



Need a vacation?

Time away is an important factor in your quality of life. Make sure it's spelled out in your contract.

IN THE WORLD BEFORE COVID-19 (which seems like a LONG time ago), people looked forward to exotic vacations and traveling. No matter whether you now plan to travel far or stay close to home, it remains important to understand how much vacation and leave time you are entitled, and to ensure your employment contract reflects the same.



BRUCE ARMON

Annual vacation

Everyone needs time away from their job to recharge their batteries. It is critical to delineate how much vacation you can take and how it is calculated. A traditional contract could state, "Employee is entitled to X weeks of vacation each year." On its face, this seems straightforward. Except, is the "X" calculated on a calendar year, on the company's fiscal year, on your start date or some other timeframe? Can you use the vacation right away, or is there a waiting period?

It is not unusual for an employer to prohibit you from taking any vacation days for the first three or four months following your first day of work.

Depending on your start date, this timeframe could interfere with the "typical" holidays, a pre-planned vacation or special occurrence (such as your wedding and honeymoon, a friend's out-of-town wedding or a family reunion). If you have a vacation planned before you are about to start a new job, make sure it is known to

your employer in advance and included in the executed employment contract. Some medical practices and employers set physician vacation schedules at the beginning of the year, and there are multiple moving parts to add a new person or change existing schedules.

An employer may also have policies (if it is not stated explicitly in the employment contract) that vacation accrues and is not automatically available at the outset of the contract or employment year. In these situations, it is important to understand exactly how the accrual works and how long you will need to work to earn a day or a week of vacation time. The human resources person or office for the employer should be able to tell you at any time how much vacation time you have accrued. For some employers, your pay stub may provide this information automatically.

Counting the days

A week is not always a week and a day is not always a day. If your typical workweek for your employer is 4 or 4.5 days, if you take a week's vacation, is that equivalent to 4, 4.5 or 5 days of vacation used? If you work part time for your employer, it is just as important to determine how days or weeks of vacation are calculated.

Holidays

These are the traditional holidays during the calendar year: New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving and Christmas. Some states may have their own holidays and some employers may otherwise be closed on other certain days, like the day after Thanksgiving. Some employers count these days as part of your annual vacation allotment. Some employers explicitly state these days are in addition to the annual allotment. Some employers don't state one way or the other how these days are handled.

It is likely you will have to be on-call for at least a few of those holidays each year. If you work a holiday, do you get an extra day or days of vacation? Each of these issues should be confirmed in the employment agreement.

If you celebrate additional non-secular holidays for religious reasons, ask if those days count against your vacation allotment. Similarly, if you are not able to take on-call days for religious reasons, you should understand how this will otherwise affect your workweek or vacation time.

Continuing medical education (CME)

Some employers include all time out of the office together in one bucket: vacation, holidays and continuing medical education. Some employers provide 5, 7 or 10 days of annual CME leave in addition to the allotted vacation time. If you are taking your board certification in the upcoming contract year, you may want to ask for extra time for your in-person board examination (to the extent that is possible under COVID) and/or time for any prep courses or study time. An employer may require you to use a certain number of days explicitly for paid time off (PTO) or may be totally fungible as to how you use your time out of the office.

Does my vacation allotment even matter?

If you work shifts as a hospitalist or nocturnist or emergency room physician or as a trauma surgeon, for instance, your vacation time/PTO may be a misnomer. If you work 15 shifts a month, how you spend the balance of your time "off" is entirely up to you. An employer may request you not take any additional time for CME, but if you choose to front-end or back-end your shifts for

that month and it's acceptable to your colleagues, you are able to set your schedule as you wish.

Similarly, if you are paid solely based upon your productivity, you may choose to work four 10-hour days each week, work evenings and over weekends.

If you are an anesthesiologist working in a surgery center and all of the scheduled cases for the day are done at noon, you may be able to leave early even though you were scheduled to be at the surgery center until 3 p.m. This extra half day should not count against your vacation allotment, even though you still get the benefit of that extra time away from the office.

Use it or lose it

Vacation has value for your mental health and potentially financially as well. Upon the termination of your employment, your employer may provide you a cash equivalent for each day you did not use prior to the termination of the agreement. Depending on your annual salary and how much time you have not used as of your termination, this could mean thousands of dollars in additional compensation. Similarly, an employer may permit you to roll over unused vacation/PTO time from one year to the next. This may be unlimited or capped at a certain number of hours, days or dollar amount.

Each of these vacation terms should be addressed in your employment contract. To the extent that the terms in the employment agreement are silent on any or all of these issues, the agreement may defer to the employer's then-current policies and procedures. You must understand that these policies can change at any time, perhaps with you being unaware a change is even being considered.

Whether you plan to take a far-away vacation or a COVID staycation, it is important to understand your vacation allotment in your employment contract. •

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