

## Paid Time Off (PTO) and Leave Policy

\*Replaces Exhibit H, I and Parental Leave policy

Responsible Party	GMEC	Last Revised	7/2024
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### Purpose

Occasionally, for medical, family, military, or other needs, a resident physician or fellow (trainee) may need time away from training. Under certain circumstances, trainees may be eligible for paid and/or unpaid Leave of Absence.

This policy is effective July 1, 2023. Any Leave approved based on a qualifying event occurring on or before June 30, 2023 will be processed according to the previously applicable policy.

### Extension of Training Disclaimer

Since each trainee must meet certain educational requirements as defined by the training program, the ACGME and/or by the applicable American Board of Medical Specialties, a trainee may be required to make up time away (possibly necessitating an extension period) prior to advancing to the next level of training and/or completion of training. Boards vary in their requirements regarding board eligibility and certification.

### Allotted Paid Time Off (“PTO”)

1. Trainees are granted 28 days of PTO at the beginning of each academic year. PTO days not used in that academic year are forfeited and do not roll over.
2. All PTO must be approved by Program Director, or designee, according to program guidelines.
3. Holiday: Paid time off for holidays is not provided. However, each trainee is granted five (5) paid days off in December/January of each year separate from PTO. The schedule is approved by the Program Director for each respective program.
4. Educational/Administrative Leave: A trainee may be granted paid time when absent from the training program for approved educational conferences, USMLE/COMLEX Step 3 exam and/or board exams. Time is approved and scheduled in accordance to Program policies and procedures.

For trainees on contract prior to July 1, 2023, accrued sick leave days from prior years of training will be maintained in an Extended Illness Bank (EIB) to be used if needed for an approved medical, caregiver or parental leave of absence.

The following Leaves will be defined and discussed below:

- I. Judicial Duty
- II. Bereavement Leave
- III. Military Leave
- IV. Personal Leave
- V. Medical Leave
  - FMLA-eligible
  - Non-FMLA eligible
- VI. ACGME One-Time Leave

## I. Judicial Duty

Upon receipt of notification from the state or federal courts of an obligation to serve on a jury or to act as a court witness, the trainee should notify his or her Program Director immediately. The trainee is required to provide copies of the subpoena or jury summons to his or her Program Director as well as evidence of in person court appearance. Trainees shall receive regular pay while serving jury duty.

Should a trainee be required to attend or be subpoenaed as a witness in any organizational related court action, that trainee shall receive regular pay and be compensated for travel. They may also retain court pay, if any.

Trainees who are defendants in criminal actions, plaintiffs or defendants in civil actions, or subpoenaed must use available PTO or if the trainee has no PTO available, time off without pay.

## II. Bereavement Leave

Trainees are allowed three (3) paid days per circumstance to take care of matters related to the death of an immediate family member. Trainee should notify Program Director to request time off.

An immediate family member is defined as:

- Spouse
- Children
- Parents
- Domestic partner\*
- Siblings
- Grandparents/Grandchildren
- Mother/father-in-law
- Daughter/son-in-law
- Step-children
- Step-parents
- Step-siblings
- Step-grandchildren
- Step-grandparents

*\*Domestic partner means an adult of the same or opposite sex engaged in a spouse-like relationship characterized by mutual caring and dependency. Domestic partners receive the same Bereavement Leave benefits that are available to spouses of trainees.*

### III. Military Leave

Trainees who are members of the North Carolina National Guard or one of the military reserve components shall be granted time off for required periods of active duty for training each year. These trainees will be granted up to 2 weeks per calendar year of time without loss of pay. Trainees desiring military leave must supply their Program Director and the ECU Health Medical Center GME Office with a copy of their military orders before the military leave. Military pay is the difference between the Trainees base wages and the pay he/she receives for the military service. If military wages are more than the team members base wages, no military pay will be provided. On return from leave the trainee shall present a copy of his or her military pay voucher to the Payroll Department. A check will be issued to compensate for any difference between the military pay and the trainee's regular Organizational pay less travel and living expenses. The trainee's time sheet will be coded "Military Leave."

Personnel of the Armed Forces of the United States, and those who are subject to and called upon for military or war duties other than annual active duty for training under the provision of any state or federal statute or Presidential or Gubernatorial Order, shall be given a leave of absence (without pay). Trainees called for active duty must supply their Program Director and the ECU Health Medical Center GME Office with a copy of their military orders before the military leave. Plans for continuation of training will be determined in conjunction with the Program Director and Designated Institutional Official.

### IV. Personal Leave

#### Eligibility

All trainees with at least six (6) months of employment are eligible to apply for a Personal Leave. A Personal Leave is intended for longer term emergency or highly unusual situations and must exceed five (5) consecutive calendar days. A Personal Leave of absence must be used all at once and cannot be used/taken intermittently. Personal Leaves must be approved by the trainee's Program Director, ECU Health Medical Center GME Office and HR-Leave Management. Exceptions to this must be pre-approved by the trainee's manager and the HR-Leave Management Department.

#### Maximum Length of Leave

The maximum length of Personal Leave is ninety (90) days within a rolling 12-month period.

### V. Medical Leave

There are two (2) types of medical leaves:

- A. *Leaves covered by the federal Family and Medical Leave Act of 1993 (FMLA)*
- B. *General Medical Leave - Non-FMLA*

#### A. Family/Medical Leave – FMLA

##### Eligibility

All Trainees with twelve (12) months of employment and have worked 1,250 hours are covered by FMLA. If spouses are entitled to leave under this policy and are both employed by ECU Health, the aggregate number of workweeks of FMLA leave to which both are entitled is limited to twelve (12) workweeks during any 12-month period, if such leave is taken for the birth or placement of a child or for a parent's serious health condition. If spouses work for ECU Health and each wishes to take leave to care for a covered injured or ill service member, they may only take a combined total of twenty-six (26) weeks of leave. Additional leave time may be available under the Leave of Absence Policy (non-FMLA).

##### Maximum Length of Leave

Trainees that meet the qualifications for FMLA are eligible for up to twelve (12) weeks of unpaid job protected FMLA leave during a rolling 12-month period for the following reasons:

- Trainee's own serious health condition (defined below);
- To care for a child after birth, placement for adoption or foster care within twelve (12) months after birth or placement (If both spouses work for ECU Health, their combined leave shall not exceed twelve (12) weeks);
- To care for a spouse, dependent child, or parent who has a serious health condition;

Trainees are eligible for unpaid exigency leave for up to twenty-six (26) weeks during a rolling 12-month period for the following reasons:

- A qualifying exigency arising out of the fact that the trainee's spouse, son, daughter or parent is a covered military member on covered active duty (or has been notified of an impending call or order to covered active duty) in the armed forces.
- To care for a covered family member (spouse, son, daughter, parent or next of kin) who has incurred an illness or injury in the line of duty while on active duty in the Armed Forces provided that such injury or illness may render the family member medically unfit to perform duties of the member's office, grade, rank or rating.
- Leave to care for an injured or ill covered service member, when combined with other FMLA-qualifying leave, may not exceed twenty-six (26) weeks in a single 12-month period.

If family and medical leave, general medical, or personal leave are taken during the same 12-month period, the total combined leave time may not exceed six (6) months. If a trainee is receiving short-term disability benefits for a FMLA reason, the trainee's disability period will run concurrently with these leaves.

**Definition: Serious Health Condition**

A serious health condition is an illness, injury, impairment or physical or mental condition that involves:

- incapacity or treatment in connection with inpatient care; or
- any period of incapacity of more than three (3) full consecutive calendar days plus one (1) treatment visit by a health care provider within seven (7) days of first day of incapacity and at least one (1) additional treatment visit by a health care provider within 30 days of the first day of incapacity; or one (1) treatment by a health care provider within seven (7) days of the first day of incapacity resulting in a regimen of continuing treatment under supervision of a health care provider; or
- a chronic condition which requires periodic visits for treatment by a health care provider (at least two (2) times per year), continues over an extended period of time, and may cause episodic rather than a continuing period of incapacity; or
- a period of incapacity which is permanent or long-term due to a condition for which treatment by a health care provider may not be effective; or
- any period of absence to receive multiple treatments by a health care provider either for restorative surgery after an injury or for a condition that would likely result in a period of incapacity of more than three (3) consecutive calendar days in the absence of medical intervention or treatment; or
- any period of incapacity due to pregnancy, or for prenatal care.

**Required Documentation (additional documentation is required for Short Term Disability benefits)**

- Qualifying Exigency Leave:

- A Certification Form supporting leave for a qualifying exigency;
- A copy of the covered military member's active duty orders.
- Military Caregiver Leave:
  - Health Certification Form to be completed by an authorized health care provider of the covered service member.
- All Other FMLA Leaves:
  - A Health Certification Form to be completed by a health care provider.
  - An updated Health Certification Form may be requested at least every thirty (30) days.

### **Intermittent FMLA Leave:**

Intermittent leave may be taken under the following circumstances:

- FMLA: For birth, adoption, or foster care of a child, intermittent leave is subject to the approval of ECU Health. For the serious health condition of the trainee, spouse, child, parent, covered service member, intermittent leave may be taken if it is medically necessary and after making a reasonable attempt to schedule leave so as not to unduly disrupt ECU Health's operations, subject to the approval of the treating health care provider. For a qualifying exigency, intermittent leave may be taken.
- Intermittent Leave may be taken in fifteen (15) minute increments up to the number of hours scheduled to work.
- PTO is required to be used for this time away from work.
- The maximum time allowed for an intermittent leave is six (6) consecutive calendar days. A full certification will be required at that time.
- Leave Management must be notified of need for time away from work within twenty-four (24) hours of missed shift or intermittent leave may be denied. Program Director must be contacted per program leave processes when a trainee is needs to utilize approved Intermittent Leave.

### **Coordination with Workers Compensation**

- If a trainee is receiving worker's compensation benefits for a FMLA qualifying reason, the trainee's worker's compensation period and FMLA leave will run concurrently.

### **Exhaustion of FMLA Leave**

A trainee who has exhausted the FMLA leave due to his/her own serious health condition and is unable to return to work, may be placed on a General Medical leave. A trainee who has exhausted his/her FMLA due to a family member's serious health condition may apply for a Personal Leave of Absence.

## **B. General Medical Leave – (Non-FMLA)**

### **Eligibility**

Trainees who are not eligible for or have exhausted FMLA leave are eligible to apply for an unpaid General Medical leave for their own serious health condition.

### **Maximum Length of Leave**

A trainee with six (6) or more months of service may remain on a General Medical leave for a maximum of six (6) months from the first date of disability. A trainee with less than six (6) months of service may remain on General Medical leave for a maximum of two (2) months from the first date of disability. General Medical leave is to be used for a continuous illness or injury lasting four (4) or more consecutive calendar days and may not be used

intermittently. If a trainee exhausts his/her maximum amount of General Medical leave and is not released to return to work, their employment may be terminated.

**Required Documentation (additional documentation is required for Short Term Disability benefits):**

- A Health Certification Form to be completed by a health care provider.
- An updated Health Certification Form may be requested at least every thirty (30) calendar days.

**Coordination with Workers' Compensation**

If a trainee is receiving workers' compensation benefits for a General Medical leave, the trainee's workers' compensation period and General Medical leave will run concurrently.

**Successive Periods of Medical Leave**

One General Medical leave following another is counted as a single leave unless the trainee returns to work and has been released by their physician to return to work with no restrictions and works at least one (1) full day and a new medical leave is totally unrelated to the original medical leave; or the second medical leave is related to the original medical leave but the trainee returns to work for thirty (30) consecutive calendar days preceding the commencement of the second medical leave.

## VI. ACGME One-Time Paid Leave

ACGME requirements stipulate ECU Health Medical Center must have a policy for vacation and leaves of absence, consistent with applicable laws. This policy must:

- Provide residents/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 the day the resident/fellow is required to report;
- Provide residents/fellows with at least the equivalent of 100 percent of their salary for the first six weeks of the first approved medical, parental, or caregiver leave(s) of absence taken;
- Provide residents/fellows with a minimum of one week of paid time off reserved for use outside of the first six weeks of the first approved medical, parental, or caregiver leave(s) of absence taken.

**Eligibility**

All Trainees are eligible for ACGME One-Time Paid Leave starting on the trainee's effective hire date once per training program. The following stipulates qualifying reasons for which a trainee is eligible for ACGME One-Time Paid Leave, dependent on HR-Leave Management approval of the qualifying reason:

- Medical Leave of Absence: trainee's own serious health condition
- Parental Leave of Absence: to care for a child after birth, placement for adoption or foster care within twelve (12) months after birth or placement
- Caregiver Leave of Absence:
  - To care for a spouse, dependent child, or parent who has a serious health condition;
  - To care for a covered family member (spouse, son, daughter, parent or next of kin) who has incurred an illness or injury in the line of duty while on active duty in the Armed Forces provided that such injury or illness may render the family member medically unfit to perform duties of the member's office, grade, rank or rating.

## Maximum Length of Leave

Trainees utilizing the ACGME One-Time Paid Leave are eligible for a one-time maximum of six (6) weeks (30 business days) of paid leave during their entire time in the training program. The six (6) weeks (30 business days) of ACGME One-Time Paid Leave is not deducted from a trainee's PTO. This leave cannot be used/taken intermittently, unless trainee has been approved by HR-Leave Management for intermittent FMLA. If a trainee elects not to use the full six weeks, the remainder is forfeited and cannot be applied at a later time. Time requested off beyond six (6) weeks (30 business days) that has been approved by the Program Director is up to the discretion of HR-Leave Management. The trainee's ACGME One-Time Paid Leave runs concurrently with the applicable qualifying approved Leave of Absence above (i.e. Personal Leave, FMLA Leave, General Medical Leave).

## Process for Requesting a Leave of Absence

Trainees requesting a leave must provide their Program Director, ECU Health Medical Center GME Office, HR-Leave Management and the disability third-party administrator (if applicable) with thirty (30) days advance notice when the leave is foreseeable and make a reasonable effort to schedule the treatment so as not to unduly disrupt ECU Health's operations. If the leave is not foreseeable or if it is requested for a qualifying exigency (FMLA), the trainee must give notice to their Program Director, ECU Health Medical Center GME Office and HR-Leave Management as soon as practicable but within fifteen (15) days of the initial date of disability or the leave of absence may be denied. The required documentation for a leave of absence request is to be submitted no later than forty-five (45) days from the date of the request for the leave. If the required documentation is not completed and returned, the leave of absence may be denied.

Upon Program Director approval, the request for an ACGME One-Time Paid Leave must be submitted to and approved by the ECU Health Medical Center GME Office. If requested, the ECU Health Medical Center GME Office will determine if the ACGME One-Time Paid Leave is available to the trainee.

## Compensation During a Leave of Absence

Trainees should contact the ECU Health Medical Center GME Office for guidance on compensation during a leave of absence. Compensation during any leave will be determined in collaboration with GME Office and the trainee's program leadership considering all compensation options available. If a Trainee is enrolled in short term disability or long-term disability, they also may be eligible for pay if the leave is for their own serious health condition. A trainee must contact the HR-Leave Management department and the disability third-party administrator (if applicable) to initiate a disability claim. Refer to the Summary Plan Descriptions for more information on these benefits.

## Benefits While on a Leave of Absence

A trainee on a FMLA or General Medical leave continues to be covered by the group benefit plan coverage under the same terms that existed before the leave began. For trainees in an unpaid status, medical, dental, vision, life and/or disability premiums not paid during the period will create benefit arrears balances. This allows trainees on an unpaid leave to continue to be eligible for benefits during their leave as defined by leave policies. Trainees will have responsibility to repay any missed premiums once they begin receiving pay again. Once a trainee returns to work at ECU Health, any unpaid premiums will be deducted automatically from future pay. If a trainee does not return to work, any benefit arrears balances may be deducted from any available pay including PTO. When a trainee exhausts the maximum amount of leave available under this policy, continuation coverage will be offered to eligible trainees, pursuant to COBRA.

### **Benefits while on a Personal Leave:**

Group benefit plans (Medical, Dental, and Vision) coverage may be continued through the end of the month following ninety (90) days of leave provided the normal trainee premiums are paid on a timely basis. (See summary plan descriptions for plan exclusions.) Life, Short Term Disability, Long Term Disability, Health Care

Flexible Spending Account, and Dependent Day Care Flexible Spending Account benefits may be continued for ninety (90) days following the start date of the leave of absence. COBRA and/or portability/conversion options (as applicable) will be offered to the trainee at benefit termination.

## **Return To Work From a Leave of Absence**

To return to work after a leave necessitated by a non-occupational illness or injury lasting four (4) or more consecutive calendar days, a "Healthcare Practitioners Return to Work Recommendations" form must be completed by the trainee's Physician and provided to Occupational Health and HR-Leave Management. This form must detail medical restrictions, if any. If a trainee has been out due to contagious process or is returning to work with medical restrictions, the Third-Party Administrator and/or Occupational Health will assist to determine if there is work available within the work restrictions. In no event will a trainee be allowed to return to work without a medical release from his/her Physician that details medical restrictions, if any.

When a trainee and their Physician believe that he/she can return to work early from a medical leave with restrictions that do not require the removal of the essential functions of the position, they should consult HR-Leave Management, Occupational Health, their Program Director, and the ECU Health Medical Center GME Office to determine if there is work available on a temporary basis that is within the trainee's restrictions. Occupational Health will notify the trainee if this work is available.

### **Equal Employment Opportunity**

ECU Health provides equal employment opportunity to qualified individuals with disabilities as defined by the Americans with Disabilities Act of 1990, as amended. All aspects of this policy and ECU Health practices associated with it are intended to comply with applicable law. Reasonable accommodations may be provided upon request.