



# Resident Vacation and Leaves of Absence Policy

## Summary

Description of resident paid benefit time and medical, parental and caregiver leaves of absence, including qualifying criteria and request/approval process. Erie County Medical Center (ECMC) Dental Residents are contracted through University Dental Resident Services (UDRS), a division of University at Buffalo Graduate Medical Education (UBGME).

## Policy Statement

Erie County Medical Center (ECMC) provides paid benefit time (e.g., vacation, sick time) and leaves of absence to employees (residents) under (UDRS). This policy describes the process for resident vacation/sick time and leaves of absence, consistent with applicable laws and requirements (e.g., CODA, NYS, etc.).

Residents may require leaves of absence (LOA) throughout the course of training and may qualify for Family and Medical Leave (FMLA), New York State Short-Term Disability Leave of Absence, New York State Paid Family Leave of Absence (PFL), Emergency Medical Crisis Leave of Absence (EMC), Short Term Family Illness or Bereavement Leave of Absence, Parental Leave, and/or Unpaid Leave of Absence, based on the criteria delineated in this policy. Residents, program directors and administrators must comply with this policy, including timely provision of accurate and complete information to facilitate resident leaves of absence and return to work.

ECMC provides residents in CODA approved programs with:

- 20 paid vacation days and 20 paid sick days (8 weeks total) per year of training

- 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, at any time during the program, starting the first day the resident is required to report;
  - Qualifying Reason(s): Birth/adoption/care for child; physical/psychological care of seriously ill spouse, child, parent; placement of foster child; serious health condition that makes the resident unable to perform the essential functions of their job.
  - Paid vacation and sick benefit time should provide 100% of salary for most qualifying six-week leaves of absence, plus at least one week of paid vacation in reserve. In rare cases where accrued benefit time does not cover 100% salary for a resident's first six weeks of qualifying leave plus one week of vacation, the difference in salary will be covered by UDRS.

Continuation of health and disability insurance benefits for residents and their eligible dependents during any approved medical, parental, or caregiver leave(s) of absence

## Vacation, Sick and Holiday Benefit Time

Residents are provided paid vacation, sick and holiday benefit time. Monetary reimbursement will not be given for unused benefit time under any circumstance. Program directors and administrators are responsible for tracking their residents' accrued/used/unused vacation and sick benefit time.

Residents in ECMC's General Practice Residency in Dentistry are provided paid benefit time as follows:

- Vacation Benefit Time
  - All vacations shall be taken upon reasonable prior notice (60 days in advance) as approved by the program director.
  - 20 vacation days are provided on the first day of each academic year for use throughout that same academic year.
  - Unused vacation days do not carry over to the next academic year.
- Sick Benefit Time
  - 20 sick days are provided on the first day of each academic year
  - Accrued, unused sick days carry over from one academic year to the next and accumulate for a maximum of one hundred-forty (140) days.
- Holiday Benefit Time
  - Residents are provided ten (10) paid holidays per academic year in addition to vacation and sick benefit time, to be scheduled at the discretion of the program director.
    - All ECMC dental residents have the following major holidays off: New Year's Day, Dr. Martin Luther King Jr. Day, President's Day, Memorial Day, Juneteenth, Independence Day, Labor Day, Veteran's Day, Thanksgiving, Christmas Day
  - Holiday time does not accumulate.

## Process for submitting and approving requests for leaves of absence

1. Resident notifies program director of anticipated leave of absence (including anticipated length of leave) as soon as possible; program approves leave if applicable
2. Resident submits [Request for Leave of Absence Form](#) to UB Graduate Medical Education Office (GME) to notify UB GME of anticipated leave as they are contracted and paid through this entity.
  - Leave requests should be submitted as early as possible
    - At least 30 days in advance for foreseeable leave requests (e.g., extended maternity leave, scheduled surgeries, etc.)
    - As soon as possible under the facts and circumstances when not foreseeable.
3. Program consults relevant CODA program-specific requirements, resident rotations and certifying board eligibility requirements to determine whether an extension of training is needed.
  - Employees who utilize leave of absence benefits must satisfy all training guidelines prior to graduation. **CODA requirements may necessitate an extension of training.** If a leave will result in an extension of training, program directors must notify the employee in writing (e.g., email), with a copy to the ECMC CMO, outlining the educational ramifications of the leave (e.g., delay in graduation, repeat of rotation(s), etc.).
4. Program director notifies UBGME of the resident's accrued sick/vacation time and whether a training extension is needed. UBGME then contacts the resident to confirm leave eligibility, schedule consultation and provide required documents
  - If resident chooses not to participate in consultation, confirmation of leave eligibility and required documents are both emailed and mailed to resident.
5. Resident completes and submits required documents to program director, CMO and UBGME
6. If applicable, UB GME prepares contract amendment for extension of training period
  - All contract extensions must be made in the training year in which the leave was taken.
7. Resident provides return to work notice from appropriate physician (depending on type of leave) before returning to training.
  - UB GME provides required form(s)

## Types of Leave

The following information is intended to provide key details on the various types of leave for which a resident may qualify. ECMC ensures compliance with applicable laws and requirements through the consultation process described in the *“Process for submitting and approving requests for leaves of absence”* section, above. For additional information on relevant laws, see links provided.

Resident benefits are maintained during qualifying leaves of absence as if the resident is actively employed (except for unpaid leaves, in which case benefits are terminated according to standard practices). Residents may be required to use accrued sick and/or vacation benefit time to receive full pay during a qualifying leave. All required documents requested by UB GME must be completed by the resident in an accurate, complete and timely manner in order to receive leave benefits.

**Family and Medical Leave Act (FMLA)** “entitles eligible employees of covered employers to take unpaid, job-protected leave for specified family and medical reasons with continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken leave” ([U.S. Department of Labor](#)).

- Qualifying Reason(s): Birth/adoption/care for child; physical/psychological care of seriously ill spouse, child, parent; placement of foster child; serious health condition that makes the resident/fellow unable to perform the essential functions of their job.
- Eligibility: Employed for 12 Months and worked 1,250 hours in the preceding 12 months
  - The Designated Institutional Official (DIO) for GME/designee may grant a waiver for up to twelve (12) weeks of leave per academic year with continuation of health benefits for a resident/fellow who is not yet eligible.
- Length of leave: Up to 12 weeks in a rolling 12-month period; can be used intermittently
  - Up to 26 weeks to care for spouse, child, parent, next of kin who is a member of the Armed Forces (incl. National Guard or Reserves) 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.
- ECMC/UB GME may designate an employee’s leave as FMLA if a resident/fellow qualifies regardless of whether the resident/fellow has requested such leave.

**New York State Short-Term Disability Leave of Absence:** “New York is one of a handful of states that require employers to provide disability benefits coverage to employees for an off-the-job injury or illness. The Disability and Paid Family Leave Benefits Law provides weekly cash benefits to replace, in part, wages lost due to injuries or illnesses that do not arise out of or in the course of employment” ([NYS Workers’ Compensation Board](#)).

- Eligibility: Employee must be under care of physician, chiropractor, dentist or certified nurse midwife

- Length of leave: Up to 26 weeks after 7-day waiting period; up to \$170 maximum benefit/week
- Under no circumstance may a resident/fellow start their training on disability leave.

**New York State Paid Family Leave (PFL):** “Paid Family Leave provides eligible employees job-protected, paid time off to: bond with a newly born, adopted or fostered child, care for a family member with a serious health condition, or assist loved ones when a spouse, domestic partner, child or parent is deployed abroad on active military service. Paid Family Leave may also be available in some situations when an employee or their minor, dependent child is under an order of quarantine or isolation due to COVID-19. Paid Family Leave also provides: job protection, continued health insurance, and protection from discrimination or retaliation” ([NYS Paid Family Leave](#)).

- Eligibility: Employed 26 consecutive weeks and worked >20 hrs/wk, or employed 175 Days and worked <20 hrs/wk
- Length of leave: Up to 12 weeks
  - Residents/fellows can receive up to 67% of their average weekly wage, capped at 67% of the [NYS Standard Average Weekly Wage \(SAWW\)](#)

**Employee Emergency Medical Crisis (EMC) Leave of Absence** (provided by UB GME): Effective July 1, 2018, residents/fellows in their first year of employment with UMRS/UDRS are eligible for Emergency Medical Crisis (EMC) leave of absence, in the specific instance of their own mental health medical crisis. The new employee must be under the care of a medical provider and unable to work due to the mental health medical condition, including in-patient hospitalization. The EMC leave of absence period will not exceed a maximum of twelve (12) weeks, during which job protection is provided and health insurance benefits are maintained.

- The EMC leave of absence will be granted at the discretion of the program director after consultation with UB GME.
- The new employee must maintain routine contact with the program director and the Lead Physician for Employee Health Services or designee; who will update UB GME as appropriate in regards to employment status during the EMC leave of absence.

**Short Term Family Illness or Bereavement Leave of Absence** (provided by UB GME):

Residents/fellows may use up to fifteen (15) days (three (3) weeks) of accumulated sick benefit time per year for illness or death in the immediate family. Immediate family is defined as: spouse, domestic partner, parents, children, siblings, or grandparents.

- Granted at the discretion of the program director, but authorization should not be unreasonably denied.
- Rare exceptions to the definition of “immediate family” (above) may be made at the discretion of the program director.

**Parental Leave** (provided by UB GME): Residents/fellows may use their accrued and unused sick or vacation benefit time for parental leave.

- Granted at the discretion of the program director, but authorization should not be unreasonably denied.

**New York State Prenatal Leave:** Residents/fellows are entitled to 20 hours of Paid Prenatal Leave per year. ([New York State Prenatal Leave](#))

- **Covered Prenatal Health Care Services**

Pregnancy-related health care appointments (Paid Prenatal Leave may not be used for health care services after pregnancy), such as:

- physical examinations
- medical procedures
- monitoring
- testing
- discussions with a health care provider needed to ensure a healthy pregnancy
- end of pregnancy care
- fertility treatment

Paid Prenatal Leave is only available to the pregnant person receiving health services. A spouse, partner, or other support person attending prenatal appointments with a pregnant person is not able to use Paid Prenatal Leave for these appointments.

- **Pay for Paid Prenatal Leave**

Residents/Fellows are entitled to 20 hours of Paid Prenatal Leave per 52-week period (based on when first used, not tied to the calendar year), available on the first day of employment.

- **Taking Paid Prenatal Leave on an Hourly Basis:** Resident/Fellows may take Paid Prenatal Leave on an hourly basis. For example, one hour of paid leave may be used for an appointment if the resident continues to work the rest of the day afterwards.

**Unpaid Leave** (provided by UB GME): Program directors may, at their discretion, approve a resident's/fellow's request for leave without pay. Leave without pay will result in termination of employee benefits according to standard practice for termination of benefits (see [Employee Compensation and Benefits Policy](#)). Residents/fellows have the option to continue health benefits under the appropriate COBRA requirements, and solely at the employee's expense.

## Contact Information

Contact UB GME HR with questions or requests for copies of employee rights pertaining to leaves of absence at: [ubgmehr@buffalo.edu](mailto:ubgmehr@buffalo.edu)

## Applicable Laws and Requirements

[CODA Standards for Advanced Education in General Dentistry](#) Download pdf(7 KB) effective 2020 (applicable to UDRS employees (e.g., residents in CODA-accredited programs)):

### Due Process

There must be specific written due process policies and procedures for adjudication of academic and disciplinary complaints that parallel those established by the sponsoring institution.

Intent: Adjudication procedures should include institutional policy that provides due process for all individuals who may be potentially involved when actions are contemplated or initiated that could result in dismissal of a resident. Residents should be provided with written information that affirms their obligations and responsibilities to the institution, the program and the faculty. The program information provided to the residents should include, but not necessarily be limited to, information about tuition, stipend or other compensation, vacation and sick leave, practice privileges and other activity outside the educational program, professional liability coverage, due process policy, and current accreditation status of the program.

[New York Paid Sick Leave](#)

[U.S. Department of Labor – Family and Medical Leave Act](#)

[New York State Workers' Compensation Board – Workers Disability Benefits](#)

[New York State Paid Family Leave](#)

[NYS Standard Average Weekly Wage \(SAWW\)](#)

[New York State Paid Prenatal Leave](#)