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2018 Maria D Kelly MD, BCh, FACR

**Association of Program Directors in Radiology (APDR),
Statement of support for 12 weeks family leave in residency**

We the members of the APDR recognize that:

- One of the purposes of our organization is “optimizing the educational experience for our trainees” [1]; that
- The American College of Radiology is “committed to the radiologist’s well-being as an integral part of high quality and safe patient care and the health of our members” [2]; that
- Both men and women and their family members may experience serious medical conditions during the course of a professional career, and that pregnancy and childbirth are a biologic necessity for the continuation of the human race; that
- The federal Family Medical Leave Act (FMLA) of 1993 [3] requires private employers with 50 or more employees within 75 miles of the eligible employee’s worksite and all public agencies to provide eligible employees* up to 12 workweeks of unpaid leave in a 12-month period for reasons including:**
 - the birth of a child and to care for the newborn child within one year of birth;
 - the placement with the employee of a child for adoption or foster care and to care for the newly placed child within one year of placement;
 - to care for the employee’s spouse, child, or parent who has a serious health condition; and
 - a serious health condition that makes the employee unable to perform the essential functions of his or her job. [3]
- Additionally, certain states have passed legislation that require employers to provide to their employees either paid or unpaid family leave under similar circumstances [5]; that
- The Department of Labor considers medical residents to be employees under the FMLA [6]; and that
- **We believe it is essential for the success and well-being of our trainees that, when they experience the significant life events of welcoming a new child or dealing with serious illness, they must have sufficient leave from work consistent with federal law.**

The APDR thus recognizes that under the FMLA, eligible* radiology trainees of all genders have the right to take up to 12 weeks of unpaid family leave, and encourages program directors to make this right known to their trainees, as indicated by federal law [7], and to provide notice of any additional rights under relevant state family leave laws.

For clarity and transparency, we will post this position on the APDR website in an easy to find location and urge any trainees experiencing the aforementioned life events to bring a copy of this position statement to any meetings to discuss leave.

Signed,
[Members of APDR]

*Defined, per FMLA, as “Employees are eligible for leave if they have worked for their employer at least 12 months, at least 1,250 hours over the past 12 months, and work at a location where the company employs 50 or more employees within 75 miles.” [4]

**Additional reasons under the FMLA include:

- any qualifying exigency arising out of the fact that the employee’s spouse, son, daughter, or parent is a covered military member on “covered active duty”; and
- to care for a covered service member with a serious injury or illness if the eligible employee is the service member’s spouse, son, daughter, parent, or next of kin (leave entitlement is up to 26 weeks in a 12-month period). [3]

References

- (1) Association of Program Directors in Radiology. About APDR. <https://apdr.org/About.aspx> . Accessed November 29, 2018.
- (2) American College of Radiology, Statement of Support: National Academy of Medicine Collaborative on Clinician Well-Being and Resilience. Accessed May 30, 2018. <https://nam.edu/wp-content/uploads/2018/01/American-College-of-Radiology-Commitment-Statement-.pdf>
- (3) US Department of Labor. Wage and Hour Division (WHD). Family and Medical Leave Act. Accessed February 25, 2019. <https://www.dol.gov/whd/fmla/>
- (4) US Department of Labor. Family and Medical Leave Act of 1993. Accessed May 30, 2018. <https://www.dol.gov/general/topic/benefits-leave/fmla> (citing 29 U.S.C. § 2611(2)).
- (5) National Conference of State Legislatures. State Family and Medical Leave Laws. 7/19/2016. Accessed February 13, 2019. <http://www.ncsl.org/research/labor-and-employment/state-family-and-medical-leave-laws.aspx>
- (6) U.S. Department of Labor – Wage and Hour Division (WHD). FMLA-41. August 8, 1994. Accessed February 13, 2019. <https://www.dol.gov/whd/opinion/fmla/prior2002/FMLA-41.htm>
- (7) U.S. Department of Labor. Wage and Hour Division. Fact Sheet #28D: Employer Notification Requirements under the Family and Medical Leave Act.

**Association of Program Directors in Interventional Radiology (APDIR),
Statement of support for 12 weeks family leave in residency**

We the members of the APDIR recognize that:

- One of the purposes of our organization is to address educational and regulatory issues that affect the future of IR [1]; that
- The American College of Radiology is “committed to the radiologist’s well-being as an integral part of high quality and safe patient care and the health of our members” [2]; that
- Both men and women and their family members may experience serious medical conditions during the course of a professional career, and that pregnancy and childbirth are a biologic necessity for the continuation of the human race; that
- The federal Family Medical Leave Act (FMLA) of 1993 [3] requires private employers with 50 or more employees within 75 miles of the eligible employee’s worksite and all public agencies to provide eligible employees* up to 12 workweeks of unpaid leave in a 12-month period for reasons including:**
 - the birth of a child and to care for the newborn child within one year of birth;
 - the placement with the employee of a child for adoption or foster care and to care for the newly placed child within one year of placement;
 - to care for the employee’s spouse, child, or parent who has a serious health condition; and
 - a serious health condition that makes the employee unable to perform the essential functions of his or her job. [3]
- Additionally, certain states have passed legislation that require employers to provide to their employees either paid or unpaid family leave under similar circumstances [5]; that
- The Department of Labor considers medical residents to be employees under the FMLA [6]; and that
- **We believe it is essential for the success and well-being of our trainees that, when they experience the significant life events of welcoming a new child or dealing with serious illness, they must have sufficient leave from work consistent with federal law.**

The APDIR thus recognizes that under the FMLA, eligible* radiology trainees of all genders have the right to take up to 12 weeks of unpaid family leave, and encourages program directors to make this right known to their trainees, as indicated by federal law [7], and to provide notice of any additional rights under relevant state family leave laws.

For clarity and transparency, we will post this position on the APDIR website in an easy to find location and urge any trainees experiencing the aforementioned life events to bring a copy of this position statement to any meetings to discuss leave.

Signed,
[Members of APDIR]

*Defined, per FMLA, as “Employees are eligible for leave if they have worked for their employer at least 12 months, at least 1,250 hours over the past 12 months, and work at a location where the company employs 50 or more employees within 75 miles.” [4]

**Additional reasons under the FMLA include:

- any qualifying exigency arising out of the fact that the employee’s spouse, son, daughter, or parent is a covered military member on “covered active duty”; and
- to care for a covered service member with a serious injury or illness if the eligible employee is the service member’s spouse, son, daughter, parent, or next of kin (leave entitlement is up to 26 weeks in a 12-month period). [3]

References

- (8) Association of Program Directors in Interventional Radiology. <https://www.sirweb.org/member-central/volunteer/sections/apdir/> Accessed November 29, 2018.
- (9) American College of Radiology, Statement of Support: National Academy of Medicine Collaborative on Clinician Well-Being and Resilience. Accessed May 30, 2018. <https://nam.edu/wp-content/uploads/2018/01/American-College-of-Radiology-Commitment-Statement-.pdf>
- (10) US Department of Labor. Wage and Hour Division (WHD). Family and Medical Leave Act. Accessed February 25, 2019. <https://www.dol.gov/whd/fmla/>
- (11) US Department of Labor. Family and Medical Leave Act of 1993. Accessed May 30, 2018. <https://www.dol.gov/general/topic/benefits-leave/fmla> (citing 29 U.S.C. § 2611(2)).
- (12) National Conference of State Legislatures. State Family and Medical Leave Laws. 7/19/2016. Accessed February 13, 2019. <http://www.ncsl.org/research/labor-and-employment/state-family-and-medical-leave-laws.aspx>
- (13) U.S. Department of Labor – Wage and Hour Division (WHD). FMLA-41. August 8, 1994. Accessed February 13, 2019. <https://www.dol.gov/whd/opinion/fmla/prior2002/FMLA-41.htm>
- (14) U.S. Department of Labor. Wage and Hour Division. Fact Sheet #28D: Employer Notification Requirements under the Family and Medical Leave Act.