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Leaves of Absence for Medical Residents Policy

Kadlec Regional Medical Center ("facility")

Department: Human Resources

Approved by: Chief Human Resources Officer

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Policy Name: Leaves of Absence for Medical Residents

Scope: All medical residents

Purpose: In keeping with our mission and values, the purpose of this policy is to describe the various paid leaves available to medical residents in accordance with the Accreditation Council for Graduate Medical Education (ACGME) requirements.

Terms:

Actively at work: Attending to normal duties at the medical resident's assigned place of employment. Being "actively at work" includes working on any regularly scheduled days, holidays and time away days as long as the medical resident is capable of active work on those days.

Elimination period: The waiting period during which the medical resident is not eligible for short-term disability pay.

Family member: A child (biological, adopted, foster, stepchild, legal ward, or a child for whom the caregiver stands in loco parentis), parent(s) (biological, adoptive, foster, stepparent, legal guardian of the caregiver or the caregiver's spouse or registered domestic partner, or a person who stood in loco parentis when the caregiver was a minor child), spouse, registered domestic partner, grandparent, grandchild, and sibling.

Objective medical evidence: Clinical information such as diagnosis, physical findings, chart notes, telephone contact with the physician offices, treatment plans, lab reports, x-rays, medical testing, a description of functional limitations, and documentation of functional limitations such as impaired concentration, poor social-emotional regulation, impaired judgment, and diminished ability to start, maintain, and complete tasks that are due to a mental health diagnosis.

Planned absences: Any time the medical resident knows that they will need to be absent from work for a leave-qualifying event (e.g., scheduled procedure, appointment, surgery or an anticipated pregnancy delivery).

Regular and appropriate care: The medical resident is receiving regular and appropriate care if they are:

- Receiving care as often as medically required from the physician whose specialty or experience is the most appropriate for the diagnosed disability
- Receiving treatment that conforms to generally accepted medical standards for treating the diagnosed illness or injury
- Participating in treatment at the intensity and frequency that is consistent with the diagnosed illness or injury

- Engaging in face-to-face office visits with a physician or medical resident
- Attending all scheduled appointments and treatments
- Complying with the treatment recommended by the physician or medical resident
- Receiving appropriate physical and psychological rehabilitative services
- For mental illness related disabilities, engaging in active treatment with a behavioral health medical resident or other physician

Treating physician: The medical provider responsible for directing care of the eligible medical resident's disabling condition.

Policy:

In keeping with our mission and values, we provide benefit eligible (.5 FTE or greater) medical residents with an employer-paid short-term disability program designed to financially protect them during periods of non-work-related illness or injury, including maternity.

Leaves provided under federal and state law: Applicable federal and state law leaves will run concurrently with other leaves whenever possible and in accordance with applicable law. Medical residents should refer to the *Leaves of Absence - Family and Medical Leaves and Other Leaves Policy* for additional information.

1. Short-term disability

- Short-term disability requirements:** The 26-week short-term disability program is designed to provide financial protection to medical residents unable to work due to a non-work-related illness or injury, including maternity. This program is available to all benefit-eligible medical residents.
- Short-term disability eligibility:** Eligible medical residents will be covered by short-term disability beginning on their date of hire or the date moved into an eligible FTE status (.5 FTE or greater).
- Waiting period before benefits can begin:** To be eligible for short-term disability benefits, the medical resident must be disabled for seven (7) consecutive calendar days. During the waiting period, the resident can use *Time Away* for work hours missed. For example, if full-time and working 40 hours per week, the resident can use 40 hours of *Time Away* to cover the first seven (7) calendar days. If the resident returns to work after an approved leave and goes back out on leave for the same medical issue within 14 consecutive calendar days or less, the prior disability claim will be reopened and the resident will not be required to satisfy a new waiting period.
- Short-term disability pay**
 - The employer-paid benefit pays 100% of pay, subject to all applicable taxes, for up to eight (8) weeks following a 7-day elimination period. Short-term disability pay reduces to 66⅔ percent for disabilities longer than nine (9) weeks up to a combined 26 weeks. Long-term disability may apply for disabilities lasting longer than 26 weeks. Any additional compensation received after the start date of the leave, such as base pay increases, bonuses, incentives or other forms of compensation, are not factored into the base pay for calculating benefits under this policy.
 - Short-term disability pay is taxable as ordinary income in the year received. Applicable state and federal taxes will be withheld from payments along with other regular deductions.
 - The short-term disability program does not pay for intermittent absences of short duration. Accordingly, benefits are not payable for disabilities lasting fewer than seven (7) consecutive calendar days.
 - If available, time away hours can be used to replace pay during the elimination period and to supplement the reduced short-term disability benefit. (Please note that some shift-based medical residents may have different time-off benefits that can be applied.)
 - The following applies to caregivers who live in a state with a state disability insurance (SDI) program:
 - Caregivers are required to apply for benefits with both SDI as well as short-term disability.
 - The short-term disability benefit will be reduced by the SDI benefit amount for a combined total benefit as noted above.

- c. If a caregiver is denied benefits by the state, the offset will remain in place until the caregiver exhausts their appeal opportunities with the state and the claim remains in denied status.

E. Short-term disability procedures

1. **Reporting a claim:** Leaves of absence lasting three (3) days or longer should be reported to the leave administrator as soon as practicable or in advance for known or planned absences (for example, scheduled surgery, estimated delivery date). At intake, it will be determined if the reason for the leave would qualify for short-term disability pay. The deadline for filing a short-term disability claim is no later than 10 days from the medical resident's first day of absence due to their disability. If this deadline is not met, short-term disability pay may be denied.
2. **Conditions to receive benefits:** Medical residents are eligible to receive short-term disability pay if all the following conditions are met. A non-work-related injury or illness is sustained (see *Special rules for maternity* below) and the medical resident:
 - a. Is an active caregiver at the time of disability
 - b. Is under regular and appropriate care of a physician. The physician is required to provide objective medical evidence to support the disability. This evidence must indicate:
 1. That the illness or injury prevents the medical resident from performing their work
 2. That the medical resident is undergoing appropriate treatment
 3. The start date of the illness or injury
 4. The expected duration of medical resident's disability
 - c. Is compliant with courses of treatment established by the treating physician
 - d. Ensures that health care and treatment documentation that is acceptable is provided upon request in a timely manner

F. **Special rules for maternity:** Pregnancy claims will be approved for, and limited to, two (2) weeks pre-partum (including the 7-calendar day elimination period) based on estimated date of delivery and six (6) (regular) or eight (8) (Cesarean) weeks starting with the child's date of birth unless objective medical evidence supports the extension of this already approved period. Maternity leave compensation adheres to the *Short-term disability pay* rules detailed in section D above. If the pre-partum period is used, the waiting period and pay eligibility commence on the first day of absence. Following the disability period, additional time off may be available for baby bonding. *Time Away* hours can be used for income during the baby bonding period.

G. **Authority to approve and continue benefits:** Final determination of benefit eligibility will be made by our leave administrator, based on objective medical evidence. Medical residents are required to ensure that supporting medical evidence is provided to our leave administrator no later than 20 days from the date the claim is filed or first date of absence, whichever is later. Periodic updates from the treating physician will be required to justify continued payment of benefits. Supporting medical information for extensions must be submitted within seven (7) days of the certified disability end date. The medical resident may also be required to undergo an independent medical evaluation with a physician chosen by our leave administrator to validate or clarify medical evidence presented as support of the claim. If the treating physician has copying charges or other costs related to gathering information to substantiate a claim, the medical resident will be responsible for the costs incurred.

H. **When benefits end or are not paid.** Below are some examples of situations when short-term disability benefits may end or not be paid. The medical resident is not eligible for coverage under the program for any of the following reasons:

1. Returns to work at their regularly scheduled number of hours
2. Receives the maximum short-term disability benefit for a qualifying disability
3. Fails to provide the appropriate notice of the need for a leave
4. Refuses medical care or fails to cooperate with a course of treatment
5. Stops receiving regular and appropriate care from a health care medical resident
6. Unreasonable refusal to comply with a "transitional duty" plan

7. Has an illness or injury that is caused by, or contributed to, being engaged in an illegal situation or occupation
8. Absences resulting from elective or cosmetic medical procedures or other treatments that do not address an underlying health condition as deemed necessary by a licensed medical professional
9. Becomes incarcerated for a criminal conviction
10. Indicates that a condition is work-related
11. Is no longer employed at the facility

I. **Appeals:** The caregiver has 30 days from the receipt of notice of a denial for short-term disability benefits to file an appeal. Requests for appeals should be sent to the address specified in the claim denial.

2. **Paid parental leave:** The facility provides eligible medical residents (0.5 FTE or greater) the opportunity to take time off with pay to spend time bonding with their families following a birth, adoption or foster child placement. Paid parental leaves for absences from work are subject to the limits and conditions described below.

A. **Eligibility:** Medical residents with a full-time equivalent (FTE) of 0.5 or higher and scheduled to work 20 hours or more per week will be eligible for paid parental leave coverage as of the date of hire.

B. **Benefits:** Medical residents may begin their leave immediately following the birth, adoption or foster child placement. The parent who gives birth should first apply for short-term disability before requesting additional paid parental leave under this section of the policy.

1. Medical residents on an approved leave will be paid 100 percent of their base pay in effect at the time the medical resident begins their leave. Paid parental leave benefits are taxable as ordinary income in the year received. Applicable state and federal taxes will be withheld from benefit payments along with other regular deductions.
2. Medical residents in states and/or cities that have paid parental leave programs must also apply for benefits with the applicable state/city to be eligible for this supplemental facility-paid benefit. The facility-paid parental leave will be offset by any state/city paid parental leave benefit amounts for a combined total benefit of 100 percent of base pay at the time the leave commenced.
3. If a medical resident is denied benefits by the state/city, the facility will pay the medical resident the difference between base pay and the anticipated state/city paid benefits as an offset until the medical resident exhausts their appeal opportunities with the state/city and the claim remains in denied status.
4. Medical residents are eligible for up to 6 weeks of facility-paid parental leave in a rolling 12-month period (regardless of the number of qualifying events – for example, multiple births, adoptions or foster placements or combination thereof during a 12-month period). Medical residents may choose to take this time off in increments of up to three (3) occurrences, each a minimum of one (1) week (seven (7) calendar days). All available time must be used within 12 months following the birth or placement.

3. **Leave to care for a family member:** The facility provides eligible medical residents paid time off to provide care to a family member, subject to the limits and conditions described below.

A. **Eligibility:** Medical residents will be eligible for paid leave coverage as of the date of hire.

B. **Benefits:**

1. Medical residents on an approved leave to care for a family member will be paid 100 percent of their base pay in effect at the time the medical resident begins their leave. *Leave to care for a family member* benefits are taxable as ordinary income in the year received. Applicable state and federal taxes will be withheld from benefit payments along with other regular deductions.
2. Medical residents in states and/or cities that have paid leave benefits must also apply for those benefits with the applicable state/city to be eligible for this supplemental benefit. The facility-leave benefit will be offset by any state/city paid leave benefit amounts for a combined total benefit of 100 percent of base pay at the time the leave commenced.
3. If a medical resident is denied benefits by the state and/or city, the facility will pay the medical resident the difference between base pay and the anticipated state/city paid benefit as

an offset until the medical resident exhausts their appeal opportunities with the state/city and the claim remains in denied status.

4. Medical residents are eligible for up to six (6) weeks of this type of facility leave. Medical residents may choose to take this time off in increments of up to three (3) occurrences, each a minimum of one (1) week (seven (7) calendar days). *Leave to care for a family member* will only be available once during the residency program.

4. **Special leave:** In addition to the above, medical residents may be eligible for one (1) week of *Special leave* paid at 100% of their base pay in order to allow for time off if the medical resident has exhausted all other leave options. *Special leave* is available only once during the duration of the residency program.

Help: For questions about this policy, or assistance with understanding your obligations under this policy, please contact the [HR Service Center](#).

The statements of this policy document are not to be construed as a contract or covenant of employment. They are not promises of specific treatment in specific situations and are subject to change at the sole discretion of the facility.

This policy does not modify the express terms of any collective bargaining agreement. In the event of a conflict between this policy and the terms of a collective bargaining agreement, the collective bargaining agreement will prevail.

This policy does not modify the express terms of any provider agreement. In the event of a conflict between this policy and the terms of a provider agreement, the provider agreement will prevail.