

MATERNITY/ PATERNITY/ FAMILY LEAVE POLICY

From the 2005-2006 House Officer's Agreement – Article IV

Maternity/Paternity Leave – *Two weeks of leave shall be paid* with benefits for the care of newly born or adopted child. The House Officer must provide 30 days notice (or as much notice as practicable if the leave is not foreseeable) to the Department of Graduate Medical Education and the Program Director of the request for leave and complete the necessary forms.

Family Medical Leave Act (FMLA) - *Up to twelve weeks total leave* to care for a spouse, parent, or child with a serious health condition, two weeks of which shall be paid, where appropriate. After these two weeks, subsequent leave is unsalaried, however, the House Officer may maintain benefits by paying the Health and Dental insurance premium contribution. The House Officer must provide 30 days notice (or as much notice as practicable if the leave is not foreseeable) to GME and his/her Program Director of the request of leave and complete the necessary forms.

As an example, Maternity/Paternity Leave may be structured as follows:

2 weeks paid maternity/paternity leave

4 weeks paid vacation

6 weeks paid leave with benefits

Vacation and Special Education Leave – the equivalent of *four work weeks with pay*, one of which may be taken as an educational leave. Vacation and/or educational leave must be scheduled by mutual agreement with the Program Director or his/her designee.”

Housestaff who do not have 4 weeks of unused vacation time may choose to take whatever vacation time is left for that year, and take the remainder as unpaid family leave.

The **Family Medical Leave Act actually allows employees up to three months of leave** in total, but the balance of that time beyond the 2 weeks of paid maternity/paternity leave (see above) and vacation time allowable is unpaid.

An important consideration is what the **Board requirements** of the particular program are. As example, many Boards require a specific number of months of actual training per year in order for promotions to the next level or graduation; some allow a maximum number of weeks of leave. It may be necessary for the Housestaff to make up lost time by extending the residency period to meet such requirements, a situation which may render the Housestaff less competitive when applying off-cycle for fellowships or jobs. Housestaff intending to use the maternity/paternity leave provisions **MUST contact their Program Directors** to discuss these ramifications and to ensure that they can meet the **program requirements** and not put themselves in jeopardy.

The House Officer is also required by the contract to provide at least 30 days **notice** (more is certainly preferable) in order for the scheduling necessary to compensate for the loss of duty coverage during the leave time.

A GME **Maternity/ Paternity /Family Leave form** (available from the Program Coordinators) needs to be completed and approved ahead of time and filed with the program and GME. **Since actual maternity/ paternity leave begins on the day of birth, GME and the program must be notified ASAP of the exact start date. It is essential that GME be notified of the actual start date of the leave (sometimes different from the predicted), the number of vacation days to be applied toward the leave, and the actual return date.** It will also be necessary for the program to send a **modified rotation schedule** for accurate ERMA reporting to Medicare.

Please note: For Housestaff who are required by their obstetrician to have bedrest or a modified schedule due to pregnancy difficulties, short-term disability is available with appropriate documentation. Again, check with the appropriate Program Director.