

# Time Off

## **Family and Medical Leave Act**

Family and Medical Leave is leave authorized by the federal Family and Medical Leave Act (FMLA) and the California Family Rights Act (CFRA). In most cases, FMLA and CFRA run concurrently with each other and with periods of Short-Term Disability, including leave due to work-related illness or injury. Eligible house staff are entitled to up to 12 weeks of unpaid leave for a qualifying reason during a 12-month period. The criteria for eligibility are one year of service, **and** 1250 hours during the 12 months preceding the leave and that the leave entitlement has not been used within the last year. (As discussed below, CFRA does not run concurrently with periods of Pregnancy Disability Leave.)

FMLA will not be provided beyond the end date of a fixed term appointment.

See appendix D for a more detailed description of FMLA and CFRA leave.

## ***Reasons for Taking Leave***

Unpaid FMLA/CFRA leave will be granted for any of the following reasons:

- The birth of your child, or placement for a child with you through adoption or foster care;
- To care for your spouse, domestic partner, child or parent who has a serious health condition;
- For a serious health condition that makes you unable to perform your job; or
- Leave is for a qualifying exigent circumstance relating to the active duty or deployment of a qualifying service member; or
- Leave is to provide for the care of a family member who is an ill or injured military service member

Certain kinds of paid disability benefits may be used to provide salary replacement during unpaid leave.

## ***Advance Notice and Medical Certification***

You are required to provide advance notice of leave and medical certification. Taking of leave may be denied until requirements are met.

- Ordinarily you must provide 30 days advance notice when the leave is “foreseeable”.
- If the reason for the leave is not foreseeable, then you are required to provide as much advance notice as possible.
- SHC requires medical certification to support a request for leave because of a serious health condition, and may require second opinions (at SHC’s expense) regarding the need for leave and/or a fitness-for-duty report prior to your return to work.

Effective March 1, 2013, California State Disability Claims may be filed online or you may pick up a claim form at the GME Office. If you file a claim online, you need to print and submit a copy to the GME Office to ensure your leave dates are recorded correctly with the payroll department and in MedHub.

### ***Advance Notice and Medical Certification (cont'd)***

SDI dates not communicated correctly to the GME Office may result in over or under payments from SDI which the resident will be responsible for repaying.\*

- For CA State Disability Forms: <http://www.edd.ca.gov/disability>

Note: \*Stanford will not reimburse for any under or overpayments as a result of inaccurate information provided by the resident.

### ***Job Benefits and Protection***

- For the duration of authorized FMLA/CFRA/PDL leave, SHC will maintain your health coverage under its group health plan for a period not to exceed six (6) months, provided you continue to pay any premiums you were paying prior to the leave.
- Upon return from authorized leave, consistent with applicable law, you will be restored to your original or equivalent positions with equivalent pay, benefits, and other employment terms.
- The use of leave will not result in the loss of any employment benefit that accrued prior to the start of your leave.

**NOTE:** Residents are advised that absences of longer than four (4) weeks per year may require additional training in order to comply with board regulations. Please contact your program director for more information. In cases where a leave of absence has been approved by the Department Chair and the Chief Medical Officer, residents will be paid in full during the additional weeks of residency required to be board eligible.

### **Pregnancy Leave**

In accordance with California law, a female resident must be granted an unpaid Pregnancy Disability Leave of up to four (4) months if the employee is incapable of performing her job duties because of medical disability resulting from pregnancy, delivery, or post-childbirth recovery, as verified by a physician. In addition, under the California Family Rights Act (CFRA), eligible employees have a right to unpaid family care/baby bonding leave of up to 12 weeks in the 12 month period following the birth, adoption or foster care placement of a child. With the consent of the resident, GME will offset unpaid time and/or applicable state disability benefits with any unused personal time off (up to 3 weeks) and/or any unused sick days (up to 20 days).

**Failure to file for SDI benefits or ineligibility for California SDI benefits will not result in SHC paying the equivalent of the disability benefit available from the California.**

**The GME Office will verify the amount of personal time off remaining. The resident's failure to properly designate personal time off in MedHub will not result in additional personal time off.**

## **Pregnancy Leave (cont'd)**

California Pregnancy Disability Leave and any applicable periods of CFRA or FMLA leave run concurrently with the paid periods noted above. See Appendix D for a more detail description of these and other FMLA and CFRA entitlements. Any other arrangement should be negotiated with your department/division and cleared with the Department of Graduate Medical Education. Any pregnant house staff officer should notify her program director as soon as possible after discovery of pregnancy so that scheduling changes can be made to accommodate any leave. The sick leave policy will apply during the extended period of disability.

**The Graduate Medical Education Office must be notified at least 30 days prior to a leave or as soon as resident is aware of the need for a leave. See “Advanced Notice and Medical Certification” above.**

## **Paternity Leave**

SHC offers one week with pay; (5 days). Additional unpaid time off will be provided in accordance with FMLA & CFRA (see Appendix D for more information regarding these policies).

## **Bereavement Leave**

Residents are eligible for up to five (5) work days of pay in the event of a death of the employee's immediate family, including parents, legal guardian, spouse, children, stepchildren, grandparents, grandchildren, siblings, step-siblings, step-parents, mother-in-law, father-in-law and eligible domestic partners as defined in the Employer's Health Benefits Summary Plan Descriptions.

Bereavement will be granted immediately following the death unless arrangements require other dates approved by the Program Director and the Director of Graduate Medical Education.

## **Holidays**

Holidays for residents will be consistent with the schedule at the institution to which the resident is assigned and with the policies of the program and/or department.

## **Educational Meetings and Activities**

Request to attend educational, scholarly and professional activities/seminars should be submitted to the program director for approval. Duty hours must be entered for the dates and times you are in attendance in compliance with ACGME regulations.

## **Personal Time Off**

House staff do not accrue vacation. House staff are permitted to take up to three (3) weeks of personal time off with pay during each one-year period. Personal time off must be scheduled in advance with the approval of the Director of the Residency Training Program in each department or division. Stanford University Medical Center believes that personal time away from the residency program is important to the welfare of house staff, so unused personal time off does not accumulate from year to year and there is no provision to pay in lieu of time off.

**A leave of absence for professional reasons will be considered on a case by case basis. Written consent must be obtained from the program director and the Director of Graduate Medical Education. Continuation of salary is at the discretion of the Chief Medical Officer. Benefits, however, will not continue for more than six (6) months.**

## **Jury Duty**

If you are called to jury duty on a day in which you are scheduled to work, you will be given leave with pay for the actual time spent on jury service (time required to spend sitting on a jury or physically waiting at the courthouse in anticipation of being called to sit on a jury) and in related travel. The program director and/or department must be notified as soon as a jury summons is received.

*\*Only the court, as outlined in the Jury Summons Notice can grant deferment or excused absence from jury service.*

## **Sick Leave**

House staff will be granted up to 20 days of sick leave (four (4) weeks) per year, if needed. House staff do not accumulate sick leave credit, and no additional compensation will be paid for unused sick leave. Salary will continue, offset by state disability or worker's compensation benefits, until the 20 days of sick leave are exhausted.

# Reimbursements

## **Academic Year Payment**

All residents will receive a one-time \$1,000 payment added to a paycheck in July. The funds are designed to cover cell phone charges, mileage, and parking while on duty. The benefit will be subject to the appropriate taxes.

## **California Medical License Fees**

Stanford residents are eligible for reimbursement of the initial license application fee of \$491, if the application is submitted to the GME office for review by March 1<sup>st</sup> of their first residency year. License applications can be notarized in the Department of Graduate Medical Education by setting up an appointment. License application forms can be found on the Medical Board of California's website ([www.medbd.ca.gov](http://www.medbd.ca.gov)).