

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's 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 and unused educational leave cannot be carried over to another year. Unused educational leave is not paid upon separation of employment or the end of Trainee's term or Agreement.

Sick Leave

Sick leave accrues to housestaff at the rate of two weeks 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 Trainee's term or Agreement.

When ill, a housestaff will use their previously accrued days first, utilize the two weeks from the current academic year next, and then may borrow two weeks from the next academic year providing their training program extends throughout another academic year. Housestaff requiring more paid leave than this may utilize vacation leave.

Leave of Absence – Effect on Advancement to the Next Level of Training and Completion of Training

Each Member Board of the American Board of Medical Specialties has policies regarding absence from training and the impact that absence may have on the Board eligibility of the candidates. Housestaff who take a leave of absence during their training should communicate with their Program Director to ensure that their total leave time does not exceed the maximum allowed by the Board. The Program Director should communicate with the Specialty Board on behalf of the housestaff if necessary for clarification.

A leave of absence may necessitate that the advancement to the next level of training be delayed. At the conclusion of the training program, the Program Director must certify that the resident/fellow has mastered each component of clinical competence and has acquired proficiency in each of the various procedural skills identified in the program's curriculum. If the trainee does not meet the requirements of the Board because of a sick leave or leave of absence, the Program Director may require the individual to extend the training beyond the usual time required to complete the program.

Requesting a Leave of Absence

Housestaff assignments are made by the Program Directors, who must verify that those assignments were met. The Program Director must be notified promptly by the housestaff in the event of absence due to illness or any other reason.

Housestaff should request a Leave of Absence (LOA) through their programs, using the standard Leave of Absence form that is readily available on MCWAH/GME's Internet and Intranet (Infoscope) websites. Housestaff must provide the Program Director with at least 30 days advance notice of the need to take leave when the need is foreseeable. If leave is not foreseeable, notice must be given to the Program Director as soon as practicable, ordinarily within one or two business days of when the housestaff learns of the need for a leave, except in extraordinary circumstances. All Leaves of Absence must be approved by MCWAH and the Program Director. The completed form needs to be promptly forwarded to the MCWAH Office by the Program Coordinator. If additional information is needed in order to determine if the housestaff qualifies for Federal Family and Medical Leave (FMLA)/Wisconsin Family and Medical Leave (WFMLA) and/or to approve the LOA, the Program Director or Program Coordinator must contact the MCWAH Office. The MCWAH Office will follow up as needed directly with the housestaff and obtain the necessary information on a confidential basis.

The MCWAH Office does not need to be notified of an absence of seven calendar days or less if the housestaff remains on the payroll (using available sick or vacation days; is on jury duty, or similar); nor does the MCWAH Office need to be notified if the housestaff is taking scheduled vacation using their available vacation days.

MCWAH does not grant indefinite leaves of absence.

Computing Leave Days

Housestaff are considered to be available for duty on a continuous basis throughout their training period and are paid accordingly. In a 15-day pay period, housestaff are entitled to 15/365 of their annual stipend. Therefore, when counting leave days include weekends and holidays. If a housestaff member is ill on a Thursday and returns on the following Tuesday, they should be charged for 5 days of sick leave (Thursday, Friday, Saturday, Sunday and Monday). This method is used for computing all sick day accrual, vacation day accrual, and unpaid leave stipend deductions.

FMLA Leave

MCWAH will grant family and medical leaves of absence in accordance with both the Wisconsin and Federal Family and Medical Leave Acts (WFMLA\FMLA).

MCWAH has defined the Federal FMLA year as the Academic Year 7/1-6/30. The Wisconsin WFMLA year is the Calendar Year 1/1-12/31.

If an employee qualifies for Federal Family and Medical leave (FMLA) and for leave under Wisconsin Family and Medical leave (WFMLA), leave used counts against the employee's entitlement under both laws.

Eligibility Requirements - Federal FMLA

Employees are eligible if they have worked for MCWAH for at least one year and for 1,250 hours over the previous 12 months.

Eligibility Requirements - Wisconsin WFMLA

Employees are eligible if they have worked for MCWAH at least 1,000 compensated hours in the preceding 52 weeks and for at least 52 consecutive weeks.

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-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered service-member during a single 12-month period. A covered service member is: (1) a current member of the Armed Forces, including a member

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.

If a serious health condition is based upon:

- Three consecutive calendar days of incapacity plus two visits to a healthcare provider, the first visit must occur within 7 days of and both visits must occur within 30 days of the beginning of the period of incapacity.
- Three consecutive calendar days of incapacity plus a regimen of continuing treatment, the employee must visit a healthcare provider within 7 days of the onset of incapacity.
- Periodic visits to a healthcare provider for a chronic serious health condition, the employee must make at least two visits to a healthcare provider per year.

Definition of Serious Health Condition - Wisconsin WFMLA

A disabling physical or mental illness, injury, impairment or condition involving inpatient care in a hospital, nursing home or hospice, or out-patient care that requires continuing treatment or supervision by a health care provider.

When Taking a FMLA Leave

1. The housestaff must provide the Program Director with at least 30 days advance notice of the need to take FMLA leave when the need is foreseeable. If FMLA leave is not foreseeable, notice must be given to the Program Director as soon as practicable, ordinarily within one or two business days of when the housestaff learns of the need for a FMLA leave, except in extraordinary circumstances. The housestaff needs to request a leave of absence through the program using the standard leave of absence request form that is available from their Program Coordinator and on the MCWAH/GME Internet and Intranet (Infoscope) websites.
2. Housestaff must provide sufficient information for MCWAH to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave.

If leave is for a housestaff's own serious health condition or that of a family member, MCWAH requires the housestaff to submit a confidential medical certification form from the housestaff's or the family member's health care provider. The required medical certification is to be submitted no later than 15 days after the date it is requested. If the housestaff cannot comply with this deadline, he/she 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 FMLA leave can be delayed or denied. Second and third certifications, and periodic re-certification, may be required under certain circumstances.

Sufficient information shall include the housestaff is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave.

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

3. If leave is for a housestaff's own serious health condition, a Fitness for Duty Report will be required upon the housestaff's return to work. The Fitness for Duty Report must be submitted to MCWAH, not the Program. MCWAH will inform the Program Director of any job related information or restrictions that are identified in the Fitness for Duty Report. If there is a need to clarify information regarding a housestaff's fitness for duty, MCWAH senior staff or Director of Risk Management will contact the medical provider who issued the report. If such Fitness for Duty Report is not received, the housestaff's return to work may be delayed until such certification is provided or the return to work may be denied.
4. Both Wisconsin and Federal FMLA are unpaid. The housestaff may choose to substitute accrued paid sick and vacation time for the unpaid FMLA leave time if accrued sick or vacation days are available; however, it is not required. Substitution of accrued paid sick and vacation time must be done in accordance with MCWAH's paid sick and vacation leave policies. Paid days due to substitution of accrued sick and vacation days will run concurrent with the FMLA leave and will count against the FMLA leave entitlement.
5. Health, dental and vision insurance will be provided for up to 12 weeks of FMLA leave on the same basis as was provided before the housestaff took leave. The housestaff must pay the usual employee contribution for coverage that is normally deducted from the housestaff's paycheck during any period of leave. After 12 weeks, the health, dental and vision insurance will continue through COBRA and the housestaff will be responsible for 100% of the premiums at that time.

6. While on leave, the housestaff must provide their Program Director with periodic updates regarding their intent to return to work.
7. If the circumstances of housestaff's leave change and he/she is able to return to work earlier than anticipated, he/she needs to notify their Program Director at least two work days prior to the date they intend to report for work.
8. MCWAH will inform housestaff requesting leave of their eligibility under FMLA. If eligible, the notice will specify if any additional information is required as well as the housestaff's rights and responsibilities. If the housestaff is not eligible, MCWAH will provide a reason for the ineligibility.
9. MCWAH will inform housestaff if leave will be designated as FMLA-protected and the amount of leave counted against the housestaff's FMLA leave entitlement. If MCWAH determines that the leave is not FMLA-protected, MCWAH will notify the housestaff.

Benefits and Protections – During FMLA leave, MCWAH must maintain the employee's health coverage under any group health plan on the same terms as if the housestaff had continued to work. Upon return from FMLA leave, most housestaff must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

Use of Leave – Housestaff do not need to use these leave entitlements in one block. Under FMLA and WFMLA, leave due to the housestaff's or a covered family member's serious health condition can be taken intermittently or on a reduced leave schedule when medically necessary. The housestaff must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the GME training. Under FMLA, leave due to qualifying exigencies may also be taken on an intermittent basis. Leave taken under WFMLA for the birth or adoption of a child can be taken as partial absence from employment.

Notice – Any employees wishing to view their rights and entitlements under the FMLA/WFMLA may view these rights at any time on the posters contained in the Human Resource Offices of the Medical College of Wisconsin, each affiliate hospital or facility, and near the cafeteria in the Curative building. These posters are also posted on the MCWAH/GME Internet website and are available at [Federal FMLA Poster](#) and at [Wisconsin FMLA Poster](#).

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 (“DOL”) 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. 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.

Housestaff must provide sufficient information to MCWAH to determine if the leave qualifies as a Non-FMLA Medical leave and the anticipated timing and duration of the leave. MCWAH may request additional information before approving the leave if such additional information is necessary for MCWAH to have sufficient information.

If leave is for a housestaff’s own serious health condition or that of a family member, MCWAH requires the housestaff to submit a confidential medical certification form from the housestaff’s or the family member’s health care provider. The required medical certification

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 return to work. The Fitness for Duty Report must be submitted to MCWAH, not the Program. MCWAH will inform the Program Director of any job related information and restrictions that are identified in the Fitness for Duty Report. If there is a need to clarify information regarding a housestaff's fitness for duty, MCWAH senior staff or Risk Manager will contact the medical provider who issued the report.

If such Fitness for Duty Report is not received, the housestaff's return to work may be delayed until such certification is provided or the return to work may be denied.

Housestaff must use any accrued sick days and vacation days they have available at the beginning of their Non-FMLA Medical leave and in accordance with MCWAH's paid sick and vacation leave policies. Paid days utilized from accrued sick and vacation days will run concurrent with the amount of time approved and available for the Non-FMLA Medical leave. Health, dental and vision benefits will be paid until the end of the month in which the date arrives at which the housestaff has taken a total of 12 weeks of FMLA/WFMLA and Non-FMLA Medical leave combined during the Academic year [unless a later date is mandated either by the FMLA/WFMLA requirements or the number of paid sick and vacation days being taken for a specific leave]. The housestaff must pay the usual employee contribution for insurance benefits normally deducted from the housestaff's paycheck during any period of leave. After these 12 weeks (or later date if mandated), if the housestaff is not scheduled to return during the subsequent calendar month, the health, dental, and vision insurance will continue through COBRA and the housestaff will be responsible for 100% of the premiums at that time.

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

If the circumstances of the housestaff's leave change and they are able to return to work earlier than anticipated, they need to notify their Program Director at least two work days prior to the date they intend to report for work. It will be up to the discretion of the Program Director and the MCWAH DIO & Executive Director whether they will be able to accommodate

the early return of the housestaff and as of what date, if any, other than the scheduled return date. Any return date will be subject to the Fitness for Duty requirement.

Accreditation Council for Graduate Medical Education (ACGME) Leave Policy

MCWAH complies with the Accreditation Council for Graduate Medical Education (ACGME) Leave Policy which was effective July 1, 2022. Eligibility for the ACGME Leave Policy requirement is once per ACGME training program for the first approved qualifying leave of absence taken during that ACGME training program. If the first approved qualifying leave of absence during the ACGME program occurs in intermittent or reduced schedule leave segments, all leave segments for that same first approved leave of absence will be considered as part of the first approved leave of absence if they occur during the same ACGME training program. Eligibility begins when the housestaff report in person at the ACGME training program on their employment start date to start their training program and employment.

The ACGME has indicated that sponsoring institutions must “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”.

The ACGME has further clarified in the *ACGME Institutional Requirements – Frequently Asked Questions* that **“Sponsoring Institutions may use vacation and other pay sources to provide paid time off during leaves of absence, provided that doing so is consistent with institutional policy and applicable laws, and that one week of paid time off is reserved for use outside of the first six weeks of leave”.** **“The reserved one week of paid** time off (outside the first six weeks of approved medical, parental, and caregiver leaves of absence) is to be available within the appointment year(s) in which the leave is taken. It is not required that this reserved week carry over into subsequent years **of an individual’s educational program”.**

ACGME required paid leave runs concurrently with FMLA and Non-FMLA Medical leave, and

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, **MCWAH's Non-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 vacation days may fall short of the total six weeks of paid leave that needs to be **provided for a specific individual's leave of absence that falls under the ACGME leave policy.** In those limited circumstances, MCWAH administration will calculate and award additional **"gap" paid sick days to provide the additional paid days needed to meet the ACGME leave policy requirement.** In those circumstances, MCWAH administration will determine, calculate, and apply additional gap sick days in order to make the required number of paid days available to meet the ACGME requirement. This determination, calculation, and application is entirely at the determination of the MCWAH administrative staff and only available to meet a gap in paid time to meet the ACGME paid leave requirement for a specific eligible leave as determined by them. Any gap sick days applied to the specific leave must be utilized for that particular leave or are forgone.

Any gap sick days awarded in order to comply with the ACGME paid leave requirement are only available to be used for the specific leave of absence for which they have been calculated and awarded. Gap sick days do not carry-over to any other leave of absence or other time-off and they are not paid upon separation of employment or the end of Trainee's term or Agreement.

The Non-FMLA Medical Leave policy requires using all current year available sick and vacation days to substitute for the otherwise unpaid days during a leave of absence. If the Non-FMLA Medical leave falls within the ACGME requirement and at least one week of vacation has not yet been utilized for vacation during the year outside of the leave, the number of vacation days necessary to equal one week of vacation for use outside of the leave during the applicable year, can be reserved and permitted for use during the same academic year outside of the Non-FMLA Medical leave in order to comply with the ACGME Leave policy requirements.

The one week of paid vacation days required to be reserved for use outside of the paid ACGME leave period must be taken in the same academic year in which the ACGME leave policy

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 available to be used at the time of the unpaid week of leave that it is being substituted for and must be substituted for leave time that occurs before the end of the same academic year in accordance with all other applicable policies in the Housestaff Handbook.

Personal Leave

Personal Leave may not be taken for medical reasons. Personal leave should only be requested if absolutely necessary and for compelling reasons as leaves of absence have an overall disruptive impact on the training and training program. This leave is not an entitlement and is not job-protected. Housestaff must be on-duty prior to being given a personal leave.

The granting of personal 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 DIO & Executive Director may grant an extension upon consultation with the Program Director.

The Program Director and DIO & Executive Director of MCWAH will need to consider the impact of the leave on the training program and determine that it will not 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.

The MCWAH Office may require the housestaff to submit a written request with sufficient information for the Program Director and the DIO & Executive Director of MCWAH to make a determination as to whether the personal leave will be approved and for what duration.

Housestaff must use any accrued vacation days they have available at the beginning of their personal leave and in accordance with MCWAH's paid vacation leave policies. Paid days

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.

Health, dental and vision benefits will be paid until the end of the month in which the last paid day is utilized. The housestaff must pay the usual employee contribution for the coverages that are normally deducted from the housestaff's paycheck during this period of leave. If the personal leave becomes unpaid after the utilization of the vacation days; and the housestaff is not scheduled to return during the subsequent calendar month, health, dental and vision insurance will continue through COBRA as of the 1st of that month and the housestaff will be responsible for 100% of the premiums at that time.

If the circumstances of the housestaff's leave change and they are able to return to work earlier than anticipated, they need to notify their Program Director at least two work days prior to the date they intend to report for work. It will be up to the discretion of the Program Director and the MCWAH DIO & Executive Director whether they will be able to accommodate the early return of the Housestaff.

Bereavement Leave

Housestaff may be granted up to three days off with pay for bereavement leave related to the death of immediate family members, defined as spouses, parents, parents of spouse, grandparents, grandparents of spouse, foster parents, children, grandchildren, foster children, brothers (and their spouses), and sisters (and their spouses). In the event of the death of a close relative, not in the immediate family, a housestaff may be granted bereavement leave at the discretion of the Program Director.

Jury Duty

While jury duty is considered a civic responsibility, there may be an occasion when housestaff may wish to request a deferral of this obligation. As a trainee in a Graduate Medical Education program, the housestaff may qualify for such a deferral.

Please discuss deferment with your Program Director. The Program Director could write a letter to the appropriate court. There is no guarantee that this approach will be successful.

If housestaff serve on jury duty, they will continue to be paid their stipend.

Military Leave

The Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) protects the job rights of individuals who voluntarily or involuntarily leave employment positions to undertake military service or certain types of service in the National Disaster Medical System. An individual performing military service is granted a leave of absence and is also entitled to all rights accorded other individuals on non-military leaves of absence. (The complete USERRA can be found on the Department of Labor's website at: <https://www.dol.gov/agencies/vets/programs/userra>.)

Housestaff are eligible for military leave reemployment if they leave their position to perform service in the uniformed services, including active and inactive duty as well as training (see the USERRA for definition of uniformed services).

Trainees on military leave for up to five years generally are eligible for reinstatement to their training programs once active duty is completed. Trainees may resume their training at the PGY level they were in when called to duty or may be required to repeat earlier training experiences. The appropriate level of training upon return will be determined on several factors: length of leave; medical duties, if any, performed by the trainee while in military service; and curricular changes in the training program during the trainee's absence.

Housestaff should notify their Program Director and the MCWAH Office 30 days in advance of the leave if the leave is scheduled, or as soon as is practical if the leave is not scheduled. Housestaff may use accrued paid leave time while performing military duty.