

LEAVE POLICY GRADUATE MEDICAL EDUCATION

TRAINING CREDIT MAY NOT BE GIVEN FOR PAID AND UNPAID LEAVE OF ALL KINDS WHICH EXCEED THE MAXIMUM LEAVE ALLOWED FOR SPECIALTY BOARD ELIGIBILITY CREDIT AND/OR THE MAXIMUM LEAVE PERMITTED BY THE TRAINING PROGRAM'S RESIDENCY REVIEW COMMITTEE OF THE ACCREDITATION COUNCIL FOR GRADUATE MEDICAL EDUCATION (ACGME)

1. **Eligibility:**

A. Federal (FMLA) Minimum Eligibility Requirements: The Intern/Resident/Fellow must have been employed at least 12 months and worked at least 1250 hours during the 12 month period prior to the time leave would begin under this policy. OHSU will make the eligibility determination at the time of the leave request, or, in the case of leave designation by OHSU in the absence of an Intern/Resident/Fellow's request, at the time of such designation.

B. State (OFLA) Minimum Eligibility Requirements: The Intern/Resident/Fellow must have been employed at OHSU at least 180 days and worked an average of 25 hours per week in the 180 days prior to the time the leave would begin under this policy. OHSU will make the eligibility determination at the time of the request.

2. **Reasons for Leave:** Leaves may be granted or designated to an Intern/Resident/Fellow for any of the following reasons:

A. To care for a child after the birth or placement for adoption or foster care ("parental leave");

B. To care for a family member with a serious health condition;

C. For a serious health condition that makes the Intern/Resident/Fellow unable to perform one or more essential functions of his/her job;

D. Under OFLA, to care for a child of the Intern/Resident/Fellow who is suffering from an illness, injury or condition that is not a serious health condition but requires home care, and for which no other family member is available to provide care ("sick child care").

3. **Duration of Leave:**

A Intern/Resident/Fellows are entitled up to 12 weeks of continuous or interim family leave in a rolling 12 month period;

B Under OFLA, female Intern/Resident/Fellows may take up to an additional 12 weeks of leave within a rolling 12 month period for a condition related to pregnancy or childbirth;

C. Under OFLA, an Intern/Resident/Fellow who takes 12 weeks of leave within a rolling 12 month period to care for an infant or newly adopted or foster child may take up to 12 additional weeks for "sick child care."

4. **Definitions:**

A. A family member is:

1. A spouse: A husband or wife as defined in accordance with the state law.

2. A son or daughter: A biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing *loco parentis*, who is either under age 16, age 18 or older and "incapable of self-care because of a mental or physical disability".

3. A parent: A biological parent or someone who had day-to-day responsibilities to care for and financial support for the Intern/Resident/Fellow when the

Intern/Resident/Fellow was a child. Intern/Resident/Fellow may qualify for OFLA leave to care for a parent-in-law.

B. A “serious health condition” is:

1. An illness, injury, impairment or physical or mental condition that requires inpatient care in a hospital, hospice or residential medical care facility;
2. An illness, injury, impairment or physical or mental condition that requires continuing treatment by a health care provider;
3. An illness, disease or condition that in the medical judgment of the treating health care provider poses an imminent danger of death, is terminal in prognosis with a reasonable possibility of death in the near future, or requires constant care; or
4. Any period of disability due to pregnancy or childbirth or period of absence for prenatal care.

5. **Applying for Leave:**

- A. Intern/Resident/Fellows may request Family Medical Leave by completing an Intern/Resident/Fellow Request for Family Leave form, available from the Office of Graduate Medical Education or from the Benefits Office in the Human Resources Department.
- B. Requests for FMLA must be submitted in writing at least 30 days prior to the beginning of the leave period, or as soon as practicable. Failure to provide the required notice for a foreseeable leave may delay the taking of leave until 30 days after the written request is submitted.
- C. An Intern/Resident/Fellow who is unable to submit a written request for FMLA in advance because of unexpected qualifying circumstances (e.g., premature birth, medical emergency) must provide oral or written notice to the Benefits Office within 24 hours of the start of the leave or as soon as practicable, and provide written notice within three days after he or she returns to work. The oral notice may be provided by another person on behalf of the Intern/Resident/Fellow.
- D. Requests for FMLA leave will be reviewed by the Benefits Office, who will notify the Intern/Resident/Fellow and the Intern/Resident/Fellow’s Program Director or the Office of Graduate Medical Education if the leave request is approved or denied.
- E. All Intern/Resident/Fellows on approved FMLA leave must call to report their status every two weeks. Intern/Resident/Fellows are expected to immediately report to their Program Director, the Office of Graduate Medical Education, or the Benefits Office any change in their need for leave or their intention to return to work.

6. **Medical Certification:**

- A. If the FMLA leave is for a serious health condition, the Intern/Resident/Fellow must provide a medical certification from their health care provider within 15 days of submitting a written request for leave or, if the need for leave is not foreseeable, within five days after the leave begins. Medical Certification forms may be obtained from and must be returned to the Benefits Office. Failure to provide the required certification may delay the taking of leave, or prevent the request from qualifying as FMLA leave.
- B. OHSU may require the Intern/Resident/Fellow to obtain a second opinion at OHSU’s expense from a qualified health care provider designated by OHSU. If the first and second medical opinions differ, OHSU may require at OHSU’s expense a third opinion by a provider agreed upon by OHSU and the Intern/Resident/Fellow.
- C. Before restoring an Intern/Resident/Fellow to work after the Intern/Resident/Fellow’s serious health condition, OHSU may require the Intern/Resident/Fellow to provide a medical certification from his or her health care provider that the Intern/Resident/Fellow

is able to resume work.

- D. If the Intern/Resident/Fellow has taken more than three days of FMLA leave in a one year period of sick child care, OHSU may require the Intern/Resident/Fellow to obtain at OHSU's expense a medical certification from a qualified health care provider.
- E. The Benefits Office may designate leave as qualifying for FMLA/OFLA and count the leave against the Intern/Resident/Fellow's entitlement in the absence of an Intern/Resident/Fellow's request. When the Benefits Office has information indicating that the leave qualifies as FMLA/OFLA, the Benefits Office may provisionally designate the leave as FMLA/OFLA. If the Intern/Resident/Fellow disagrees with this designation, the Intern/Resident/Fellow may submit additional information to the Benefits Office indicating why the designation is inappropriate within 15 days of the notice of designation.

7. **Continuation of Benefits:**

- A. An Intern/Resident/Fellow will be required to use all accrued sick leave at the commencement of FMLA and OFLA leave and will be permitted the opportunity to elect to use vacation leave following the exhaustion of accrued sick leave. This election must be made at the commencement of such leave. An Intern/Resident/Fellow electing to use vacation leave will be required to use such leave at a rate commensurate with their FTE status. However the Intern/Resident/Fellow will be permitted to retain other accrued paid leave at the Intern/Resident/Fellow's discretion up to forty (40) hours while remaining on FMLA and OFLA leave.
- B. OHSU is required to maintain group health (medical and dental) insurance coverage for an Intern/Resident/Fellow on FMLA leave (unless the Intern/Resident/Fellow declines coverage). If all accrued sick leave and vacation leave has been used for FMLA, the Intern/Resident/Fellow is required to pay the Intern/Resident/Fellow's portion of group health premiums by the first day of each calendar month. The Intern/Resident/Fellow may pay premiums for other voluntary benefits plans in accordance with established guidelines. The Intern/Resident/Fellow should contact the Benefits Office for more information. In some instances, OHSU may recover premiums it paid to maintain health coverage for an Intern/Resident/Fellow who fails to return to work from FMLA leave.
- C. OHSU is not required to maintain group health (medical and dental) insurance coverage for an Intern/Resident/Fellow on OFLA leave. The Intern/Resident/Fellow must contact the Benefits Office for information on the employee's rights and responsibilities to continue benefit coverage.
- D. If an Intern/Resident/Fellow returns directly from FMLA or OFLA leave, benefits will be reinstated the first of the following month. If the leave exceeds the 12 week limit, the Intern/Resident/Fellow will be required to meet the eligibility guideline before insurance coverage is reinstated and pre-existing condition limitations may apply on some of the plans.

8. **Reinstatement:** An Intern/Resident/Fellow returning from an approved FMLA leave will be returned to the position the Intern/Resident/Fellow held before the leave began unless the position has been eliminated or the Intern/Resident/Fellow would have been displaced had the Intern/Resident/Fellow not taken FMLA leave, in which case the Intern/Resident/Fellow may be returned to an available equivalent position. Leave may, in some circumstances, delay the Intern/Resident/Fellow's completion of their residency program. Questions regarding the effect of an Intern/Resident/Fellow's leave on completion of their program requirements should be addressed to the program director.

9. **Failure to Return to Work After FMLA:** An Intern/Resident/Fellow who fails to return to work at the conclusion of an approved FMLA leave may be deemed to have voluntarily terminated employment. An Intern/Resident/Fellow who fails to return to work after his or her leave is

exhausted may be required to reimburse OHSU for health insurance premiums it paid for the benefit of the Intern/Resident/Fellow's behalf during the period of the Intern/Resident/Fellow's FMLA leave.

SPECIAL LEAVES OF ABSENCE

1. **Jury Duty:** If an Intern/Resident/Fellow is subpoenaed for jury duty, leave shall be provided with pay up to a maximum of four weeks per year. The Intern/Resident/Fellow will be paid the difference between his/her regular pay and the payment received from the court for jury service.
2. **Military Leave:** Uniformed Services Leave will be granted for service or training with the United States Uniformed Services as required by federal and state law. Because this policy cannot address every circumstance, Intern/Resident/Fellows are encouraged to meet with Graduate Medical Education prior to taking leave, when possible, to discuss their specific situation.
 - A. **Notice Required and Length of Leave:** Uniformed Services leave will be granted to a maximum of five years in most cases. The Intern/Resident/Fellow shall provide verbal or written notice to Graduate Medical Education as far in advance of taking leave as is possible under the circumstances.
 - B. **Compensation:** Uniformed Services leave for training shall be with pay for a period not exceeding 15 calendar days. To be eligible for this period of paid leave, the Intern/Resident/Fellow must provide to Graduate Medical Education a copy of his or her Uniformed Services training orders. The Intern/Resident/Fellow taking Uniformed Services leave may elect to be paid for accrued vacation leave. All other Uniformed Services leave is without pay.
3. **Bone Marrow Donor Leave:** Eligible employees are entitled to use accrued paid leave to undergo a medical procedure to donate bone marrow.
 - A. **Eligibility/Use of Leave:** Eligible employees include those who perform services at OHSU for an average of 20 or more hours per week. Paid sick leave may be used to the extent it is available. Otherwise, other accrued paid leave is to be used. The total length of the paid leave shall be determined by the employee, but shall not exceed the amount of already accrued paid leave or 40 work hours, whichever is less, unless agreed to by the department. The paid leave shall be deducted from accrued leave.
 - B. **Medical Verification:** The department may require verification by a physician of the purpose and length of each leave requested by the employee to donate bone marrow. If there is a medical determination that the employee does not qualify as a bone marrow donor, the paid leave of absence granted to the employee prior to that medical determination is not affected.
 - C. **Non-Retaliation:** OHSU will not in any way retaliate against employees who request or use paid leave of absence in accordance with this policy.
4. **Bereavement Leave:** Unclassified employees employed at .50 FTE or more are entitled to use up to five days of accrued sick leave to attend to the death of a member of the employee's immediate family. Immediate family, for purposes of this policy, includes the employee's parents, grandparents, spouse, domestic partner, siblings, parent-in-laws, son-in-law, daughter-in-law, or another member of the employee's immediate household. Reasonable extension of bereavement leave may be granted by an employee's supervisor. If an employee does not have any accrued sick or vacation leave, bereavement leave will be unpaid.
5. **Professional Leave:** The Intern/Resident/Fellow is entitled to leave for professional reasons, such as, but not limited to, testifying in a lawsuit unrelated to the Intern/Resident/Fellows' training at OHSU. Such leaves, if approved, can be taken as vacation or leave without pay at the sole discretion of the Intern/Resident/Fellow. Whenever possible, the Program Director

should be notified of such leaves well in advance. Attendance at conferences and seminars as part of the Intern/Resident/Fellow's training program is not considered a leave of absence or vacation and should be counted as paid time.

APPROVED BY GMEC: July 22, 2010