



MEMORANDUM

DATE: May 15, 2023

TO: Directors of Human Resources, Payroll, and Graduate Medical Education Offices

FROM: Yvette Villanueva *YV*
Senior Vice President of Human Resources

SUBJECT: Process for Leaves Program(s) NYC H+H PGYs (Residents-All Levels)

I. **Scope:**

This memo serves as a guideline for employee trainees (residents and fellows) at all levels requesting a medical leave for their own disability, child bonding leave, or care for other family member during the course of their NYC H+H employment. The Graduate Medical Education (GME) program will separately address program related status impacted by any approved leave.

II. **Process:**

Residents shall submit requests with supporting documentation to HRSS Leaves Administration at HRSSLeaveAdministration@nychhc.org. Residents may be required to provide a copy of their contract to clarify the dates of their respective NYC H+H employment status for leaves applicable through this guideline process managed by HRSS Leaves Administration.

III. **Recording of Time Off:**

The GME Office is responsible for recording time used by residents. Payroll will provide calculated last day paid based on leave balances upon request to HRSS Leaves Administration.

IV. **Leave Programs**

1. **Family Medical Leave Act:**

Residents will be afforded leave pursuant to the **Family Medical Leave Act (FMLA)** of 1993, determining eligibility criteria will be based on NYC H+H employment, using a rolling calendar from first day of requested leave, and not to be approved beyond a NYC H+H employment contract date. FMLA will run concurrent with other leaves deemed applicable. If a resident is deemed not eligible for FMLA they will be considered for leaves offered under institutional requirements for the Accreditation Council for Graduate Medical Education (ACGME).

Residents are entitled to ACGME eligible leaves once any time during an ACGME-accredited program, which means the leave of seven (7) weeks is a cumulative leave entitlement, and not an annual leave that restarts as long as the resident remains in the same ACGME program. ACGME leave is based on program, not on a resident's

payroll source, accordingly it is a total of seven (7) weeks of leave under the respective accredited program.

Eligible residents will be granted a minimum of six (6) weeks of approved medical, parental (child care and/or bonding related), and caregiver leave(s) of absence for qualifying reasons and related supporting documentation. Residents will be paid the equivalent of 100 percent of their salary for the first six (6) weeks of the first approved medical, parental (child care and/or bonding), or caregiver leave(s) of absence approved by HRSS leaves team.

Any leave for a resident for their own medical disability will run concurrent with FMLA and will afford a resident up to 12 weeks of continuous leave if FMLA eligible. If the resident is not FMLA eligible, the ACGME applicable leave for their own medical disability will not exceed seven (7) weeks of continuous leave, including the one (1) week of paid time reserved for use outside the first six (6) weeks.

Residents covered under FMLA will have the continuation of healthcare coverage benefits for the up to the 12 weeks of continuous leave. Residents not eligible for FMLA, their healthcare coverage benefits will continue through the maximum of 7 weeks under ACGME applicable leaves.

Residents eligible for FMLA in order to care for a newly adopted or born child or newly placed foster child; to care for a spouse, domestic partner, child under age 18, child age 18 or older but incapable of self-care because of a physical or mental disability, or parent of the employee, if such spouse, child, or parent has a serious health condition; residents will be entitled up to seven (7) weeks of 100% pay. This leave, which is not for an employee's own medical disability, will use applicable leave accruals to continue pay status beyond the seven (7) weeks.

Residents will be provided with Special Leave of Absence Coverage (SLOAC) for healthcare coverage benefits as applicable, running concurrent with other leaves which provide continued leave benefits, including but not limited to FMLA.

Time Reporting Guidance:

FMLA – Self Illness: Time Reporting Code 03, additional Time Reporting Code 55

FMLA – Care for Others: Time Reporting Code 02, additional Time Reporting Code 55

2. **Paid Family Leave (PFL):**

Residents may apply through AbSolve at 1-800-401-2691 for Paid Family Leave (PFL). AbSolve is the Third-Party Administrator for MetLife to manage PFL requests (not for employee's own medical disability):

- Bond with a newly born, adopted or fostered child;
- Care for a family member with a serious health condition; or
- Assist when a spouse, domestic partner, child or parent is called to active military service abroad.

- With respect to resident birth parents who may experience a physical disability, residents who meet the criteria are entitled to FMLA for their own medical disability, followed by PFL to care and bond with the child. If a resident is not eligible for FMLA they may have a leave under the ACGME up to the 7 weeks to cover the medical aspect as well as bonding time, and still apply for PFL for additional child bonding time. It is the responsibility of the resident birth parent to provide documentation regarding their respective disability start and end dates in order to determine if they are eligible to commence any leave under PFL.

For more information, please see the Employee Resources Center (intranet):
[Paid Family Leave](#)

Time Reporting Guidance:

- If employee is being directly paid by AbSolve (insurance carrier) for continuous PFL, there are no Time Reporting Codes because the employee is not in active payroll status.
- If employee elects to use accruals, they will use Time Reporting Code 02, with additional Time Reporting Code 73.
- If the employee is on an approved intermittent PFL paid by AbSolve, they will use Time Reporting Code 68.

3. **Military Leave:**

HRSS Leaves Administration is responsible for administering military leaves of absence (Call to Duty), granted to employees in accordance with the Uniformed Services Employment and Reemployment Rights Act of 1994 ("USERRA") and New York State Military Law, Article XI, Section 242.

Time Reporting Guidance:

Military Extended Benefits – Time Reporting Code 62

4. **Workers' Compensation Leave:**

HRSS Leaves Administration is responsible for administering the Workers' Compensation Program with all employee work-related incident/injury reports and leaves of absence due to a work-related injury for NYC Health + Hospitals.

For more information, please see the Employee Resources Center (intranet):
[Workers' Compensation Program](#)

Time Reporting Guidance:

Time Reporting Codes 22, 23, 24 (in conjunction with Time Reporting Code 03), 25, or 26, depending on which Worker's Comp option was selected and/or a grant was approved.

5. **Reasonable Accommodation:**

Office of Equal Employment Opportunity (EEO) reviews and responds to requests for reasonable accommodation, which includes, requests for accommodation due to a disability; pregnancy, childbirth or related medical conditions; and/or status as a victim of domestic violence, sex offenses, or stalking. Accordingly, these leave requests are not submitted to the HRSS Leaves Administration team.

For more information, please see the Employee Resources Center (intranet): [Office of Equal Employment Opportunity \(EEO\)](#)

Time Reporting Guidance:

- If employee is approved to use annual leave balances, they will use Time Reporting Code 02, with additional Time Reporting Code 65.
- If employee's Reasonable Accommodation Leave is granted based on self-illness or disability, they may use sick leave balances and use Time Reporting Code 03, with additional Time Reporting Code 65.
- If employee has exhausted their annual leave balance or is no longer eligible to use leave balances, they will use Time Reporting Code 06, with additional Time Reporting Code 65.

Thank you for your attention to this matter.

Cc: Tatyana Seta
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