



Stony Brook Medicine Graduate Medical Education

Subject: GME0038 Time Off Benefits and Effect of Leaves of Absence	Published Date: 03/23/2023
Graduate Medical Education	Next Review Date: 03/23/2026
Scope: SBM Stony Brook Campus	Original Creation Date: 11/18/2003

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Responsible Department/Division/Committee:

Graduate Medical Education Committee

Policy:

Stony Brook Medicine provides the opportunity for reasonable leaves of absence from residency and fellowship training for personal or familial needs, including parental, caregiver, or the trainees' own serious health condition in accordance with the policies of the specific employer, bargaining unit (if applicable), ACGME, and specialty board.

Definitions:

Parental leave – birth and care of a newborn, adopted, or foster child.

Caregiver leave – care of an immediate family member (child, spouse, parent) with a serious health condition

Medical leave – the trainee's own serious health condition

Procedures:

Vacation time is accrued in accordance with the specific employer and bargaining unit (if applicable). This information is available on the GME website or through your institution's human resources office if you are not a NYS employee. All vacations must be approved by the Program Director or their designee. Trainees are expected to use all vacation time prior to graduation.

Sick Leave: Trainees are eligible to accrue credits for sick leave in accordance with the policies of the specific employer and bargaining unit (if applicable).

All leaves of absence are implemented in accordance with institutional policies linked below, ACGME requirements, NYS benefits, employer and bargaining unit (if applicable) policies. Each program will also consider specialty board leave from training policies.

Beginning July 1, 2022 all programs sponsored by Stony Brook Medicine will comply with ACGME leave requirements as follows:

- Provide residents/fellows with a minimum of six weeks of approved medical, parental, and caregiver leave(s) of absence for qualifying reasons that are consistent with applicable laws at least once and at any time during an ACGME-accredited program, starting the day the resident/fellow is required to report;
- Provide residents/fellows with at least the equivalent of 100 percent of their salary for the first six weeks of the first approved medical, parental, or caregiver leave(s) of absence taken;
- Provide residents/fellows with a minimum of one week of paid time off reserved for use outside of the first six weeks of the first approved medical, parental, or caregiver leave(s) of absence taken;
- Ensure the continuation of health and disability insurance benefits for residents/fellows and their eligible dependents during any approved medical, parental, or caregiver leave(s) of absence
- Ensure that each of its ACGME-accredited programs provide its residents and fellows 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 examination by the relevant certifying board.

New York State employees will receive an advance of leave accruals, if necessary, to provide the resident or fellow with the necessary paid leave, beginning with their first day of hire. Where leave accruals are advanced for an approved medical, parental, or caregiver leave, care will be taken to not reduce any accrued vacation leave balance to less than one week. As an employee accrues leave each month of employment following their return from leave, 50% of that leave will be documented as paying back for the advanced leave. If the employee does not return from leave and accruals were advanced, or if the employee separates from employment before having fully paid back the advanced leave, the employee will be responsible to pay back any remaining advancement/overpayment.

Residents or fellows who do not have sufficient accrued leave to cover an approved medical, parenting, or caregiver leave, who are eligible to receive NYS Paid Family Leave may elect, solely at their option, to waive the right to all or part of the guaranteed six weeks of paid leave and receive NYS Paid Family Leave as an alternative to having sick and/or vacation leave advanced to them.

To the extent that any residents or fellows are currently enjoying leave benefits that are richer than statutory or contractual leave benefits they will continue to enjoy those benefits for the balance of their residency or fellowship.

Residents and fellows employed by entities other than NYS will follow the policy of their employer.

Residents and fellows may also be entitled to leaves such as Family Medical Leave Act or NYS Paid Family Leave, subject to qualifications

Requests for leaves of absence must be discussed with the Program Director and communicated to the GME office. Program Directors will determine on an individual basis, if any changes to the training schedule are necessary. This also must be communicated to the GME office for any revision of appointment letter or contract.

Program directors in collaboration with the CCC must consider the applicable accreditation board and RRC educational requirements and clinical competency of the individual trainee in determining whether training needs to be extended. Program directors must notify the resident in writing, with a copy to the GME office, outlining the educational ramifications of the leave (i.e. delay in graduation, repeat of a module, delay in board eligibility, access to information related to eligibility for specialty board examinations, etc.) If necessary, a revised agreement of appointment reflecting an extension of the training must be executed upon the resident/fellow's return to employment or at their next reappointment date.

Stony Brook Medicine will comply with the requirement of all terms of the Uniformed Services Employment and Re-employment Rights Act of 1994 (USERRA). This is a federal law which gives members and former members of the U.S. armed forces (active and reserves) the right to return to their civilian job they held before military service.

Forms: (Ctrl-Click form name to view)

None

Policy Cross Reference: (Ctrl-Click policy name to view)

[HRLA0002 Leave for Maternity or Childrearing Purposes](#)

[HR0020 Family Medical Leave Act](#)

Relevant Standards/Codes/Rules/Regulations/Statutes:

[New York State Paid Family Leave](#)

References and Resources:

None