1. **PURPOSE**

The Sponsoring Institution must provide written institutional policies on residents’ vacation and other leaves of absence (with or without pay) to include parental and sick leave; these policies must comply with applicable laws. The Sponsoring Institution must ensure that each program provides its residents with:

1. A written policy in compliance with its Program Requirements concerning the effects of leaves of absence, for any reason, on satisfying the criteria for completion of the residency program, and;
2. Information relating to access to eligibility for certification by the relevant certifying board.
3. **POLICY**

**FAMILY AND MEDICAL LEAVE ACT OF 1993:** The FMLA and CFRA (California Family Rights Act) entitlements shall run concurrently with medical leaves with the exception that CFRA and

Pregnancy Disability Leave do not run concurrently. 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. FMLA will not be provided beyond the end date of a fixed term appointment.

**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 you 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 may be required to provide advance leave notice and/or 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”.

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) and a fitness-for duty report prior to your return to work.

**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 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.

**PREGNANCY LEAVE:** In accordance with California law, a female employee must be granted an unpaid Pregnancy Disability Leave of up to four 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. During these periods of unpaid leave, qualifying medical residents will receive up to 6 weeks pay per annum less any applicable state disability benefits. **Failure to file for disability will not result in Stanford paying the disability benefit available** **from the state**. In addition, the resident has the option of using available personal time off to maintain her salary for an additional three (3) weeks at the end of the paid 6-week period, and in coordination with any applicable state disability benefits. California Pregnancy Disability Leave and any applicable periods of CFRA or FMLA leave run concurrently with the paid periods noted above. See attachment 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 member 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.

**PATERNITY LEAVE:** One week with pay (Five days). Additional unpaid time off will be provided in accordance with FMLA & CFRA (see attachment for more information regarding these policies).

**PERSONAL TIME-OFF:** House staff is permitted to take up to three 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.

**SICK LEAVE:** House officers will not accumulate sick leave credit, and no additional compensation will be paid for unused sick leave. They will be granted 20 days of sick leave (4 weeks) per annum, if needed.

Salary will continue, offset by state disability or worker’s compensation benefits. If a house staff member becomes ill (or is injured) and is unable to continue in the training program, he or she may be eligible for continuance of all salary, to be offset by any Stanford Hospital and Clinics or State Disability Insurance or any Worker’s Compensation payments for which the house staff member may be eligible. Stanford Hospital and Clinics maintains the prerogative in either work-related or nonwork-related situations to have a complete physical examination done in order to assess the duration of the stated disability.

1. **PROCEDURES**

The Graduate Medical Education Office must be notified within 24 hours of any leave.

In order to qualify for disability benefits under these policies, house officers are responsible for notifying the Department of Graduate Medical Education of any illness lasting more than seven (7) days resulting in hospitalization. Disability forms can be found online at http://www.edd.ca.gov

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 Medical Director, Education. Continuation of salary is at the discretion of the Medical Director, Education. Benefits, however, will not continue for more than six months.

Personal time off must be scheduled in advance with the approval of the Director of the Residency Training Program in each department or division.

Any pregnant house staff member should notify her Program Director as soon as possible after discovery of pregnancy so that scheduling changes can be made to accommodate any leave.

**NOTE:** Residents are advised that absences of longer than 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 Medical Director, Education, residents will be paid in full during the additional weeks of residency required to be board eligible.

**DOCUMENT INFORMATION**

This policy is reviewed by the Graduate Medical Education Committee every five years.

Approved By: Graduate Medical Education Committee

REV. 1/8/2008

REV. 5/10/2012

REV. 8/12/2021

**FAMILY CARE AND MEDICAL LEAVE (CFRA LEAVE) / PREGANCY DISABILITY LEAVE**

Under the California Family Rights Act of 1993 (CFRA), if you have more than 12 months of service with us and have worked at least 1,250 hours in the 12-month period before the date you want to begin your leave, you may have a right to an unpaid family care or medical leave (CFRA leave). This leave may be up to 12 work weeks in a 12-month period for the birth, adoption, or foster care placement of your child or for your own serious health condition or that of your child, parent or spouse. Corresponding federal leave under the Family Medical Leave Act also provides for leave to care for family members who are members of armed services and injured and for exigent circumstances in connection with a family member’s deployment to service or active service. An eligible employee may take up to 12 workweeks of leave during any 12-month period when leave is for a qualifying exigency. When leave is to care for an injured or ill service member, an eligible employee may take up to 26 workweeks of leave during a single 12-month period.

Even if you are not eligible for CFRA leave, if disabled by pregnancy, childbirth or related medical conditions, you are entitled to take a pregnancy disability leave of up to four months, depending on your period (d) of actual disability. If you are CFRA-eligible, you have certain rights to take BOTH a pregnancy disability leave and a CFRA leave for reasons of the birth of your child. Both leaves contain a guarantee of reinstatements to the same or to a comparable position at the end of the leave, subject to any defense allowed under law.

If possible, you must provide at least 30 days advance notice for foreseeable events (such as the expected birth of a child or a planned medical treatment for yourself or of a family member). For events, which are unforeseeable, we need you to notify us, at least verbally as soon as you learn of the need for the leave.

Failure to comply with these notice rights is grounds for, and may result in, deferral of the requested leave until you comply with this notice policy.

We may require certification from your health care provider before allowing you to leave for pregnancy or your own serious health condition or certification from the health care provider of your child, parent, or spouse who has a serious health condition before allowing you a leave to take care of the family member. When medically necessary, leave may be taken on an intermittent or a reduced work schedule.

If you are taking a leave for birth, adoption or foster care placement of a child, the basic minimum duration of the leave is two weeks; however, leave may be granted for less than two weeks on any two occasions. The leave must be taken and conclude within one year of the birth or placement for adoption or foster care.

Taking a family care pregnancy disability leave may impact certain of your benefits and your adjusted hire date. If you want information regarding your eligibility for a leave and/or the impact of the leave on your seniority and benefits, please contact the Benefits Office at (650) 723-4748 or www.HR4Uonline.org.