

Policy: Vacation and Leaves of Absence for Residents and Fellows

- I. **Scope:** All Icahn School of Medicine at Mount Sinai (ISMMS) sponsored programs including those based at The Mount Sinai Hospital (MSH); Mount Sinai Beth Israel (MSBI); Mount Sinai Morningside and Mount Sinai West (MSM/MSW); New York Eye and Ear Infirmary of Mount Sinai (NYEEIMS); Mount Sinai South Nassau (MSSN); NYC Health and Hospitals/Elmhurst (EHC); NYC Health and Hospitals/Queens (QHC); and James J. Peters VA Medical Center (JJPBVA).
- II. **Purpose:** To establish guidelines in accordance with the requirements set forth by the Accreditation Council for Graduate Medical Education (ACGME) regarding vacation and leaves of absence. This policy also references guidelines from the federal Family and Medical Leave Act (FMLA) and New York State Paid Family Leave Law (PFL), and is reflective of guidelines established by the ACGME and American Board of Member Specialties (ABMS) member boards and impact on resident/fellow duration of training.
- III. **Summary of Policy:** All residents and fellows are entitled to six (6) weeks of approved leave for a medical, parental, and/or caregiver purpose consistent with applicable ACGME and ABMS requirements at least once and at any time during their training, starting the day the resident/fellow is required to report. This six-week leave must be paid at the equivalent of 100% of the resident's/fellow's regular rate of pay. Residents/fellows are entitled to reserve one (1) week of their vacation time for use outside of this leave.

Residents/fellows may also subsequently become entitled to leaves under the FMLA and/or PFL upon satisfying the respective eligibility requirements of each of those laws, which are discussed further below.

IV. Types of Leave of Absence:

A. Family and Medical Leave Act (FMLA)

The Family and Medical Leave Act (FMLA) provides eligible employees with up to twelve (12) workweeks of unpaid leave for certain family and medical reasons during a 12-month period and/or because of a "qualifying exigency" arising out of the fact that a family member is a military member on or called to active duty to a foreign country by the Regular Armed Forces, National Guard or Reserves on behalf of the United States..

To be eligible for FMLA Leave, an employee must have been employed for at least twelve (12) months and work at least 1,250 hours during the twelve (12) months preceding the commencement of the leave.

For more information about the applicability and requirements of the FMLA, please see HR Policy 03.18 – Federal Family and Medical Leaves of Absence and New York Paid Family Leave.

B. New York State Paid Family Leave Law (PFL)

Effective January 1, 2018, the New York Paid Family Leave Law ("NYPFLL") provides eligible employees in New York with paid, job protected leave for certain family and medical reasons or to address certain qualifying exigencies arising out of the fact that the employee's spouse, domestic partner, child, or parent is on or has been called to active duty status as a member of the Armed Forces, National Guard or Reserves.

Employees who are regularly scheduled to work twenty (20) or more hours per week will become eligible for NYPFL benefits after twenty-six (26) consecutive work weeks of employment.

Employees who are regularly scheduled to work fewer than twenty (20) hours per week will become eligible for NYPFL benefits after the 175th day worked.

For more information about the applicability and requirements of PFL, please also see HR Policy 03.18 – Federal Family and Medical Leaves of Absence and New York Paid Family Leave.

C. Leave under ACGME Requirements

Prior to being eligible for FMLA or PFL, residents/fellows will nevertheless be entitled to paid leave when they commence their training. Per the ACGME requirement effective July 1, 2022, a resident/fellow is entitled to up to six (6) weeks of an approved leave for a medical, parental and/or caregiver¹ purpose at the time they commence their training. The first leave of up to six (6) weeks would be fully paid at the resident's/fellow's regular rate using available leave entitlements provided by the employer. For more details on the leave entitlements provided by Mount Sinai Health System, please see the document entitled "Paid Leave Entitlements" attached to this policy as "Appendix A."

The resident/fellow is also entitled to reserve at least one (1) week of vacation time for use outside of the leave.

D. Unpaid Leave of Absence

Program directors may, at their discretion, approve an employee's request for leave without pay. All leave of absence requests must be communicated in advance and in writing to the program director with a copy to the Office of GME.

Program directors must consider the applicable American Board of Medical Specialties (ABMS) Member Board and ACGME Residency Review Committee (RRC) requirements in determining whether such leave may be granted. These requirements may necessitate an extension of the training period in order for the resident/fellow to qualify for certification. If a leave will result in an extension of training, program directors must notify the employee in writing, with a copy to the Office of GME, outlining the educational ramifications of the leave (i.e., delay in graduation, repeat of a module, etc.).

V. Maintenance of Health Benefits during Leave of Absence:

During any approved leave of absence, an employee is entitled to continued group health plan coverage as would have been provided if the employee had continued to work. If the employer provides a new health plan or benefits or changes health benefits/plans while an employee is on an approved leave, the employee will receive the new or changed plan/benefits.

To the extent that an employee's leave is paid by Mount Sinai, the employee's portion of health insurance premiums will be deducted from the employee's salary. For the portion of the leave that is unpaid by Mount Sinai, or where the employee continues on leave after exhausting their leave entitlement in the 12 month period, the employer will follow its established policy for providing such health benefits. When an employee returns from leave, the employee is entitled to be restored on the same terms as before taking the leave.

VI. Procedures for Requesting a Leave of Absence:

A. Requesting a Leave of Absence

¹ A "caregiver" is defined as a resident or fellow who cares for a child, parent, or spouse with a serious health condition.

Residents/fellows seeking to request a leave of absence will be asked to initiate the process by submitting the GME Leave of Absence Request Form to their training program.

- This form should be completed at least thirty (30) days prior to the leave when the need for leave is foreseeable.
- The form includes the type of leave being requested; leave entitlements to be used; and planned duration of the leave.
- No protected health information should be included in the form.
- Please see the reference section below for important information on filing of claims related to the leave.
- Leave Coordinators are available to help with planning for any planned leave of absence.

Upon receiving the form the training program should:

- Complete the program portion of the form, including planned impact of the leave on the duration of training and submit the form to the Office of Graduate Medical Education; the resident/fellow should also receive a copy of the form to ensure awareness of the impact of their leave on the duration of their training.
- Ensure the resident/fellow is aware of processes to file claim detailed in the reference section below.
- For any resident/fellow on a J1 Visa the [Required Notification of a Leave of Absence Form](#) should be completed and submitted to the International Personnel Office for review; signature; and submission to the ECFMG. Note: This form must be submitted to the ECFMG within one (1) business day of the start of the leave.
- Upon the resident's/fellow's return to work, the form should be sent back to the Office of GME.

For more details on the specific procedures to follow when requesting and/or returning from a leave of absence, please see the document entitled "Policy and Procedures Reference Guide" attached to this policy as "Appendix B."

B. Impact of LOA on Duration of Training:

Residents/fellows who utilize LOA benefits must satisfy all training guidelines prior to graduation. ABMS member board or RRC requirements may necessitate an extension of the training period in order for the resident to qualify for certification. If a leave will result in an extension of training, program directors must notify the resident/fellow in writing, with a copy to the Office of GME, outlining the educational ramifications of the leave (i.e., delay in graduation, repeat of a module, etc.).

As of July 2021, all ABMS Member Boards with training programs of two (2) or more years duration will allow for a minimum of six (6) weeks away once during training for purposes of parental, caregiver, and medical leave, without exhausting time allowed for vacation or sick leave and without requiring an extension in training. Member Boards are required to communicate when a leave of absence will require an official extension to help mitigate the negative impact on a physician's career trajectory that a training extension may have, such as delaying a fellowship or moving into a full, salaried position.

The Leave of Absence Request Form detailed above will be completed by both the resident/fellow and Program Director outlining the duration of any leave and impact the leave may have on the required training period.

Appendix A: **Paid Leave Entitlements**

Scope: Non-Union residents and fellows in Icahn School of Medicine at Mount Sinai (ISMMS) sponsored programs based at The Mount Sinai Hospital (MSH); Mount Sinai Beth Israel (MSBI); Mount Sinai Morningside and Mount Sinai West (MSM/MSW); and New York Eye and Ear Infirmary of Mount Sinai (NYEEIMS).

Residents/Fellows will receive the following leave entitlements:

Vacation

- Twenty (20) Days annually (per academic year)
- Vacation days do not carry over to the next academic year.

Sick

- Twelve (12) days annually (per academic year)
- May carry over sick days to next academic year up to a maximum of sixty (60) days.

ACGME Days

- Thirty (30) Days provided at beginning of training; solely for extended parental, medical and caregiver leave.
- If not exhausted, ACGME Days are maintained until completion of the training program.
- Residents/fellows changing ACGME program (from internship to residency; residency to fellowship) will be entitled to carry over any unused ACGME Days or be provided with new bank of thirty (30) days if the ACGME Days from their previous training program have been previously exhausted.

Wellness

- Four (4) Days annually.
- No carryover of Wellness Days to the next academic year is permitted.
- Reference ISMMS Wellness Days policy for additional details.

Bereavement

- Three (3) Days
- In the event of the death of parent; spouse; child; sibling; or grandparent.
- Must be taken consecutively within a reasonable time of the day of death or day of the funeral and may not be split into separate periods or postponed.

Appendix B: Policy and Procedures Reference Guide

Reporting Procedures

Procedure for Reporting Leave of Absence for Non-Union Residents/Fellows:

- Complete **GME Leave of Absence Request Form** within **thirty (30)** days of the leave when the need for leave is foreseeable and submit to program coordinator and/or program director; the program will then email the form to the appropriate leave coordinator and copy gmeleave@mssm.edu; a LOA Checklist will then be sent by the GME Office for completion in New Innovations.
- **Notify the Hartford** by either calling (888)714-4380 or filing a claim online at <https://abilityadvantage.thehartford.com> (*this should not be done until 30 days prior to the leave of absence*)
- Provide all approval letters to your program coordinator and/or program director from the Hartford.
- Any medical, parental and/or caregiver leave that occurs prior to eligibility for Short Term Disability, PFL, or FMLA would **not** go through the Hartford. For such leaves a letter from the provider should be provided to the program coordinator and/or program director (**NOT** the employee's direct supervisor) indicating the dates of the leave and **not** including any protected health information. This letter should be submitted with the GME Leave of Absence Request Form.
- **Leave of Absence transactions must be added in Sinai Cloud**
Use this link for instructions on adding an absence in Sinai Cloud
<http://mshsintranet.mountsinai.org/uploadedFiles/MSHSCloud/052020%20-%20Submit%20a%20Request%20for%20Time%20Off.pdf>

Procedure for Reporting Leave of Absence for Union (CIR) Residents/Fellows:

- Complete **GME Leave of Absence Request Form** within **thirty (30)** days of the leave when the need for leave is foreseeable and submit to program coordinator and/or program director and email to gmeleave@mssm.edu; a LOA Checklist will then be sent to by the GME Office for completion in New Innovations.
- For FMLA **notify the Hartford** by either calling (888)714-4380 or filing a claim online at <https://abilityadvantage.thehartford.com> (*this should not be done until 30 days prior to the leave of absence*)
- For Short Term Disability or NY Paid Family Leave, **contact the CIR** for forms and processing for disability or PFL. Please complete the form as requested by yourself and your provider (payment for your disability or PFL benefits will be provided by your union): visit www.claims@sslicny.com & fax completed forms to: 585-398-2854. (*this should not be done until 30 days prior to the leave of absence*)
- Email the **"Employer Section" ONLY** to leaveunit@mountsinai.org
- Provide all approval letters to your program coordinator and/or program director from the CIR and from the Hartford.
- Any medical, parental and/or caregiver leave that occurs prior to eligibility for Short Term Disability, PFL, or FMLA would **not** go through the Hartford. For such leaves a letter from the provider should be provided to the program coordinator and/or program director (**NOT** the employee's direct supervisor) indicating the dates of the leave and **not** including any protected health information. This letter should be submitted with the GME Leave of Absence Request Form.
- **Leave of Absence transactions must be added in Sinai Cloud**
Use this link for instructions on adding an absence in Sinai Cloud
<http://mshsintranet.mountsinai.org/uploadedFiles/MSHSCloud/052020%20-%20Submit%20a%20Request%20for%20Time%20Off.pdf>

[%20Submit%20a%20Request%20for%20Time%20Off.pdf](#)

Procedure for Returning to Work after Medical Leave:

- Before a resident/fellow can return to work after a medical leave, the employee must confirm return to work date with the program coordinator and/or program director and contact EHS.
- Employee must complete & submit to EHS a **Medical Clearance Form. (Except for maternity leaves less than 3 months)** EHS will review form & provide clearance for an employee to return to work for any absence more than three (3) consecutive days.

For questions regarding the leave process please contact the following leave coordinators for your site:

ICAHN School	Gwynne Meacham	Gwynne.meacham@mountsinai.org	646-483-9402
MSBI/NYEEIMS	Vidisha Patel	Vidisha.patel@mountsinai.org	212-844-1814
MSM/MSW	Rachel Jean-Pierre	Rachel.Jean-pierre@mountsinai.org	212-523-2001
Elmhurst Hospital	Saika Khan	saika.khan@mountsinai.org	718-334-4847
Queens Hospital	Jasmine Estevez	Jasmine.Estevez@mountsinai.org	718-883-4008

Appendix C: **Leave of Absence Frequently Asked Questions (FAQ's)**

What is the order in which leave time entitlements are used?

This will vary depending on the type of leave being taken and when the resident/fellow began employment, but below are some common examples of how use of leave time would be handled. **These examples are intended for illustrative purposes only, and each resident's/fellow's leave circumstances may vary.**

Maternity Leave for Birth Parent:

Maternity leave (Birthing Parent) is typically 18/20 weeks (if the disability period is longer, the health care provider will need to substantiate that on the certification forms submitted to The Hartford (and/or Standard Security Insurance for CIR employees)).

- **Weeks 1- 6:** FMLA and Short Term Disability run concurrent. Resident/Fellow is first required to use any sick time for the period where the two benefits run concurrent and ACGME Days for the remainder of the time.
- **Weeks 7-12:** The first 6 weeks of NYS PFL (for caretaking and/or bonding) runs concurrent with the last 6 weeks of FMLA. The resident/fellow is first required to use any earned Vacation time for the period where these two benefits run concurrent, reserving one week of vacation time for later use.
- **Weeks 13-18/20:** NYS PFL Standalone. The resident/fellow is not required, but may elect to use their earned/accrued Vacation time.

Non-Birth Parent/Caregiver:

Leave for a Non-Birth Parent (also commonly referred to as "Paternity Leave") can be up to 12 weeks in duration.

- **Weeks 1 – 12:** FMLA and PFL run concurrent. Resident/Fellow is required to use earned vacation days (no more than 15 days) for the period where the two benefits run concurrent followed by 30 ACGME days depending on the length of absence. If there are additional days of FMLA and PFL time once the Resident/Fellow has exhausted their vacation and ACGME leave allotments, the Resident/Fellow will receive payment from The Hartford.

Resident's/Fellow's Own Illness:

- FMLA and Short Term Disability run concurrent. Resident/Fellow is required to use sick time for the period where the two benefits run concurrent and ACGME Days for the remainder of the approved leave of absence. If the need for leave continues beyond the exhaustion of sick time and ACGME Days, the Resident/Fellow may be eligible for further Short Term Disability payments from The Hartford.

I am starting training on July 1 and anticipate giving birth in early July. Will I be permitted to take a fully paid leave?

Yes. Residents/fellows are provided with fully paid leave of absence of up to six (6) weeks at least once during their training for a medical, parental and/or caregiver purpose starting the day the resident/fellow is required to report. This leave would not fall under the FMLA program detailed above, but based on ACGME requirements, and would be fully paid for up to six (6) weeks.

What if I have a leave that starts prior to beginning my training?

Should your leave begin prior to beginning your training it would necessitate a delay in your training program start date. You must be employed to qualify for any of the leave programs listed above.

My spouse gave birth, am I eligible for six (6) weeks of fully paid leave as well?

Yes, the leave covers parental leave for the non-birthing parent as well, so you would be eligible for a fully paid leave of absence of up to six (6) weeks at least once during your training.

If I take a six-week leave will I need to extend my training?

Per [ABMS](#) requirements, all training programs of two or more years duration allow for a minimum of six (6) weeks away once during training for purposes of parental, caregiver, and medical leave, without exhausting time allowed for vacation or sick leave and without requiring an extension in training. However, though the ACGME requirement applies to residents/fellows in all programs regardless of duration, the ABMS requirements do not apply to programs of one (1) year in duration, so you should carefully review those guidelines if in a one-year training program. Your program director will note the impact of your LOA in the GME Leave of Absence Request Form you would be required to submit.

What happens if I take a medical leave for example that is longer than six (6) weeks?

In terms of pay you would be permitted to use any additional sick or vacation time you have available under Mount Sinai's policies. Once your paid time is exhausted, you may be eligible for Short Term Disability (STD). Your program director would be required to indicate the impact this extended leave would have on your duration of training per ABMS Board requirements.

What happens if I take a second leave later in my training?

The impact of additional leaves in terms of your ability to be paid and on your duration of training would be dependent on many factors, including where you are in your training; paid leave time you have available; duration of training requirements of your ABMS Specialty Board; and eligibility under the FMLA and/or PFL. As with any leave, your Program Director would be required to indicate the impact the leave would have on your duration of training per ABMS Board requirements.