**West Virginia University School of Public Health
Graduate Medical Education Policy on Vacation and Leaves of Absence, Including Medical, Parental, and Caregiver Leaves of Absence***IV.B.3.a).(2)*

West Virginia University (WVU) School of Public Health’s Occupational and Environmental Residency Training Program shall seek to provide its residents with appropriate time off to ensure the trainee’s well-being and to comply with the guidelines of West Virginia University, WVU School of Public Health (WVUSPH), Accreditation Council for Graduate Medical Education (ACGME), the American Board of Medical Specialties (ABMS), the American Board of Preventive Medicine (ABPM) and other regulatory and/or accrediting agencies for employee leave(s) of absence including medical, parental, and caregiver. All time off shall be granted according to this policy.

Due to the prevalence of stress and fatigue in residency training, WVUSPH expects residents to use accrued annual leave in accordance with this GME policy. The guidelines set forth will aid residents to plan appropriately balancing their need for restorative time away from training with the fulfillment of their ACGME/ABMS/ABPM training requirements. In addition, program leadership in conjunction with the program’s Clinical Competency Committee (CCC) will also cumulatively track resident leave time to ensure the ultimate fulfillment of required time in training.

The use of leave may impact a resident’s/fellow’s ability to complete program requirements. Therefore, a resident 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 WVUSPH.

**ANNUAL LEAVE**

Full-time residents (defined as 1.0 FTE) will accrue 15 hours (2 days) per month of annual leave (vacation). Annual leave must be accrued *prior* to using it and must be requested and approved in advance by the Program Manager/Program Director. Unused accrued annual leave time carries over from year to year, and at the end of your residency, 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. 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.

The following considerations will apply when reviewing requests for annual leave:

* The operational needs of the department, including resident availability for clinic and required representation at committee meetings such as the Graduate Medical Education Committee and Annual Program Evaluation Committee.
* The WVU academic calendar, to limit disruption while a resident is completing required academic coursework.
* The duration and educational goals of the rotation, to limit disruption of the learning experience.
* Only one full week of annual leave time may be used in any one calendar month.
* Program Directors have the right to deny annual leave at the requested time
* A resident does not have the option of reducing the time required for the residency by forgoing annual leave.
* Residents are strongly encouraged to use all available leave prior to graduation.

It is an expectation that residents 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.

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 ABPM requirements for successful completion of your training program. Such requests require special approval from the program director.

For additional information, please refer to the WVU Talent and Culture website:

[**https://talentandculture.wvu.edu/policies-forms-and-resources/hr-policies/annual-leave**](https://talentandculture.wvu.edu/policies-forms-and-resources/hr-policies/annual-leave)

**SICK LEAVE**

Full-time residents will accrue sick leave at the rate of 1.5 days per month. Sick leave may be used by an employee who is ill or injured, when a member of the immediate family is ill or injured, in need of medical attention, or in the event of death. In almost all cases, sick leave must be accrued prior to its use.

Immediate family for this purpose is defined as: father, mother, son, daughter, brother, sister, husband, wife, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandmother, grandfather, granddaughter, grandson, stepmother, stepfather, step child or others considered to be members of the household and living under the same roof.

The resident must notify, via phone call or text, his/her rotation supervisor and Program Manager *prior* to the beginning of his/her shift (unless not feasible due to hospitalization, etc.) or immediately if he/she becomes ill or unable to work for any reason while at work.

Residents are asked to call the Program Manager every day absent unless on an approved leave of absence. Unreported and unexcused absences of three consecutive work days may result in disciplinary action.

Sick leave for more than five (5) consecutive days shall not be granted to a leave eligible employee for illness without satisfactory proof of illness or injury, as evidenced by a statement of the attending physician or by other proof satisfactory to the institution. 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.

Excessive/unexplained absences may affect the competency evaluation, promotion to the next level of training and may result in a possible delay in graduation. For additional information, please refer to the WVU Talent and Culture website:

[**https://talentandculture.wvu.edu/policies-forms-and-resources/hr-policies/sick-leave**](https://talentandculture.wvu.edu/policies-forms-and-resources/hr-policies/sick-leave)

**FAMILY MEDICAL LEAVE ACT (FMLA)**

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’s 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.

[**https://talentandculture.wvu.edu/policies-forms-and-resources/hr-policies/family-and-medical-leave-act**](https://talentandculture.wvu.edu/policies-forms-and-resources/hr-policies/family-and-medical-leave-act)

**MEDICAL, PARENTAL AND CAREGIVER 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 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. 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**, WVUSPH will provide residents 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 lease once and at any time during an ACGME-accredited program, starting from the day the resident is required to report to work. This first six weeks of approved medical, parental or caregiver leave will be paid at 100% of the resident’s salary whether or not any annual and/or sick time has been accrued by the resident prior to experiencing the qualifying need for taking the leave.

For residents 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 to use at a later time. Should the resident 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 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 will again begin to accrue an annual leave balance.

For residents 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 returns to work, the resident’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 will again begin to accrue annual and sick leave balances.

More information can be found at the following website.

<https://talentandculture.wvu.edu/benefits-and-compensation/medical-management/resident-and-fellow-leaves>

**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/policies-forms-and-resources/hr-policies/catastrophic-leave>

**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. The Program Director, Program Manager, or their designee, will assist in scheduling and coordinator of holiday time.

When a resident is rotating on a service where the faculty physicians observe a state holiday, the resident will be able to take that day off with holiday pay. As salaried professionals, residents are exempt from overtime or compensatory time, therefore, 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. The granting of an equivalent number of alternative days is neither required nor owed by WVUSPH.

<https://talentandculture.wvu.edu/policies-forms-and-resources/hr-policies/holidays>

**RELIGIOIUS LEAVE**

The residencies also recognize that some employees may observe religious holidays that are not included in the list of recognized holidays. Such needs will be granted reasonable time off by the Program Director, *provided operational problems or hardships within the effected department are not created*. Time off to observe a religious holiday must be requested and approved in advance by the Program Director consistent with departmental guidelines. Time off for religious accommodation shall be charged to the employee’s annual leave. For more detailed information, please refer to the WVU Talent and Culture website:

[**https://talentandculture.wvu.edu/policies-forms-and-resources/hr-policies/religious-accommodation**](https://talentandculture.wvu.edu/policies-forms-and-resources/hr-policies/religious-accommodation)

**CONTINUING MEDICAL EDUCATION (CME) LEAVE**

All CME conferences a resident wishes to attend must be approved, in advance, by the program director and reported to the program manager. 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.

**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:

[Witness and Jury Leave | Talent and Culture | West Virginia University (wvu.edu)](https://talentandculture.wvu.edu/policies-forms-and-resources/hr-policies/witness-and-jury-leave)

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. All residents should contact the Program Manager and rotation supervisor ASAP if they will not be able to attend work

**PERSONAL LEAVE OF ABSENCE WITHOUT PAY**

A Personal Leave of Absence (LOA) may be requested by a resident 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 are advised that a LOA may impact a resident’s ability to complete program requirements. Therefore, a resident 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 WVUSPH.

A maximum of 6 months of LOA may be honored before a resident 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. 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 to complete the required training if a LOA is taken.

**Procedure for Submitting and Approving Requests**

Trainees should email the Program Manager at least four weeks in advance of the requested time off. After the request is received, the Program Manager will determine the needs of the department at such requested time. Coverage for patient care, and other obligations must be adequately covered. If approved, the Program Manager will record such time as required by WVU.

Each resident is required to enter, into e-Value, all leave time as required to document compliance with ACGME requirements. The Program Manager will review these entries monthly to assure that ACGME requirements are met.

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://policies.wvu.edu/finalized-bog-rules/bog-talent-and-culture-3-5-employee-leave>

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>

Approved by GMEC February 5, 2016
Revised and Approved by GMEC July 17, 2018
Revised and Approved by GMEC: May 25, 2022
Revised and Approved by GMEC: August 24, 2022
Revised and Approved by GMEC: May 24, 2023