
TIME-OFF AND LEAVE-OF-ABSENCE POLICY FOR RESIDENTS & FELLOWS

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Web address: www.med.nyu.edu/housestaff/GME_Policies/index.html
Applies to: All NYU School of Medicine Interns, Residents, and Foreign National Physicians in ACGME- and non-ACGME-accredited specialty and subspecialty training programs

I. Preamble

The New York University Medical Center (NYUMC) is committed to meaningful and enriching educational experiences for its residents and clinical fellows. This includes accruing any time taken off voluntarily or otherwise adhering to strict NYUMC regulations and does not precluding from successful completion of post-graduate medical training.

II. Definitions

- A. **ACGME** – Accreditation Council for Graduate Medical Education
 - B. **HSAO** – House Staff Affairs Office
 - C. **HHC** – NYC Health and Hospital Corporation
 - D. **NYUMC** – New York University Medical Center (including New York University School of Medicine, Tisch Hospital and Hospital for Joint Disease)
 - E. **LOA** - Leave of Absence
 - F. **Medical Disability** – “Serious health condition”: illness, injury or impairment that involves either: 1) inpatient care or 2) continuing treatment by a health care provider. “Continuing treatment” includes incapacity for more than 3 days and at least 2 treatments or pregnancy or prenatal care or permanent or long-term illness and their treatments.
 - G. **CPH** – Committee for Physician Health
 - H. **EHS** – NYUMC Employee Health Services
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III. Responsibilities

- A. **Specialty Board** - Each specialty board maintains a policy specifying the maximum amount of time a Resident may be absent during each year of training; the Resident will not receive credit toward program completion for any leave period in excess of that maximum. The Resident will be required to make up excess time missed before he or she will be eligible for promotion within or completion of the program and before the specialty board will allow the Resident to take the board examination.

Note: This document does not address the certification requirements of each individual specialty board or the issue of remuneration when a Resident is required to extend the length of his or her training.

- B. **Director of Residency Training** - The Director is responsible for approving, monitoring, and reporting leaves of absence in compliance with the Medical Center policy and specialty board requirements, including maintaining a record of the leave time used by each Resident each year. In addition, it is the program director's responsibility to provide the Residents with a written policy concerning the effect of leaves of absence on satisfying the criteria for completion of training. The Director must notify the Office of House Staff Affairs whenever a Resident is absent from training for more than three consecutive days. A copy of all LOA records must be forwarded to the Office of House Staff Affairs. The HSAO will provide a template letter explaining the terms and conditions of a) return to the program, b) personal LOA, or c) resignation. The Director must then complete the letter (including the criteria for training program extension) and return it to the House Staff Affairs Office for final approval. Once approved, the letter must be signed by the program director and sent to the Resident, while cc-ing DIO, Chair of the Department, and Senior Director of the HSAO.
- C. **Resident** - The Resident must request time away from his or her training program at the earliest date possible to allow time for the Director to arrange coverage in the Resident's absence. The Resident must submit corroborating documentation as required or requested to receive approval for time off (whether paid or unpaid) and, where applicable, to receive authorization to return to his or her training program.
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IV. Paid Time-Off Benefits

A. **Adoption/Parental Leave**

Paid Time Off - 1 day per event / non-accruable (Not when on Bellevue Payroll)

Eligibility -The Resident is eligible for this benefit immediately after employment begins, with approval from his or her Director.

Additional Info - The Resident will receive his or her regular pay for one working day to adopt a child or for the birth of his or her child. See also sections IV.C. (Disability), IV.H. (Vacation), V.A. (FMLA), and V.B. (Personal) for additional information applicable to pregnancy and new parenthood.

B. **Bereavement**

Immediate Family:

Paid Time Off - 3 days maximum per event / non-accruable

Eligibility - The Resident is eligible for this benefit immediately after employment begins, with approval from his or her Director.

Additional Info - The Resident will receive his or her regular pay for up to three working days in the event of the death of a parent, spouse, same gender domestic partner, child, brother, sister, mother/father-in-law (except while on Bellevue Payroll), or grandparent. The Resident must take bereavement days consecutively and within a reasonable time from the date of the death or funeral. Bereavement days may not be split or postponed.

Other Relatives:

Paid Time Off - 1 day maximum per event / non-accruable (except when on Bellevue Payroll)

Eligibility - The Resident is eligible for this benefit immediately after employment begins, with approval from his or her Director.

Additional Info - The Resident will receive his or her regular pay for up to one working day in the event of the death of a relative other than the relatives referenced above. The Resident must take the bereavement day within a reasonable time from the date of the relative's death or funeral; it may not be postponed (except while on Bellevue Payroll.)

C. Disability

Paid Time Off - 90 days maximum of sick bank time per annum / non-accruable unless a longer period of time is specified by one of the participating institutions. When on Bellevue Payroll, medical leave is unlimited and will be granted when satisfactory documentation is provided.

Eligibility - The Resident is eligible for this benefit immediately after employment begins. For the purpose of this document, a Resident is considered disabled when, due to his or her own illness, injury, pregnancy, or childbirth, the Resident's treating physician has determined that he or she is unable to work.

Additional Info – The Resident must provide medical documentation for absences in excess of three days, upon request from the HSAO or the Director. Failure to provide medical documentation may result in denial of sick pay.

Residents on NYU payroll will receive his or her regular pay for up to 90 working days in the event that he or she is certified as disabled. Any time taken due to injury or illness in excess of the 90-day allowance will be paid in accordance with the Medical Center disability benefit plan. In order to access the sick leave bank, the Resident should inform their Program Coordinator of their medical absence.

The Program Coordinator will inform the House Staff Affairs Office of the last day worked. The House Staff Affairs office will submit the Disability request forms to NYUMC Benefits Department, or provide the Program coordinator with a copy of the Bellevue FMLA application. The Resident must submit documentation of medical necessity to NYUMC Benefits Department or Bellevue Benefits Department.

NYU will replenish the Resident's sick leave bank on July 1 of each year, or upon completion of the Resident's academic year, of which the Resident is in training at

NYU. If a resident is out sick, due to injury or illness, for more than 90 days in an academic year, eligibility for return to the training program will be dependant upon financial and academic position availability.

Maternity Leave: A Resident who gives birth to a child is eligible for Maternity Leave. The maximum amount of time allowed for a Resident's entire maternity leave is 6 months from the last day worked. Maternity Leave is defined as a combination of:

Disability Leave – Paid sick time/disability leave for the period of time the Resident is considered disabled;

When possible and only if the Resident is still able to perform the essential functions of his/her program, the Department may make reasonable accommodations for a Resident's disability. Such accommodation may include modifying the Resident's responsibilities or schedule. The Resident must submit to her Director documentation of medical necessity in order to paid sick time during disability leave.

Family Medical Leave Act of 1993 (FMLA) – Runs concurrent with Disability Leave, beginning with the first day out;

Vacation Time – Payable once the Resident is no longer considered disabled or have depleted the 90 days of sick time; and

Personal (unpaid) Leave – The period of time beyond the first 12 weeks of leave, beginning on the last day of work. Permission to grant leave beyond the first 12 weeks of absence from training will be at the discretion of the Director.

See also sections IV.A. (Adoption/Maternity/Paternity), IV.H. (Vacation), V.A. (FMLA), and V.B. (Personal) for additional information applicable to pregnancy and new parenthood.

Returning from a Disability Leave – In order to recommence training, the Resident must submit appropriate and acceptable medical clearance from the treating physician. If the Resident is receiving Disability pay, documentation of medical clearance should be provided to the NYUMC Benefits Department or Bellevue Benefits Department.

Residents returning from a Maternity Leave must submit documentation of clearance to return to work from the treating physician to the Director. At the discretion of the Director, a return-to-work examination may be requested if the Resident experienced major complications during the Maternity Leave.

Residents returning from a Disability Leave (other than a Maternity leave) may be subject to, at the discretion of the Director, a return-to-work examination. The Resident will be required to provide documentation of the clearance to return to work from the treating facility/physician or CPH. CPH or an individual treating physician will advise EHS and the HSAO when the Resident has been deemed able to return to work with or without a reasonable accommodation. If accommodations are requested, the NYU Employee Relations office should be involved. EHS will consult with the Program Director and the HSAO regarding the Resident's ability to return to work to perform the essential functions of his or her job with or without a reasonable accommodation.

D. *Educational/Conference*

Paid Time Off - 3 days maximum per annum / non-accruable with Departmental permission.

Eligibility - The Resident is eligible for this benefit immediately after employment begins, at the discretion of the Resident's Director.

Additional Info - Educational/conference leave is an optional benefit that is granted at the discretion of the Resident's Director. The Director will approve or deny leave based on factors including, but not limited to, the appropriateness and value of the workshop, conference, or seminar to the Resident's assignment and responsibilities as well as Medical Center staffing needs.

E. *Jury Duty*

Paid Time Off -10 days maximum per event / non-accruable When on Bellevue payroll, the Resident will receive \$40 for the first 3 days of jury duty service instead of their regular salary.

Eligibility - The Resident is eligible for this benefit immediately after employment begins, with approval from his or her Director.

Additional Info - The Resident will receive his or her regular pay for up to ten days when summoned for jury duty. The Resident must submit the appropriate documentation to his or her Director in order to continue to receive regular pay while serving as a juror.

F. *Marriage*

Paid Time Off – 3 days maximum per event / non-accruable - Not available when on Bellevue payroll.

Eligibility – The Resident is eligible for this benefit immediately after employment begins, with approval from his or her Director.

Additional Info – The Resident will receive his or her regular pay for up to three days for his or her marriage. The Resident must take marriage days consecutively and in association with the date of the event.

G. *Military*

Paid Time Off – 2 weeks maximum per event / non-accruable – When on Bellevue payroll, see HHC Operating Procedure 20-15 and Extended Military Leave Policy.

Eligibility – The Resident is eligible for this benefit immediately after employment begins, with approval from his or her Director.

Additional Info - The Resident will receive his or her regular pay for up to two weeks if he or she is called for military duty. The Resident must submit to his or her Director written documentation of notice to serve in order to be paid during this time. In cases where the Resident's orders require him or her to be absent from training for more than two weeks, the Resident should refer to the NYU *Revised Interim Policy for*

Military Service, effective March 15, 2002, available from the Human Resources Department, 212-404-3857.

H. *Vacation*

Paid Time Of – 4 weeks per academic year / non-accruable

Eligibility – The Resident is eligible for this benefit immediately after employment begins, with approval from his or her Director.

Additional Info – Subject to limitations established by the Resident's specialty board, Residency Review Committee, and/or training program, the Resident is eligible for four weeks of vacation time per academic year. The Medical Center will replenish the Resident's vacation bank on July 1 of each year, or upon the completion of the Resident academic year, of which the Resident is in training at NYU. Vacation time cannot be carried over to the following academic year; residents will not be paid in lieu of taking vacation; and any used vacation time will not be payable upon termination, provided the resident has been permitted to take vacation time.

V. Unpaid Leaves of Absence

A. *Family Medical Leave Act of 1993 (FMLA)*

Unpaid Time – 12 weeks maximum per annum / non-accruable

Eligibility – House Staff are eligible for FMLA after a resident has been on payroll for a year regardless of what payroll they are on preceding a qualifying event are eligible for up to 12 weeks of unpaid family leave annually. A qualifying event is defined by Federal law as:

- (1) the birth and care of a Resident's newborn child;
- (2) placement with a Resident of a son or daughter for adoption or foster care;
- (3) caring for a spouse, child, or parent with a serious health condition; or
- (4) taking medical leave when the Resident is unable to work because of his or her own serious health condition.

Additional Info – The Resident must submit corroborating documentation as required or requested to receive approval for time off. Any sick time taken for a period of seven or more consecutive calendar days due to a Resident's own illness, injury, pregnancy, or childbirth (as determined by the Resident's treating physician) will be applied toward the Resident's maximum 12-week-per-annum FMLA leave.

The Resident is required to utilize unused vacation time to cover the time that is not considered a medical disability. A request for FMLA leave that is for a qualifying reason other than for the Resident's own disability must be made to and approved by the Human Resources and/or Employee Relations Department.

Medical Leave due to pregnancy or childbirth is considered a Disability Leave. See also sections IV.B. (Adoption/Maternity/Paternity), IV.C. (Disability), IV.H. (Vacation), and V.B. (Personal) for additional applicable information.

Returning from a FMLA Leave – Please see Returning from a Disability Leave under Section IV.C. (Disability) for a FMLA Leave with a Residents own illness or disability.

When returning from any other type of FMLA Leave, the Resident must notify the Director of the intended return to work date at least two week in advance.

B. *Personal Leave of Absence*

Unpaid Time – A Personal Leave of Absence may be granted at the discretion of the Program Director. At the time the LOA is granted, a written agreement must be established regarding the length of the LOA and circumstances for re-entry to the program

Eligibility – The Resident is eligible for an unpaid personal leave of absence after employment begins, with prior approval from the Resident's Director.

Additional Info – The Resident may use applicable paid time off (e.g., vacation days) during an approved personal leave of absence. In the event that the Resident does not have or has exhausted his or her paid time off, the leave will be without pay. See also section III.A. (Specialty Board) for additional relevant information.

Returning from a Personal Leave – At the time a Personal Leave is granted, a written agreement must be established regarding the length of the Leave and circumstances for re-entry to the program. Re-entry into the program will include the Resident being re-credentialed by the House Staff Affairs Office. The following guideline will be required for all House Staff approved for a Personal Leave (including off-site Research) to submit the following:

For NYU House Staff Affairs Office – The Resident must complete the NYU House Staff Application and submit an updated CV. In addition, the Resident must submit two letters of recommendation from the current employer (dated within 6 months of the rehire date) or a letter stating what activities and where said activities were performed, while on personal leave.

For NYU Human Resources – A background check will be conducted on all employees; in addition the Resident must also complete the NYUHC [new-hire documents](#) if the personal leave was more than 90-days. Furthermore, an I-9 must be completed if the total time taken as personal leave was at least one year. All Foreign National Physicians will be required to complete an I-9 and tax forms.

For Bellevue House Staff Affairs Office – If the personal leave is more than 12 months, the Resident must complete the House Staff Application, Application for Residency, Employment History Card. The NYU HSAO will forward the current CV and letter of recommendation to the Bellevue HSAO.

For Bellevue Human Resources – Completion of [new hire documents](#) may be required, depending upon the length of the individual personal leave. If assigned to Bellevue's Payroll an I-9 and tax forms must be completed and Benefit Enrollment information must be updated.