

**EMPLOYMENT AGREEMENT – RESIDENT PHYSICIAN
NATIVIDAD FAMILY MEDICINE RESIDENCY PROGRAM
ACADEMIC YEAR 20XX – 20XX**

DEFINITION: The term "Residents" refers to postgraduate medical trainees (residents) enrolled in Accreditation Council for Graduate Medical Education (ACGME)-accredited training programs.

This document describes generally your responsibilities as a Resident. It also describes and refers to certain policies and procedures applicable to Residents. Natividad Graduate Medical Education policies are housed in Policy Manager, accessible via RISE (the internal hospital website).

The Residency Program at Natividad Medical Center ("Natividad") hereby agrees that [Resident Name] ("Resident") is appointed as a postgraduate resident in the Family Medicine Residency Program ("Program"), for Academic Year 20xx-20xx, subject to the policies referred to above, as well as the following terms and conditions.

1. DURATION OF APPOINTMENT

The initial appointment is for a one-year period commencing [insert start date] and ending on [insert end date]. Reappointment, advancement, and completion of the academic year is contingent upon maintenance of academic good standing and satisfactory performance of assigned rotations, exams, and duties as determined by evaluations by the director of the Program ("Program Director") and faculty.

2. FINANCIAL SUPPORT & BENEFITS

Natividad shall provide appropriate financial support and benefits (including vacation, paid and unpaid leave) to ensure that the Resident is able to fulfill the responsibilities of the Program. Residents' financial support and benefits for the PGY-level described herein are set forth in the Memorandum of Understanding (hereafter "MOU") between Natividad and Service Employees International Union - Local 521 (SEIU) and located on the County Human Resources Website. No payment or compensation of any kind or nature shall be paid to or accepted by Resident from patients, third parties, or any other sources for performance or any services rendered pursuant to this Agreement.

Residents are paid bi-weekly. Resident will be compensated at an hourly rate of \$ [redacted], effective the first day of employment, including assigned orientation.

Medical, Vision, and Dental insurance will be effective on the 1st of the month following the Resident's start date. For the time between their start date of the following month, the Resident will need alternative coverage. This could include COBRA from a previous employer, coverage by a parent or spouse, or purchased via a private vendor. Resources are available in HR for those who seek assistance in obtaining coverage for the period of time between their start date and their benefit effective date.

3. CONDITIONS FOR APPOINTMENT, REAPPOINTMENT, AND PROMOTION TO A SUBSEQUENT PGY LEVEL ACADEMIC YEAR

- A. Residents must be graduates of an institution accredited by the Liaison Committee of Medical Education or must otherwise meet the eligibility requirements of the

ACGME Institutional Requirements (IR IV.A.2).

- B. Residents must have a license to practice medicine in the State of California in accordance with laws governed by the Medical Board of California. Failure to comply with California law regarding physician licensure at the time of appointment or reappointment will result in non-appointment and automatic resignation.
- C. Residents must at all times maintain in *effect*, and verify upon request, all legally required permits, licenses, and other relevant documents. At the beginning of the training, Residents must also provide proof of authorization to work in the United States. Failure to obtain or maintain necessary licenses and permits and to maintain eligibility to work in the United States will result in automatic suspension from clinical activities. It may further result in the termination of this Agreement.
- D. At the start of the appointment, as identified in Section 1 herein, Residents must be eligible and available to commence active participation in the Program. Residents cannot have an appointment in another residency program which conflicts with the Program. Residents must adhere to the policies of the ACGME and the National Resident Matching Program (NRMP) or specialty matches, as they pertain to their selection and appointment.
- E. Residents must be able to fulfill the Essential Job Requirements, which are attached for signature as Attachment A, titled Job Description and Essential Job Requirements, and are available within the residency management software.

4. Natividad Medical Center RESPONSIBILITIES (provide or monitor as appropriate the following):

- A. Resident Lounge: Staff sleep quarters are provided in accordance with ACGME requirements and the MOU. Sleep quarters may be used for overnight calls, strategic napping, and napping prior to driving home when there are concerns about fatigue. A lounge with telephones, computers, and a TV is located near staff sleep quarters. Food is available in the Resident Lounge.
- B. Meals: Meals will be provided as described in the MOU and in compliance with ACGME requirements.
- C. Uniforms: Uniforms and laundering services will be provided as defined in the MOU.
- D. Work Hours: Refer to the Graduate Medical Education Committee (GMEC) Duties hour policy, which can be provided upon request and can be found in Policy Manager.
- E. Communications: Natividad will provide an email address that residents are expected to monitor and utilize for all Natividad business. Residents have access to the Internet in all areas of the hospital and the Clinics.
- F. Library: All Residents have full access to the Digital Library at no cost. Computer facilities are available, including word processing, spreadsheet, database and presentation software. Medical databases and reference searching are available through the Library and Information Systems, 24 hours a day.

G. OSHA and CDC Requirements:

- Residents must comply with Occupational Safety and Health Administration (OSHA) and Centers for Disease Control and Prevention (CDC) guidelines, which assume that every direct contact with a patient's blood and other body substances is infectious and requires the use of protective equipment to prevent parenteral, mucous, membrane, and non-intact skin exposures to the health care provider. Natividad Medical Center provides protective equipment, including gloves, masks, face shields, and cover gowns.
- Prior to the beginning of training, all Residents must comply with Occupational Health pre-placement evaluations for all institutions in which they will be rotating. These evaluations include providing proof of immunity (and/or proof of completed vaccination series) to infectious agents such as measles, mumps, rubella, varicella, and hepatitis B. All Residents must participate in annual TB screening, including all mandated boosters, as required. Annual influenza vaccination compliance is required per the hospital's institutional policy.

5. RESIDENT RESPONSIBILITIES

The goals of the Program are to provide Residents with experience in the art and science of medicine in order to achieve excellence in the diagnosis, care, and treatment of patients. To achieve these goals, Resident agrees to do the following:

- A. Develop and participate in a personal program of self-study and professional growth with guidance from Natividad's teaching staff.
- B. Participate in clinical care activities as appropriate to their level of training and abilities under the supervision and direction of their attending physicians. Each Resident must immediately report any concerns about the quality or safety of the provision of patient care by the Resident or any other person to the attending physicians, Program Director, or Designated Institutional Official.
- C. Participate fully in the educational activities of the Program and assume responsibility for participation in the teaching of more junior trainees. In this regard, Residents must be knowledgeable of the goals and objectives of the Program, the rotation, and/or the clerkship, as applicable.
- D. Develop an understanding of ethical, socioeconomic, and medical/legal issues that affect the practice of medicine.
- E. Consider clinically appropriate cost containment measures in the provision of patient care.
- F. Comply with all Natividad rules, regulations, practices, procedures, and policies, professional standards, and codes of ethics. These include, but are not limited to, the Policy on Sexual Violence and Sexual Harassment, HIPAA and other patient privacy policies, the Policy on a Drug-Free Workplace, the Medical Staff Health Program Policy (Impaired Physician), and background checks and health screenings.

- G. Adhere to the call schedule and schedule of assignment in a prompt and timely fashion.
- H. May attend and participate in committees of the Graduate Medical Education Committee (GMEC) and Medical Staff, including those that relate to patient care activities and quality improvement initiatives, as assigned by the Program Director or elected by Residents and in compliance with Medical Staff Bylaws.
- I. Keep charts, records, and reports signed and up to date as per Medical Staff Policy: Medical Record Suspension. All notes and orders should be appropriately authenticated as required.
- J. Adhere to ACGME, Program, and California Medical Board requirements. Work closely with Program Leadership to ensure that all requirements of the Duty Hours Policy located in Policy Manager are met. Residents are expected to review planned duty hours for every rotation; log their actual duty hours; and report instances of non-compliance in a timely way to identify issues leading to non-compliance for potential mitigation, as noted in the Policy.
- K. Participate in the evaluation of the Program and its faculty using the mechanisms provided by the Program in a timely manner.
- L. Comply with Program and Natividad policies regarding moonlighting, which can be found in Policy Manager.
- M. The special nature of Residency programs requires ongoing communication between Residents, training programs, administrators, and others within Natividad Medical Center and affiliated institutions. The general policy of Natividad Medical Center requires Residents to be responsible for the content of their email and to check their email at least every seven days, unless on approved leave, in accordance with the Natividad Employer Correspondence / Email Policy in Policy Manager.
- N. Identify in themselves and others impairment from fatigue, drugs, depression, or other causes, and seek help for themselves or others so identified.
- O. Comply with specific/special requirements of affiliated institutions to which Residents may rotate as part of their training. These may include, but are not limited to, background checks, substance abuse testing, health screenings, and providing additional paperwork/information.
- P. Notify Program Director of conviction for any misdemeanor or felony. This reporting obligation is ongoing and applies to events occurring prior to the period of appointment and during the Resident's appointment for Program participation. Residents shall also report to the Program Director any felony charges that must be reported to the Medical Board.

6. BENEFITS/LEAVE

- A. Leave: All leaves, including vacation, medical, sick, parental, or family leave, are described in the MOU with SEIU, County Leave Policy, and GMEC Leave Policy. Time spent on leave other than vacation may be required to be made up per Program and American Board requirements. The program will provide timely notice of the

effect of leave(s) on the ability of Residents to satisfy requirements for Program completion in accordance with ACGME IR 4.3.a.10.

- B. **Liability Insurance:** Natividad shall include Residents under the hospital's insurance program with limits of up to \$1 Million per occurrence (maximum amount per a single claim/incident) for the liability of the Resident while acting in the performance of his/her duties or in the course and scope of his/her assignment and \$3 million aggregate per policy year (maximum total amount the insurer will pay for all claims in a single year). Claims made after termination of training will be covered if based on acts or omissions of the Resident within the course and scope of their assignments during training. Residents must agree to comply with Natividad policies and to cooperate as requested by the institution. Liability coverage will be provided for the Resident on rotations outside Natividad, provided such rotation or activity has been approved or mandated by the Program. Natividad liability insurance or other indemnity does not cover a Resident who participates in unapproved clinical activities outside of the Program.
- C. **Health Insurance and Disability Insurance:** Residents and eligible members of their immediate family are provided with health, dental, life, and vision care insurance in accordance with the MOU. In addition, Residents are provided life and disability insurance. Natividad offers mental health services for Physicians in Training. Impaired physician services and evaluations are offered through the Natividad Medical Staff Health Committee.
- D. **Parking:** The hospital provides parking access.

7. EVALUATION, COUNSELING, AND ADVANCEMENT

- A. Program appoints a Clinical Competency Committee to: 1) review all Resident evaluations semi-annually; 2) report Milestones evaluations of each Resident semi-annually to ACGME; and 3) advise the Program Director regarding Resident progress, including promotion, remediation, and dismissal.
- B. **Formative Evaluation:** A written evaluation of each Resident shall be made by the attending physician(s) on each Resident's educational assignment(s). Resident performance evaluations must be accessible to the Resident for review, in accordance with Natividad policy.
- C. A bi-annual written composite of all evaluations shall be made, and a copy of the composite must be provided to the individual Resident. The Resident shall be given the opportunity to discuss their performance with the Program Director or designee at least semi-annually. The Resident shall be notified within four weeks if an evaluation for a given rotation indicates unsatisfactory performance. Both bi-annual and rotational evaluations shall be included in the Resident's records.
- D. **Summative Evaluation:** The Program Director shall provide a summative evaluation for each Resident upon completion of the Program. This evaluation will be part of the Resident's personnel file maintained by Natividad and accessible for review by the Resident in accordance with Natividad policy. The Resident's evaluation must verify that the Resident has demonstrated sufficient competence to enter practice without direct supervision.

- E. Residents' personnel files will be maintained consistently with applicable federal and state law. Residents may review their composite evaluations and other administrative materials in their personnel file upon request and in accordance with applicable policies.
- F. Program appointment, advancement, and completion are not assured or guaranteed to the Resident but are contingent upon the Resident's satisfactory demonstration of progressive advancement in scholarship and continued professional growth. Unsatisfactory Resident performance can result in required remedial activities (including but not limited to letters of counselling, notices of concern, and/or probation), temporary suspension from duties, termination of appointment, or non-renewal of residency education. These actions and any period of absence may also result in the extension of the training appointment, in accordance with applicable GMEC policies.

8. ACADEMIC DUE PROCESS and APPEAL PROCESS

Residents have the right to appeal adverse academic actions as defined in the GMEC Grievance and Due Process Policy, a copy of which can be provided or found in Policy Manager. Residents may initiate this process through their Program Director or the Designated Institutional Official (DIO).

9. COMMITTEE PARTICIPATION

The following committees address Resident issues:

- The GMEC is the institutional oversight committee that reviews all accredited Programs at Natividad. The GMEC addresses specific issues related to the academic Programs and is a Natividad committee. The GMEC members perform oversight of all residency programs as mandated by the ACGME. All Programs must be approved by the GMEC. The GMEC also works closely with individual programs to assist them with their RRC accreditation site visits. This Committee meets monthly and is composed of Residency Program Directors, administration, faculty, and Residents. Residents who are interested in serving on the GMEC may contact the GME Office for details.
- Medical Staff Committees:
 - Residents are appointed to serve on and participate in a variety of Medical Staff Committees that involve Resident training. Residents interested in serving on any of these committees should contact the GME Office for details.

10. NONDISCRIMINATION

The County of Monterey, in accordance with applicable Federal and State law and Natividad policy, does not discriminate based on race, color, religion, marital status, national origin, ancestry, sex (including gender, pregnancy and childbirth, including medical conditions related to pregnancy, childbirth, and/or breastfeeding), sexual orientation, gender identity or expression, physical or mental disability, medical condition (cancer-related or genetic characteristics or genetic information including family medical history), service in the uniformed services, status as a covered veteran, age, citizenship, political affiliation/opinion or union activity/affiliation.

11. UNLAWFUL HARASSMENT

The Program is committed to creating and maintaining a community in which students, faculty, and administrative and academic staff can work together in an atmosphere free of all forms of harassment, exploitation, or intimidation, on any basis prohibited by law, including harassment based on sex. Natividad is strongly opposed to sexual harassment and other unlawful harassment, and such behavior is prohibited both by law and Natividad policy. The County’s Policy on Sexual Violence and Sexual Harassment may be found on the County of Monterey website.

12. ACCOMMODATION FOR DISABILITY

The Program will make reasonable accommodations for physical or mental limitations of an otherwise qualified individual with a disability in accordance with applicable state and federal law and Natividad policy.

13. ACCREDITATION STATUS

Natividad will inform Residents within a reasonable period of time after adverse accreditation actions are taken by the ACGME. Natividad will comply with the ACGME policy about program closure.

I HAVE READ AND AGREE TO THE ABOVE AND HAVE RECEIVED A COPY.

[Insert Resident Name]

Date: _____

Charles R. Harris MD
Hospital Chief Executive Officer

Date: _____