

Leave Benefits for Resident & Fellows

SCOPE

This policy applies to resident and fellow physicians (“residents/fellows”) at Maine-Dartmouth Family Medicine Residency (MDFMR).

PURPOSE

MDFMR administers a package of paid and unpaid time away benefits for residents/fellows. This policy explains the benefits.

POLICY

MDFMR administers leave benefits in compliance with certifying board’s requirements regarding continuity care. See MDFMR’s Absence from Residency policy for more information.

Leave benefits may be with or without pay, as described below. All time off, regardless of whether it is with or without pay, is subject to the certifying board restrictions on time away from residency and may result in extension of the training program.

Personal Time Off

Personal time off (“PTO”) is paid leave that may be used for vacation, illness, or personal business/personal reasons. Residents/fellows may not carry over any unused PTO into the next training year. In the residents/fellow’s final year, unused PTO from that year will be paid out at the end of their employment. PTO will be deducted in no less than ½ day increments. Residents/fellows may not use accrued PTO at the end of their residency or fellowship for the purpose of shortening their residency/fellowship program.

Accrual of PTO: Residents/fellows receive twenty-one (21) days of PTO per training year. Sports Medicine fellows receive twelve (12) days of PTO per training year. PTO is received at the beginning of each training year. When residents/fellows or MDFMR terminates employment, any accrued but unused PTO will be paid out on the next regularly scheduled pay day. . Maine’s Earned Paid Leave Statue: Under Maine law, residents/fellows are entitled to earn one hour of earned paid leave (EPL) for every forty hours worked, up to a maximum of 40 hours. Because MDFMR already provides more than 40 hours of leave time, an employee’s accrual of EPL is already accounted for in a resident’s/fellow’s annual accrual of PTO.

For residents/fellows joining MDFMR with advanced standing credits, PTO will be prorated to the amount of time required to complete that training year.

Use of PTO: Use of PTO must be approved in advance by MDFMR. MDFMR will take into consideration the needs of MDFMR, including but not limited to ensuring adequate staffing. Some rotation assignments do not allow or may otherwise restrict the amount of PTO that can be taken. If applicable, see MDFMR's Time Away Request Policy for restrictions. MDFMR reserves the right to assign resident/fellow use of PTO to ensure that clinical staffing levels are consistent, and residents/fellows take adequate time away for their well-being.

See Leave Time Procedure (under operational procedures)

Use of PTO for inclement weather: Residents/fellows are expected to use their own discretion about whether to attend work in inclement weather. If a resident/fellow decides not to attend work, either a full or partial day due to inclement weather, the resident/fellow will be expected to use their PTO for this time. Residents/fellows working during inclement weather may be released early or start late at the discretion of administration. If the clinic sites are closed for an extended period, employees may be deployed to another location to work. If residents/fellows are released early or start late at the administration's discretion or practices are closed for the day, residents/fellows will not be expected to use PTO.

Education Time Off ("CME Time")

MDFMR provides residents/fellows with up to five (5) days of paid leave each training year for non-required educational purposes, such as conference attendance, workshops, scholarly activity dissemination, continuing medical education ("CMEs"), certification courses not required as part of training, and attendance at recruitment events associated with educational conferences ("Education Time Off." Unused Education Time Off may not be carried forward. Pre-approved online CMEs must be completed on-site at the residents/fellow's family medicine practice, and the certificate of completion must be submitted to the Residency Coordinator (or designee) on the same day. Expenses associated with Education Time Off will be reimbursed as described in MDFMR's Education Funds policy.

PTO, as set forth above, may also be used to attend non-required educational activities, in conjunction with or separate from Education Time Off. Restrictions regarding use of PTO still apply.

Paid Holidays

MDFMR residents/fellows are granted seven (6) paid holidays per year. These are:

New Year's Day

Memorial Day

Independence Day

Labor Day

Thanksgiving Day

Christmas Day

Call coverage for these holidays will be distributed as equitably as possible. No additional compensation time will be given for call duties on holidays.

Part-time residents/fellows are eligible for paid holidays on a pro rata basis.

Medical Leave Days

Medical leave days is paid time off, in addition to PTO, that is available for use in the event of an extended illness or disability.

Accrual of medical leave days: Residents/fellows accrue three (3) days of medical leave days per training year. Part-time residents/fellows who work 20 hours or more per week accrue medical leave days on a pro rata basis. Part-time residents/fellows who work less than 20 hours per week do not accrue medical leave days.

Use of medical leave days: A resident/fellow may use any accrued medical leave days only after two (2) missed consecutive days of work due to personal illness or disability. MDFMR may require a physician's note stating the reason and requirement for medical leave days and the expected duration of the medical leave. A resident/fellow must use PTO during the first 2 days of work missed due to illness or disability. If the resident/fellow has no accrued PTO, the first 2 days of work missed due to illness or disability shall be without pay.

A resident/fellow who returns to work on a part-time basis after an illness or disability may use his or her medical leave days on an intermittent basis.

MDFMR may waive the 2-day waiting period for use of medical leave days for residents/fellows who experience a recurrence of an illness or disability within three (3) months of returning to work full-time following an illness. MDFMR may require a fit-for duty authorization from the treating physician before the resident/fellow returns to duty.

Carrying over medical leave days: A resident/fellow may carry over their unused medical leave days until the residency program is completed. Medical leave days are for the use of the resident/fellow during their employment at MDFMR and are not vacation pay. Residents/fellows will not receive monetary compensation for any unused medical leave days upon cessation of employment. Medical leave days will carry over for residents/fellows who are hired by MDFMR upon graduation if employment begins within ninety (90) days of graduation.

Family Medical Leave

Eligibility for leave: Under the federal Family and Medical Leave Act ("FMLA"), employees who have been employed by MDFMR for at least twelve (12) months and have worked at least 1,250 hours during the twelve-month period immediately preceding the commencement of leave are entitled to a total of twelve (12) workweeks of unpaid leave during any 12-month period for any of the following qualifying reasons:

- For the birth of a son or daughter, and to care for the newborn child.
- For placement with the employee of a son or daughter for adoption or foster care.
- To care for the employee's spouse, son, daughter, or parent with a serious health condition.
- Because of a serious health condition that makes the employee unable to perform the functions of the employee's job.
- Because of any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a military member on covered active duty or has been notified of an impending call or order to covered active-duty status; and
- To care for a covered service member with a serious injury or illness if the employee is the spouse, son, daughter, parent, or next of kin of the covered service member.

For the purposes of this policy, MDFMR defines "spouse" to include domestic partners of residents/fellows.

Eligibility for Maine FML: Employees who are not eligible for FMLA leave may be eligible for Maine Family Medical Leave ("Maine FML"). Under Maine law, an employee who has been employed by MDFMR for twelve (12) consecutive months is entitled to up to ten (10) work weeks of unpaid leave in any two-year period for any of the following qualifying reasons:

- Serious health condition of the employee.
- The birth of the employee's child or the employee's domestic partner's child.
- The placement of a child 16 years of age or less with the employee or with the employee's domestic partner in connection with the adoption of the child by the employee or the employee's domestic partner.
- A child, domestic partner's child, grandchild, domestic partner's grandchild, parent, domestic partner, sibling or spouse with a serious health condition.

- The donation of an organ of that employee for a human organ transplant; or
- The death or serious health condition of the employee's spouse, domestic partner, parent, sibling or child if the spouse, domestic partner, parent, sibling or child as a member of the state military forces or the United States Armed Forces, including the National Guard and Reserves, dies or incurs a serious health condition while on active duty.

Under Maine FML, sibling is defined as “sibling of an employee who is jointly responsible with the employee for each other's common welfare as evidenced by joint living arrangements and joint financial arrangements.”

Where an employee is entitled to leave under both Maine FML and the FMLA, the leave benefits shall run concurrently. The relevant time periods for FMLA leave and Maine FML are measured from the date an employee began leave under either statute.

Intermittent Leave: FMLA leave, or Maine FML may be taken intermittently or on a reduced leave schedule under certain circumstances. Residents/fellows requesting intermittent/reduced schedule leave must, upon request, provide the reasons why the intermittent/reduced leave schedule is necessary and the schedule for treatment, if applicable. Residents/fellows should consult with the Human Resources Administrator if they have questions as to whether a particular situation may qualify for intermittent leave under the FMLA or Maine FML.

Residents/fellows should consult with the Human Resources Administrator or designee if they have questions as to whether a particular situation may qualify for leave under FMLA or Maine FML.

The relevant time periods for FMLA leave and Maine FML are measured backward from the date a resident/fellow begins FMLA leave or Maine FML. Residents/fellows can request additional unpaid leave which requires approval of the Program Director or Executive Director/Designated Institutional Officer (DIO). Additional time approved beyond the maximum leave benefit under FMLA or Maine FML may impact benefits, graduation date, and/or accreditation or certification requirements.

Residents/Fellows may not work outside of the residency performing similar work (“moonlight”) during the family medical leave period.

Requesting leave: Residents/fellows seeking leave under FMLA or Maine FML should submit a written request, but verbal notice of the need for leave is acceptable if the circumstances require, to be followed by additional information as necessary. A request for FMLA leave or Maine FML must indicate the reason for leave and the intended date upon which leave will commence and terminate. Where the necessity of leave is foreseeable, residents/fellows must provide MDFMR with thirty (30) days’ notice prior to the start of a qualifying leave. If thirty (30) days’ advance notice is not practicable, then as

much prior notice as is practical must be provided (generally within a day or two of learning that leave is necessary).

If MDFMR determines that FMLA leave for Maine FML is being taken, the Human Resource Administrator or their designee will notify the employee whether the leave will be designated and will be counted as FMLA or Maine FML, if any, within five (5) business days absent extenuating circumstances.

If the leave is related to a serious health condition of the resident/fellow or a qualifying family member of the resident/fellow, MDFMR may require that the resident/fellow provide a medical certification by the healthcare provider of the resident/fellow or the qualifying family member. If MDFMR requires a medical certification, it will provide the resident/fellow with written or oral notice of the request, as well as the required contents of the medical certification. MDFMR may require a second opinion to determine FMLA leave or Maine FML eligibility. MDFMR may require supporting documentation for non-medical family leave.

Benefits and return to work: MDFMR will continue the resident's/fellow's group health insurance benefits during the period of FMLA on the same terms and conditions as if the resident/fellow continued to work. MDFMR will pay the employer's share of the premium, but residents/fellows must make arrangements to pay their share (if any) of any group health insurance premiums while out on leave. If the resident/fellow fails to pay the required health insurance premiums within thirty (30) days of their due date, group health coverage will lapse. Malpractice insurance will be maintained for the specific purpose of maintaining the "tail." For any leave, if time away extends from one fiscal year to the next (July 1st), any salary increase will not take effect until the return to employment. Residents/fellows will not be paid holiday pay while out on an unpaid FMLA leave.

Use of FMLA will not result in the loss of benefits (such as PTO and medical leave days) accrued prior to the start of a resident's/fellow's FMLA leave or Maine FML, but MDFMR may require the use of PTO and medical leave days during FMLA if for a qualifying reason.

Subject to certain exceptions, upon timely return from FMLA leave, a resident/fellow will be restored to their former position or an equivalent position with equivalent benefits, pay, and other terms and conditions of employment.

Residents/fellows out on leave may be required to furnish periodic reports of their status and intent to return to work. If applicable, residents/fellows will be required to submit a medical certification or fitness-for-duty certificate prior to being reinstated.

Use of PTO and medical leave days during FMLA Leave and/or Maine FML: FMLA leave, and Maine FML are unpaid. A resident/fellow can use accrued PTO during FMLA leave or Maine FML. Medical leave days must be exhausted concurrently with the FMLA leave or Maine FML (the two (2) day

waiting period still applies). A resident/fellow may, at their choice, use all accrued PTO concurrently with their FMLA leave or Maine FML. Unless otherwise specified, the remaining FMLA leave or Maine FML after exhaustion of medical leave days and accrued PTO will be unpaid.

If the reasons for leave under workers' compensation and/or long-term disability would also qualify as leave under the FMLA or Maine FML, such leave will run concurrently.

Paid Family Medical Leave MDFMR provides residents/fellows six (6) weeks of Paid Family Medical Leave for the following reasons:

- Because of a serious health condition that makes them unable to perform the functions of the employee's job.
- To care for their spouse, child, or parent with a serious health condition.
- For birth of their child or their spouse's child, and to care for the newborn child; or
- For placement with the resident/fellow or their spouse of a child for adoption or foster care by the resident/fellow or their spouse.

Residents/Fellows can utilize Paid Family Medical Leave once and at any time during an ACGME accredited program and are eligible on the first day of employment. Paid family leave will run concurrently with any leave benefits under the FMLA and/or Maine FML. After a resident/fellow has exhausted their paid family medical leave, they may use paid or unpaid leave consistent with this policy, and federal and state law. Paid family leave may not be used in conjunction with paid Education Time Off or any other paid leave unless there is prior approval by the Program Director, Executive Director/DIO

Residents/Fellows will be provided with accurate information regarding the impact of an extended leave of absence upon the criteria for satisfactory completion of the program and upon a resident's/fellow's eligibility to participate in examinations by the relevant certifying board(s).

Military Family Member Leave

Under state and federal law, residents/fellows who are family members of military service members may be eligible for the following leave:

Military caregiver leave: A resident/fellow who is eligible for FMLA leave (as detailed above) is entitled to twenty-six (26) workweeks of unpaid leave during a single 12-month period to care for the resident's/fellow's spouse, parent, son, daughter, or next-of-kin who is a covered service member with a serious injury or illness. Residents/fellows who is eligible for Maine FML (as detailed above) is

entitled to ten (10) workweeks of unpaid leave for the death or serious health condition of the resident's/fellow's spouse, domestic partner, parent, sibling or child if the spouse, domestic partner, parent, sibling or child as a member of the state military forces or the United States Armed Forces, dies or incurs a serious health condition while on active duty.

Qualifying exigency leave: A resident/fellow who is eligible for FMLA leave (as detailed above) is entitled to twelve (12) workweeks of unpaid leave during a single 12-month period for a qualifying exigency while the resident's/fellow's spouse, son, daughter, or parent (who is a military member) is on covered active duty, call to covered active-duty status, or has been notified of an impending call or order to covered active duty. Qualifying exigencies include, but are not limited to, addressing issues arising from the military member's short-notice deployment, making or updating financial and legal arrangements arising from the military member's covered active duty, attending counseling, attending military events and related activities, spending up to fifteen (15) days with a military member who is on Rest and Recuperation leave during covered activity duty, and addressing certain childcare and related activities concerning the military member's child that raise from the military member's covered activity duty.

Maine Family Military Leave: Under Maine law, an eligible resident/fellow may take unpaid leave of up to fifteen (15) days during a qualifying time if the employee's spouse, domestic partner, or child is a Maine resident and is deployed for military service for a period lasting longer than 180 days with the State or United States pursuant to the orders of the Governor or the President of the United States. An resident/fellow is eligible for Maine Family Military Leave if the resident/fellow has been employed by MDFMR for at least twelve (12) months and has been employed for at least 1,250 hours of service during the 12-month period immediately preceding the commencement of the resident's/fellow's family military leave. Qualifying times for Maine Family Military Leave include (a) the fifteen (15) days prior to deployment; (b) during the time the military member is granted leave; or (c) the fifteen (15) days immediately following the period of deployment. Leave may be taken per deployment and runs concurrently with any paid or unpaid leave taken in accordance with this policy, or state or federal law.

The family military leave set forth above is unpaid leave. However, a resident/fellow may use their accrued PTO concurrently with any leave described above or as is consistent with federal and state law.

Certification:

MDFMR may require certification from the proper military authority to verify an employee's eligibility for the family military leave requested pursuant to this section.

Eligibility:

A resident/fellow should contact the Human Resources Administrator or their designee for more information about their eligibility for the leave described above.

Leave for Victims Violence

In accordance with Maine law, MDFMR will grant any resident/fellow a reasonable and necessary amount of unpaid leave if the resident/fellow or their child, parent, or spouse is a victim of violence, assault, sexual assault, stalking, or any other act that would support an order for protection under Maine law. This leave may be taken for the resident/fellow to:

- Prepare for or attend court proceedings.
- Receive medical treatment or attend medical treatment for a victim who is the resident's/fellow's child, parent, or spouse.
- Obtain necessary services to remedy a crisis cause by domestic violence, sexual assault, or stalking; or
- Avoid an abuser.

The resident/fellow must request the leave within a reasonable time under the circumstances.

Approval of leave will be dependent upon whether:

- The resident's/fellow's absence will create an undue hardship on MDFMR; The resident/fellow requested leave within a reasonable time; or
- The leave is practical, reasonable, or necessary given the facts made known to MDFMR.

Bereavement Leave

MDFMR will permit up to three (3) consecutive days' absence with pay for purposes of bereavement leave to any resident/fellow working at least 50% time. If the absence is during a day on which the resident/fellow would generally not be working, then the leave will be extended to the next working day. Request for bereavement leave shall be made verbally or in writing for such leave to the Program Director, Executive Director/DIO. Such leave shall be granted upon approval by the Program Director, Executive Director/DIO. In situations during which the Program Director, Executive Director/DIO cannot easily be reached, notification must be sent to MDFMR administrative staff. The approval shall not be unreasonably withheld. Approved leave will be considered for an absence due to a death in the family of a resident/fellow. For purposes of the bereavement leave, family is defined as father, mother, sister, brother, grandparent, grandchild, spouse/committed relationship, child, father-in-law, mother-in-law, any person who has had parental responsibility for resident/fellow, and those persons for whom the resident/fellow has had parental responsibility. A pregnancy loss qualifies for bereavement leave. MDFMR's Senior Leadership Team on a case-by-case basis will consider any exceptions to this definition. Bereavement leave may result in extension of residency/fellowship.

Any time taken in excess of personal time balances must be made up. MDFMR shall have discretion to modify, amend, interpret, apply, and implement this policy in accordance with federal, state, and local law.

LEAVE BENEFITS FOR RESIDENTS & Fellows (B&C Residents & Fellows)	
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