

## RESIDENT LEAVE

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The Graduate School of Medicine recognizes that a resident (or fellow, hereby referred to as “resident”) may need to be away from work due to medical or certain family reasons. Leaves of absence are defined as approved time away from residency duties, other than regularly scheduled days off. All leave will be scheduled with prior approval by the Program Director with the exception of emergencies or unexpected illnesses. In unexpected/emergency situations, the resident should contact the program director at the earliest possible time.

The amount of time a resident can be away from residency duties and still meet Board and or graduation requirements varies among the specialties. Each program will provide its residents with a written policy on the effect of leaves of absence, for any reason, on satisfying the criteria for completion of that program. It is the resident’s responsibility to be aware of his/her specialty requirements. All time off, including holidays, is scheduled at the discretion of the Program Director.

It is the responsibility of the Program Director to verify the effect of absence from training for any reason on the individual’s educational program and if necessary, to establish make-up requirements that meet program, RC or board requirements of the specialty.

Residents needing extended leave for medical or FMLA reasons may be eligible for up to a total of 90 days paid leave with benefits for the duration of their training. They will first exhaust their annual and sick leave available during this leave period. This leave will be subject to monthly review by the DIO and program director.

Programs must document all types of resident leave in MedHub.

**Holidays:** Holidays observed by the University of Tennessee and/or UT Medical Center are not automatically observed as time off for residents.

**Vacation:** All residents receive twenty-one (21) vacation days with a maximum of fifteen (15) “working days” (Monday-Friday) plus six (6) “weekend days” (Saturday-Sunday) per letter of agreement period. All vacation days should be approved and scheduled by the Program Director for use during the year for which it is allocated. Residents are not paid for unused vacation days and vacation days do not carry over to the next Letter of Agreement. In the event that a resident should lose a scheduled vacation in order to maintain program continuity, the program director may allow the lost vacation days to be carried over to the next letter of agreement.

**Sick Days:** All residents are allotted twenty-one (21) sick days per letter of agreement period to be used for personal illness, injury, pregnancy, etc. Sick days may also be taken for serious illness or injury involving the immediate family (parents, children, spouse, or siblings) of the resident. Time off due to illness must be immediately reported to the Program Director. A treating physician’s statement of illness or injury may be requested or required by the program director for the use of either type of sick day. Residents are not paid for unused sick days and unused days do not carry over to the next Letter of Agreement. Willful or intentional abuse of sick time could result in possible disciplinary action.

**Inclement Weather:** Residents are considered to be essential personnel and provide “essential services” for purposes of the Inclement Weather Policy. The University may close its administrative offices during inclement weather for those individuals classified as non-essential regular staff employees. Residents, however, provide direct patient care in our hospitals and clinics and must report to work as scheduled. If a resident is on a rotation at a clinic or service that does close due to the weather, the Program Director may elect to allow the

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resident to take the day off or may reassign them to another location. The Program Director is the only individual that may direct the resident to stay home. Residents must notify, by phone and email, their attending and their Program Director immediately if they are unable to report to work as scheduled.

## TYPES OF LEAVE:

### 1. Parental, Care Giver and Medical Leave

Programs must allow for a minimum of 6 weeks of time away from training for purposes of parental, caregiver and medical leave at least once during training, and without extending training. Programs must allow all new parents, including birthing and non-birthing parents, adoptive/foster parents, and surrogates to take parental leave. This one time six-week allowance will not exhaust a resident's annual vacation or sick leave. Preferably this leave should be taken as contiguous block of time. Residents should always confer with their program director to determine if their cumulative leave affects their training time.

Consistent with the Family Medical Leave Act (FMLA), eligible residents (who have worked at least 12 months and have had at least 1250 hours of work) are able to take up to 12 weeks of leave for certain personal medical reasons or for qualifying family reasons. FMLA leave may be taken to care for a spouse, child or parent with a serious health condition. The Tennessee Parental Leave Act (TPLA) provides an additional 4 weeks (for a total of 16 weeks leave) for care and bonding of a newborn, or a recently adopted infant, or infant in foster care infant.

Residents on FMLA leave for medical conditions may be allowed to take intermittent leave for treatment appointments, or episodic conditions, themselves or for the care of qualifying family members.

Residents taking parental or caregiver leave beyond the permitted one time in training six weeks contiguous block of time will use their remaining annual and sick leave for FMLA and TPLA purposes.

Residents on extended leave will receive full pay during this extension up to a total of 90 days. Benefits are maintained throughout the leave period.

#### 1. Personal Leave

A resident may be allowed to take personal leave. Residents must first use annual and sick leave for personal leave. Residents requesting personal leave should first discuss the leave with the program director and if approved submit a completed GME Leave of Absence Request Form in MedHub.

#### 2. Educational Leave

Leave for educational meetings, conferences etc., may be granted at the discretion of the program director. Time spent on educational leave is paid and is considered a part of regular clinical duties.

#### 3. Professional Search Leave

The program director may grant leave to senior residents pursuing fellowships or practice search. Residents should discuss with the program director the time they will need for these career pursuits well in advance of their leave requests.

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## 4. Military Leave

Military leave is available to residents who voluntarily or involuntarily serve in the United States Armed Forces or National Guard. A request for military leave of absence should be initiated with the program director at least thirty (30) days in advance if possible. The UT System-wide policy on military leave will be followed in these cases.

## 5. Jury Duty Leave

A resident that is summoned for jury duty must provide a copy of the summons to their Program Coordinator who will send a copy to the GME Office. Upon request from the program, the GME Office can issue a letter requesting that the resident be excused from jury duty. In the event the resident is not excused, the GSM will excuse the resident from work each day the resident is providing service to the court. The resident must request a statement from the court clerk each day they are serving on a jury and provide to their program coordinator when they return to work. This court time will not count towards the residents annual or sick leave time. This time away from the program may extend the training time of the resident in the program.

## 6. Bereavement Leave

The intent of this policy is to provide time to recognize the emotional impact of the death of a member of the immediate family. If there is a death in a resident's immediate family, he or she may take up to five (5) paid working days off. For this purpose, immediate family is defined as spouse, partner, parents, child, , grandparents, grandchildren mother/father-in-law, sister, brother, step-parents, step-sister, step-brother, step-child, sister-in-law, brother-in-law. The leave may be used over an extended period of time, not to exceed a total of five days.

## 7. Well-Being Leave

Programs must provide the resident with the opportunity to attend medical, mental health and dental care appointments, including those scheduled during their work hours. Time required for breast feeding or expression must also be provided during work hours.

## 8. Administrative Leave

Administrative leave is not intended to replace any leave that a resident may otherwise be entitled to, including vacation, sick leave, parental or family leave. Investigatory leave and suspension are examples of administrative leave.

- A. **Investigatory Leave:** A resident may be placed on investigatory leave up to 60 days in order for the program to review or investigate allegations of inappropriate behavior, deficiencies or concerns. The alleged deficiency should be of a nature that warrants removing the resident from the training program for the period of investigation. The program director (or a designee) will provide a copy of the Letter of Administrative Leave to the resident, stating the reason(s) for and the expected duration of the leave. The resident is relieved of all clinical responsibilities during this leave period and may return to the campus solely at the invitation of the program director. Salary and benefits will be continued during investigatory leave. Investigatory leave does not constitute an adverse action however; any adverse action taken as a result of the investigation is reportable in the training record.
- B. **Suspension:** Suspension is an adverse action that is reportable and is a permanent part of the training record. Suspension requires the removal of the resident from the clinical service or research site due to the resident's failure to comply with the policies of the program or the institution (UTMC, GSM). The program director (or a designee) will provide a copy of the Letter of Administrative Leave to the resident

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, stating the reason(s) for and the expected duration of the leave. Suspension generally should not exceed 60 calendar days. The resident is relieved of all clinical responsibilities during this leave period and may return to the campus solely at the invitation of the program director. Suspension may be coupled with or followed by other disciplinary actions. The resident's salary and benefits may continue during the period of suspension, at the discretion of the DIO in consultation with the GSM Dean.

**End of Leave.** An extended absence, for any reason, may prevent a resident from fulfilling the requirements for participation in educational and scholarly activities and achieving the resident responsibilities as stated in the Letter of Agreement. Generally, leaves of absence will be granted for a maximum of six (6) months and will be unpaid after a maximum of 90 days. Residents are subject to termination upon: a) exhaustion of all available annual leave, sick leave and other approved or statutory leave, or b) failure to return to work as scheduled at the end of the authorized or statutory leave. An absence will be charged against any annual, sick or other available approved unpaid leave. If all such paid and unpaid leaves are exhausted, the absence will be unexcused and the resident subject to dismissal for job abandonment. The DIO, in his/her discretion, may authorize additional leave but only in extraordinary circumstances.

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### Notes:

- Residency positions will be protected during the period of approved Family Medical Leave or as required by law.
- Residency positions in a prescribed Physicians Health program may be protected.
- An unpaid leave of absence may affect a resident's visa status.
- A leave of absence may require extension of training in order to meet program or board eligibility criteria.

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