

Graduate Medical Education

FMLA

&

General Leave of Absence



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What is FMLA?

- The Family and Medical Leave Act requires an employer to provide an eligible employee with a total of 12 work weeks of unpaid leave during any 12-month period for one or more qualified reasons.



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An FMLA can be granted for one or more of the following reasons FMLA Reasons:

- The birth of a child of the employee and in order to care for such a child after birth.
- The placement of a child with the employee for adoption or foster care.
- To care for the employee's spouse, parent or child who has a serious medical condition.
- For an employee's serious health condition that makes the employee unable to perform the essential functions of the employee's job.
- Care for employee's spouse, son, daughter, parent or next of kin with illness or injury incurred in the line of duty
- Due to a qualifying exigency arising out of the fact that the employee's spouse, son, daughter or parent is on active duty



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Eligibility for FMLA

- After one year of service and worked 1250 hours in previous 12 month period
- Eligible for 12 weeks maximum in rolling 12 month period



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New FMLA Reasons

- FMLA time allowed for military caregivers
- A qualifying exigency arising out of the fact that a covered family member is on active duty or called to active duty status.



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Serious Health Condition

- Any period of incapacity or treatment connected with inpatient care
- Absence of more than five calendar days from work that involves continuing health care treatment
- Any period of incapacity due to pregnancy or for prenatal care



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Serious Health Condition cont'd

- Chronic health condition (asthma, diabetes, epilepsy)
- A period of incapacity that is permanent or long term (stroke, terminal diseases)
- Any absence to receive multiple treatments, including recovery, for a condition that would result in more than three days absent if left untreated (chemotherapy, PT, dialysis)



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Types of FMLA

- **Continuous FMLA leave:** An employee is absent for more than five consecutive business days and has been treated by a doctor.
- **Intermittent FMLA leave:** An employee is taking time off in separate blocks due to a serious health condition that qualifies for FMLA. Intermittent leave can be in hourly, daily, or weekly increments. Intermittent FMLA is often taken when an employee needs ongoing treatment for their condition.
- **Reduced schedule FMLA leave:** An employee needs to reduce the amount of hours they work per day or per week.



General Leave of Absence

- A resident may request a personal leave of absence from the program director. A leave agreement must be formalized in writing between the resident and the program director prior to the beginning of the leave.
- Requests for leave of absence in the first twelve (12) months of training are limited to situations that would otherwise be covered by the Family Medical Leave Act (FMLA).
- Leave of absences for reasons other than this during the first twelve months of training are not allowed.



General Leave of Absence

- To begin the process, the resident must submit a written request to the program director at least thirty (30) days prior to the beginning of the leave (except in case of emergency).
- A leave of absence should not exceed eight weeks.
- If a personal leave compromises a resident's ability to satisfy specialty board training requirements, the written leave agreement should specify how these requirements will be made up.
- A resident may be required to extend the training period for any dates of absence in excess of allowable paid time off.



Medical Certification FMLA & LOA

- Employees are required to have a licensed health care provider complete a Certification of health Care Provider form with regard to a serious health condition.
- **In accordance with the Americans with Disabilities Act, all medical information will be kept separate from the employee's personnel file.**



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Medical Certification continued

- Employers have the right to request a second or third opinion (at the employer's expense)
- Employers also have the right to request subsequent recertification on a reasonable basis.
- If FMLA/LOA is because of an employee's own serious condition, upon return to work the employee must present a health care provider certification that the employee is able to return to work.



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Resident Responsibility

1. Complete FMLA/LOA request and medical certification forms in a timely fashion and present to the Program Director for signature.
2. Personally contact the Benefits department regarding benefits during leave.
3. Notify program and GME of actual date leave commences.
4. Provide Physician's authorization for return to work. (if applicable)
5. Present at the GME Office upon return to work to initial any changes in contract and reestablish pay.



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Training Program Responsibility

1. Notify GME Office about impending leave. Ask GME for assistance if you have any questions about FMLA or LOA.
2. Provide FMLA/LOA forms as requested.
3. Calculate amount of paid time off still available and provide to GME.
4. Notify GME of actual start date of FMLA/LOA.



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Central GME Office Responsibility

1. DIO signs the FMLA/LOA form in the HR spot.
2. Forms are submitted by GME to HR and payroll.
3. GME communicates with HR and confirms: start date and date unpaid leave begins.
4. Upon return, GME has trainee update contract and provide trainee and department with copy of updated contract.
5. GME confirms with HR that resident has returned to work.



Forms

- **FMLA / LOA forms are available**
 - Online through the Human Resources link on Loyola Wired – “FORMS”
 - <http://www.luhs.org/internal/depts/hr/leave.htm>
 - Program Coordinator
 - Human Resources
 - Occupational Health
 - GME Office



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Questions???

Resources for additional information:

- GME Office and GME Website
- GME Resident's Handbook and Benefits addendum
- Human Resources website
- Human Resources Representative



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