ACGME's Medical, Parental, and Caregiver leave requirements. The WV State Parental Leave Act provides qualified employees up to twelve (12) weeks of unpaid family leave during a twelve-month period **following exhaustion of all annual leave**, and may run concurrently with FMLA leave. Salary paid to the resident/fellow during medical, parental, and caregiver leave(s) of absence will include the continuation of health and disability insurance benefits.

As per ACGME policy, WVUSOM will provide residents and fellows with a minimum of six weeks of approved medical, parental, and caregiver leave(s) of absence for qualifying reasons that are consistent with applicable laws at least once and at any time during an ACGME-accredited program, starting from the day the resident/fellow is required to report. This first six weeks of approved medical, parental, or caregiver leave will be paid at 100% of the resident's/fellow's salary whether or not any annual and/or sick time has been accrued by the resident/fellow prior to experiencing the qualifying need for taking the leave.

For residents/fellows who have accrued sufficient annual and sick leave balances, these balances will be charged, as applicable, to cover their six weeks of paid medical, parental, or caregiver leave. From the accrued annual leave, one (1) week of annual leave shall be reserved and held back for the resident/fellow to use at a later time. Should the resident/fellow require the use of more annual leave than they have accrued, they will be credited with the difference in annual leave. Upon return to work, the resident's/fellow's annual leave accruals will be applied to the negative leave balance until a zero balance is achieved. As soon as a zero balance is achieved, the resident/fellow will again begin to accrue an annual leave balance.

For residents/fellows with zero accrued annual and/or sick leave, or for those who have inadequate quantities of accrued annual and/or sick leave, time away on approved medical, parental, or caregiver credited leave will be tracked and once the resident/fellow returns to work, the resident's/fellow's annual leave accruals will be applied to the negative leave balance until a zero balance is achieved. As soon as a zero balance is achieved, the resident/fellow will again begin to accrue annual and sick leave balances.

Click here to access WVU School of Medicine's Medical Management website for Resident and Fellow Leave: <https://talentandculture.wvu.edu/benefits-and-compensation/medical-management/resident-and-fellow-leaves> (CTRL + click)

Click here to access WVU School of Medicine's Medical Management Resident/Fellow Leave Request Form: https://wvu.qualtrics.com/jfe/form/SV_egPiYB7Wys6vFhc (CTRL + click)

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 their full pay during their approved medical leave, if sufficient donations are received.

Qualified *recipients* are leave-eligible employees who are on an authorized medical 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 are currently employed and who will remain employed, who wish to donate their available sick and/or annual leave. This may be to an approved specific recipient, or to 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 the donating employee is leaving the University, their donated leave will only be available for use through the donating employee's last active workday.

More information on catastrophic leave may be found on the following website:

<https://talentandculture.wvu.edu/benefits-and-compensation/medical-management/catastrophic-leave> (CTRL + click)

HOLIDAYS

While the University provides scheduled holidays to its employees, due to the need for adequate clinical coverage, a certain holiday may not be able to be taken. Within each training program, the program director and the program manager, or their designee, will assist in scheduling and coordination of holiday time.

When a resident/fellow is rotating on a service where the faculty physicians observe a state holiday, the resident/fellow will be able to take that day off with holiday pay. As salaried professionals, residents/fellows are exempt from overtime or compensatory time as per state law. For this reason, if a service requires you to work on a state holiday, you will be paid your standard salary for that day of work, and will not receive any additional compensation, even though the day you are working is defined as a state holiday.

However, residents/fellows who work on state-defined holidays (for example, Thanksgiving Day), or who are rotating on a service where faculty physicians do not observe a state holiday, these residents/fellows may be granted an equivalent number of alternate days to be taken at a time mutually agreed upon between the resident/fellow, and their program leadership. The granting of an equivalent number of days is neither required nor owed by WVUSOM.

CONTINUING MEDICAL EDUCATION (CME) 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/fellow, and the service chief.

Attendance at CME conferences counts toward clinical and educational work hours during the actual conference time, and thus, the time spent attending educational sessions during the conference must be logged by the resident/fellow in their logging calendar. As a result, annual leave will not be charged for CME conference attendance. One day of travel time, if necessary, will be granted before and after the conference, again without charging 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 WVU Board of Governors \(BOG\) Talent and Culture Rule 3.5 – Employee Leave](#) (CTRL + click) provides guidance regarding the procedures and forms that must be completed for a personal LOA.

Personal LOAs may be granted for a variety of reasons. No academic credit may be provided for the duration of a personal LOA. Potentially this could result in the resident or fellow being ineligible to sit for their ABMS certifying exam without extending their training.

Trainees must be advised: WVUSOM and its individual departments are not obligated to grant additional training time and, in fact, may not be able to do so without requesting a complement increase from the appropriate ACGME RRC, which may or may not grant the increase. This decision is beyond the control of WVUSOM.

A maximum of six (6) months personal LOA may be honored before a resident/fellow could potentially be required to re-apply to, and be re-accepted into, their training program. University policy and applicable state and federal laws control compensation and duration of personal LOAs.

The program will make every attempt to meet individual needs regarding personal LOAs. However, each training program is responsible for ensuring that all milestones are met, and that each physician who graduates from their program is competent to enter autonomous practice. Therefore, a program cannot control the potential inability of a resident/fellow to complete their required training and successfully graduate from their program if a personal LOA is taken.

PROCEDURE FOR REQUESTING ANNUAL LEAVE (VACATION)

Programs will state in writing in their program-specific manuals how many calendar days in advance an annual leave request must be submitted in order to be considered for approval. All annual leave requests must be submitted in writing to the program director, using the Annual Leave Request form attached at the end of this policy, including all required signatures. Once the annual leave request has been approved by the program director, a fully signed copy of the annual leave request form must be provided to your program's designated leave coordinator for entry into the leave system. If the resident/fellow does not know who the designated leave coordinator is, they should check with their program leadership for guidance.

If annual leave is taken without prior written approval, disciplinary action may result, and a letter will be placed in your personnel file. Programs will make every effort to accommodate a resident's/fellow's appropriately submitted annual leave request. However, the possibility exists that annual leave requests may not be able to be approved. Coverage for call schedules, patient care, and other obligations shall be arranged by the program leadership and communicated to everyone involved for all annual leave requests which have been submitted according to institutional and program-specific requirements. **See Annual Leave Request Form at the end of**

this policy.

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> (CTRL + click)

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/> (CTRL + click). In addition, each training program will provide specialty and sub-specialty specific leave information in their program manual.

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_institutionalrequirements2022.pdf (CTRL + click)

Policy Revised and Approved by the GMEC Taskforce:

April 6, 2023

August 4, 2022

November 2, 2017

Policy Approved by GMEC:

April 14, 2023

August 12, 2022

November 10, 2017

GME ANNUAL LEAVE REQUEST FORM

Date Request Submitted to Program Director: _____

Resident/Fellow Name: _____

Month & Rotation of Requested Leave: _____

LIST THE DATES FOR WHICH YOU ARE REQUESTING LEAVE:

Vacation Dates: _____

Conference Name and Dates: _____

Exam: _____

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

RESIDENT/FELLOW MUST OBTAIN ALL REQUIRED APPROVAL AND SIGNATURES.

REQUIRED SIGNATURES:

Program Director: _____

Residency/Fellowship Manager: _____

Chief Resident/Fellow: _____

Service Chief/Rotation Preceptor: _____

Resident/Fellow must return the fully signed form to the Residency/Fellowship Manager