

Housestaff Leaves and Accruals

Sick Leave

Contract Language:

Sick leave with compensation is given at the rate of twelve (12) days per academic year (one day per month). Sick leave is credited to the year of appointment. In addition, vacation leave may be used to cover sick leave that exceeds available sick time. Unused sick leave will not roll over to the following academic year. Makeup time may be required to meet educational objectives and to be in compliance with ACGME Program Requirements and/or the certifying board.

Vacation

Contract Language:

Vacation leave with compensation shall be four (4) seven-day workweeks per academic year. Vacation time does not accrue from year to year and must be scheduled and taken in the same academic year the vacation is earned. The total amount of vacation leave due a Resident will be credited to the Resident at the beginning of the appointment. As the Resident uses vacation leave, the leave balance will decrease accordingly. If a Resident separates from the University before the scheduled end of the appointment term, the Resident's leave balance will be adjusted to reflect only that amount of vacation leave which would be proportionate to the duration of the Resident's actual appointment. Any vacation leave not used by the end of the academic year, or at the end of the Resident's appointment, will be cashed out.

Vacation leave shall be scheduled by the program pursuant to the program's written policies which will be in compliance with each program's ACGME Program Requirements and/or certifying board requirements. In scheduling vacation, programs should take into account any requests for specific dates or blocks of time by individual Residents, but all parties understand that it may not always be possible to accommodate a Resident's requests.

Upon graduation or separation from a program, any unused vacation time will not carry over to any other University position but will be cashed out.

Holidays

Contract Language:

The following are defined as Resident holidays:

1. New Year's Day (January 1)
2. Thanksgiving Day (Fourth Thursday in November)
3. Christmas Day (December 25)

A holiday will commence at 12 a.m. (midnight) on the calendar date of the holiday and will continue for the twenty-four (24) hour consecutive period until 11:59 p.m. the day of the holiday.

To the extent practicable, the University will endeavor to grant one of these days off. Operational needs permitting, the University will endeavor to grant one additional holiday off. If the Resident is required to work on two or three of these holidays, two flex days will be granted during the academic year. Reasonable efforts will be made to grant the flex days on the day(s) requested by the Resident, including requests for religious requirements by Residents for observances of religious holidays.

Parental Leave

Contract Language:

The University shall provide six (8) workweeks of parental leave with pay each academic year to a parent to allow them to bond with a newborn child or child recently placed via adoption, provided the leave takes place within one year of the birth of the child or placement of the child with the Resident or Fellow. The intent is that the eight (8) workweeks of parental leave is the maximum amount of leave per pregnancy/adoption event. For example, a resident having twins would not receive sixteen (16) workweeks. A resident would also not receive another eight (8) workweeks of parental leave if the leave is used in two different academic years. By accepting this parental leave benefit, the union declines to participate in the systemwide benefit offering eight weeks of leave at 70% of wages.

If the Resident or Fellow is eligible for leave under the Family and Medical Leave Act and/or the California Family Rights Act, parental leave can extend to up to twelve (12) workweeks. If the Resident or Fellow wishes to be paid for workdays beyond the paid entitlement in paragraph 1 during parental leave, the Resident or Fellow may use accumulated sick and/or vacation time for such pay.

Training program leadership will work with Residents/Fellows who, due to parental leave, need to make up time required for graduation and/or board certification with the goal of minimizing extension of training.

Bereavement Leave

Contract Language:

A Resident is permitted to use up to five (5) sick days a year from the Resident's annual sick leave entitlement for bereavement purposes for the death of the Resident's spouse, parent, child, sibling, grandparent, grandchild, and in-law and step relatives of the relationships listed herein. This provision also covers other related persons residing in the Resident's household. In the event the Resident has a personal obligation for someone other than listed, the Resident shall be permitted to use these five sick days per academic year for funeral attendance/bereavement.

Other Leaves

Contract Language:

A. Leave for Military Service

1. Military Caregiver Leave

An eligible Resident who is required to care for a family member or “next of kin” who is a “covered service member” undergoing medical treatment, recuperation or therapy for a serious injury or illness shall be granted FML of up to twenty-six (26) workweeks during a single 12-month leave period. The Resident must be a spouse, domestic partner, parent, child, or next of kin of the covered service member to be eligible for this type of leave. The Resident is required to provide a copy of the covered service member’s active duty orders.

2. Qualifying Exigency Leave

An eligible Resident who is the spouse, domestic partner, child or parent of a military member is eligible to attend to any “qualifying exigency” while the military member is on “covered active duty or call to covered active duty status” (or has been notified of an impending call/order to covered active duty). An eligible Resident is entitled to up to twelve (12) workweeks of Qualifying Exigency leave during a calendar year, which may be taken on an intermittent or reduced schedule basis. The Resident is required to provide a copy of the military member’s active duty orders.

3. Leave for Military Service

Residents are eligible for up to thirty (30) days of military leave with pay while engaged in the performance of military duty each academic year. All benefit coverage will continue during paid military leave. Absence from the training program to meet military service obligations must be communicated to the program director and/or department with as much notice as possible.

B. Leave for Jury Duty

A Resident called to Jury Duty will receive regular compensation for time served. The program director and/or department must be notified as soon as a jury summons is received. Only the court, pursuant to the procedure outlined in the Jury Summons Notice, can grant deferment or excused absence from jury service. However, a Resident summoned for jury duty may request to be excused by virtue of participation in a graduate medical education program. The Resident may request from the Training Program Director a letter verifying the Resident’s participation in the program to be submitted to the court.

C. Family and Medical Leave (FML)

1. Reasons for Leave

Pursuant to the Family and Medical Leave Act (FMLA), California Family Rights Act (CFRA), and California Pregnancy Disability Leave (PDL) laws an eligible Resident will be granted up to 12 weeks of unpaid leave in a 12 month period. FML will be granted to an eligible Resident for the following reasons:

- a. The Resident's own serious health condition;
- b. To care for a family member (child, spouse, domestic partner, parent) who has a serious health condition;
- c. The Resident's pregnancy-related disability (Pregnancy Disability Leave);
- d. Parental leave to bond with a Resident's newborn or a child placed with the Resident for adoption or foster care;
- e. Military Caregiver or Qualifying Exigency Leave.

2. Eligibility

- a. The Resident must have twelve (12) months of University service (need not be continuous); and
- b. At least 1,250 hours of actual hours worked in the twelve (12) months immediately preceding the leave.
- c. The Resident is required to use sick leave and vacation before taking leave without pay.

3. Benefits Continuation

During an FML leave, the University shall continue its contribution for the Resident's health insurance coverage benefit.

4. Notice and Certification

- a. The Resident shall give the University notice at least thirty (30) calendar days in advance of the leave's anticipated start date if the need for leave is foreseeable. If the need for leave is not foreseeable, the employee shall give the University notice as soon as practicable.
- b. Requests for FML must include: Written request from the Resident to the Program Director and/or Chair of the department indicating the start and anticipated return dates; and a letter from the Resident's physician affirming the need for medical leave.
- c. Approved requests for FML must include:
 - the start date and return to work date
 - anticipated requirements for additional training time, if any
 - conditions for return to work as indicated
 - PGY Level upon return
- d. If permitted by law, the University may require that the Resident's request for FML be supported by a written certification. Residents should contact the HR Business Partner for details about the form and contents of any required certification. Failure to provide a required certification may result in delay of the leave until the required certification is received.

5. Duration of Leave

FML leave is limited to 12 weeks of unpaid leave in a 12 month period with the following exceptions:

1. Residents taking FML as Military Caregiver Leave shall be eligible for up to twenty-six (26) workweeks of leave in a single 12-month period.
2. Residents taking FML for PDL shall be eligible for leave for the period of actual disability up to four (4) months per pregnancy.

D. Personal Leave of Absence Without Pay

During a Resident's first program year at the University (when the Resident would not meet the requirement set forth in C(2)(a)), the Resident will be eligible for up to twelve (12) weeks of unpaid leave for any of the reasons set forth in C (1). The requirements for use of FML shall otherwise apply to the use of Personal Leave.