

## LEAVE BENEFITS

### Holidays

Housestaff are considered to be available to be scheduled 365 days a year including all religious and secular holidays. Due to variations among programs training and clinical requirements, requests for time off will be granted based on specific policies of each program regarding scheduling, requesting time off and vacation.

### Vacation

Housestaff are allowed annual paid vacation of three weeks. Vacation time is not cumulative from year to year and unused vacation cannot be carried over to another academic year. MCWAH will not pay housestaff for unused vacation upon separation of employment or the end of Trainee Staff Term or Agreement.

### Educational Leave

Housestaff (PG II and above) are allowed up to one week of educational leave, without interruption of pay or benefits, contingent upon the approval by the Program Director. Educational leave may be used for conferences, seminars, professional association meetings and/ or board or ITE preparation including home study. Educational leave may not be used for clinical rotations either domestic or abroad or for any other activity for which a separate approval process exists (e.g., global rotation requests, one-time rotation requests, leaves of absence etc.). Educational leave time is not cumulative from year to year

per year to a maximum of four weeks from previous academic years. Unused sick leave is not paid upon separation of employment or the end of T





#### Basic Leave Entitlement - Federal FMLA

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for any one or a combination of the following reasons:

- For incapacity due to pregnancy, prenatal medical care or child birth ;
- To care for the employee's child after birth , or placement for adoption or foster care [within 12 months after birth or placement].
- To care for the employee's spouse, dependent child, or parent (excluding parent-in-law), who has a serious health condition; or
- For a serious health condition that renders the employee unable to perform the essential functions of the employee's job.

#### Basic Leave Entitlement - Wisconsin WFMLA

WFMLA requires covered employers to provide, during a 12 month calendar period:

- 6 weeks for birth or adoption of a child [must begin within 16 weeks of birth or placement].
  - 2 weeks to care for the employee's child, spouse, domestic partner, or parent, if the child, spouse, domestic partner, or parent has a serious health condition ("parent" means a natural parent, foster parent, adoptive parent, stepparent, or legal guardian of an employee or of an employee's spouse or domestic partner).
  - 2 weeks for employees own serious health condition that renders the employee unable to perform the essential functions of the employee's job.
- Employee may not take more than 8 weeks in a year for any combination of the above leave.

#### Military Family Leave Entitlements - Federal FMLA

Eligible employees whose spouse, son, daughter or parent is on covered active duty or called to covered active duty status may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deplo

of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness\*; or (2) a veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.\* Spouses are entitled to a combined total of 26 weeks of unpaid FMLA leave in a 12 month period to care for a covered service member. Leave taken for other FMLA qualifying reasons by either spouse during the same 12 month period will be combined with and exhausted against the 26 week entitlement.

See the Federal Family and Medical Leave Act for specific definitions related to the Military Family Leave entitlements outlined above.

MCWAH may require certifications for the serious injury or illness of the covered service member or for the qualifying exigency in accordance with the FMLA.

\*The FMLA definitions of "serious injury or illness" for current service members and veterans are distinct from the FMLA definition of "serious health condition."

#### Definition of Serious Health Condition - Federal FMLA

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves:

Either

Incapacity or treatment in connection with inpatient care, a hospice or a residential medical care facility (overnight stay in a medical care facility).

Or

Continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

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and/or request an extension of time, the leave request for FMLA leave may be delayed or denied. Second and third certifications, and periodic re-certification may be required under certain circumstances.

Sufficient information should include the name of the family member to be cared for, the nature of the continuing treatment or health care provided, and other circumstances supporting the need for military family leave.

Housestaff must also notify MCWAH if the requested leave is for a reason for which FMLA leave was previously taken or certified.

If leave is for a household member's own serious health condition, a medical report





The Wage and Hour Division of the U.S. Department of Labor is the federal agency that regulates the federal FMLA. Federal law makes it unlawful for an employer to interfere with, restrain, or deny the exercise of any right provided under the FMLA; or to discharge or discriminate against any person for opposing any practice made unlawful by the FMLA or for the involvement in any proceeding under or relating to the FMLA. Nothing in the FMLA affects any federal or state law prohibiting discrimination, or supersedes any state or local law or collective bargaining agreement which provides greater family and medical leave rights. Employees have the right to file a complaint with the U.S. Department of Labor ( 'OL ' or bring a private lawsuit if they feel their rights under the FMLA have been violated. For more information, you may contact the DOL at (866) 487-9243 or [www.dol.gov](http://www.dol.gov). That being said, it is the preference of MCWAH that its employees first bring any concerns to the attention of the Designated Institutional Official (DIO) & Executive Director of MCWAH.

#### Non-FMLA Medical [and Family] Leave

Housestaff who would otherwise qualify for a FMLA Leave except that they are ineligible (do not meet the eligibility requirements) or have already exhausted their FMLA and WFMLA entitlements for the applicable year, may be granted a Non-FMLA Medical Leave. This leave is not an entitlement and is not job protected. Housestaff must be on-duty prior to being given a Non-FMLA Medical leave.

The granting of a Non-FMLA Medical Leave is totally at the discretion of the Program Director and the DIO & Executive Director of MCWAH. The amount of leave time to be approved will be determined by them, not to exceed 12 weeks in an Academic year counted in the same manner as Federal FMLA leave time. The Program Director and DIO & Executive Director of MCWAH will need to consider the impact of the leave on the training program and determine if it would be disruptive to the training program, the affiliated hospitals, patient care, and the meeting of the program requirements by the other housestaff in the program.

is to be submitted no later than 15 days after the date it is requested. If the housestaff cannot comply with this deadline, they must contact the MCWAH Office to obtain an extension prior to the date that the form is originally due. If the housestaff fails to return the completed medical certification form to the MCWAH Office and/or request an extension of time, the housestaff's request for Non-FMLA Medical leave can be delayed or denied.

If leave is for a housestaff's own serious health condition, a Fitness for Duty Report will be required upon the housestaff's



all leave, time off and related policies apply concurrently as outlined in the Housestaff Handbook. If a leave is requested that is eligible for the ACGME leave policy requirement, 0 & : \$ + ¶ V 1-~~FMLA~~ and FMLA medical leave of absence policies as outlined in the Housestaff Handbook will be applied first to determine whether the amount of paid time required by the ACGME Leave Policy is being provided to the housestaff for the applicable leave using available sick and vacation days in accordance with those specific policies.

In a very limited number of specific circumstances, the existing substitution of available sick and

eligible leave begins and will be considered taken outside of the ACGME leave period if taken anytime during the same academic year that the ACGME leave policy eligible leave begins. If the leave extends beyond the six week paid ACGME leave policy period and there is an additional otherwise unpaid week of being taken during that same leave, housestaff will be permitted to use the one week of vacation reserved outside of the paid ACGME leave period to run concurrently with the subsequent unpaid week of that leave, entirely at their choice and if they choose to do so, to substitute paid leave time for an additional one week of unpaid leave time. The reserved vacation week must be

utilized from accrued vacation days will run concurrent with the amount of time approved and available for the personal leave.

While on leave, the housestaff must provide their Program Director with periodic updates regarding their intent to return to work.

