

**Graduate Medical Education Policy & Procedures
University of Pennsylvania Health System**

GME Family Medical Leave (FMLA) CHECKLIST & FAQ

Effective: January 15, 2020

Each program should adopt a PTO/leave policy or policies that includes the following elements:

1. The number of vacation weeks permitted to each participant per academic year; and, if less than 4, an explanation of why (e.g. board requirements).
2. The number of additional sick and/or personal days permitted to each participant per year, the minimum of which must be 5 per year.
3. The number of absences allowed before make-up time is required for promotion and/or graduation by the appropriate certifying board.
4. A statement as to whether the use of non-clinical elective time may be used in lieu of or as appended to leave.

FAQ:

1. ***Who approves FMLA leave and who tracks FMLA time used?*** House officers requesting FMLA should be presented with a leave request form and physician certification. The completed physician certification should NOT be returned to the program director, but rather to the GME office. GME will notify the program whether leave is approved. The program is then responsible for tracking leave time used, and should use the Excel template and provided by the GME office for this purpose. Such leave should also be documented in MedHub.
2. ***Is FMLA paid or unpaid leave?*** FMLA leave is itself unpaid, but concurrent with FMLA leave, each program will cover up to 6 weeks of leave at full pay, per rolling 12-month year. For leaves longer than 6 weeks, a portion of the remainder may be paid through a combination of available sick time, one-half of remaining vacation time available at the commencement of the leave (if 2 weeks or more), plus short-term disability, if enrolled. If sick, vacation, and short-term disability are unavailable, FMLA leave beyond six weeks will be unpaid.
3. ***What is short-term disability?*** The UPHS STD plan is elective – coverage is not automatic but must be purchased. House staff with coverage will receive benefits, after a 30-day elimination period (which may be fulfilled during FMLA), of 60% of weekly earnings up to \$1,000 per week.
4. ***When is FMLA leave applicable?*** An employee need not specifically request “FMLA leave” for FMLA leave to apply. Any indication that time away is needed for a personal medical condition or to care for a family member with a medical condition should be evaluated as potential FMLA leave but will need to conform to policies defining FMLA leave eligibility. Consult with the GME office and/or OGC for further information.

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5. **May a house officer be dismissed at the conclusion of FMLA leave if he or she is unable to return?** No; further non-FMLA leave may need to be provided as a reasonable accommodation for an individual with an impairment constituting a disability. Specific cases should be discussed with the GME office and/or OGC to determine if correction action or leave extension is appropriate.
6. **What if we have concerns about fitness for duty?** Fitness for duty evaluations are appropriate under limited circumstances but program directors and faculty should not inquire into house officers' personal medical history – this should only occur in connection with the formal process approved by the GME office.
7. **May residents do clinical or research work while on FMLA leave?** No. Residents may arrange with a Program Director to return to work in a modified or part-time basis if unable to return fully to work but while on FMLA leave residents may do no clinical or research work, including moonlighting at Penn Medicine or other sites.
8. **May residents use vacation time to extend FMLA leave?** Yes, as described above, if they have more than 2 weeks of vacation time remaining when going out on FMLA leave. Vacation time away from work is important for resident well-being and should generally be preserved to the extent possible, particularly if the FMLA leave occurs early in the academic year.