



OFFICE OF THE VICE PROVOST --
ACADEMIC PERSONNEL

OFFICE OF THE PRESIDENT
1111 Franklin Street, 10th Floor
Oakland, California 94607-5200

April 22, 2022

CHANCELLORS
ACADEMIC COUNCIL CHAIR ROBERT HORWITZ
LABORATORY DIRECTOR MICHAEL WITHERELL
ANR VICE PRESIDENT GLENDA HUMISTON

Re: Systemwide Review of Proposed Revisions to Academic Personnel Manual Sections 715, Leaves of Absence/Family and Medical Leave (APM - 715) and 760, Family Accommodations for Childbearing and Childrearing (APM - 760)

Dear Colleagues:

Enclosed for systemwide review are proposed revisions to Academic Personnel Manual Section 715, Leaves of Absence/Family and Medical Leave (APM - 715) and Academic Personnel Manual Section 760, Family Accommodations for Childbearing and Childrearing (APM - 760). The proposed revisions are intended to address substantive matters discussed in more detail below.

In 2021, a new section on Pay for Family Care and Bonding (PFCB) was added to APM - 715 and APM - 760. Effective July 1, 2021, PFCB provided a pay option for block leave taken in minimum one workweek block increments for family and medical leave (FML) qualifying reasons. For University employees on leave for qualifying reasons under the Family and Medical Leave Act (FMLA) and/or the California Family Rights Act (CFRA) to care for a family member with a serious health condition, for parental bonding leave, for Military Caregiver Leave, or for Qualifying Exigency Leave, the new PFCB option provided 8 weeks of income replacement calculated at 70% of eligible earnings.

On April 6, 2022, the Council of Chancellors approved an increase to the PFCB option for eligible employees, which will provide eight weeks of income replacement calculated at 100% of eligible earnings. This increase will be funded from the composite benefit rate and each location will be able to obtain reimbursement for the cost of PFCB by following the cost recovery process.

Proposed revisions are being made to APM - 715, Leaves of Absence/Family and Medical Leave, and APM - 760, Family Accommodations for Childbearing and Childrearing in order to reflect the increase in the PFCB income replacement calculation as described above, from 70% to 100% of eligible earnings, with a proposed effective date of January 1, 2023. All other aspects of these policies will remain the same.

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Systemwide Review

Systemwide review is a public review distributed to the Chancellors, the Chair of the Academic Council, the Director of the Lawrence Berkeley National Laboratory, and the Vice President of Agriculture and Natural Resources requesting that they inform the general University community, especially affected employees, about policy proposals. Systemwide review also includes a mandatory, 90-day full Senate review.

Employees should be afforded the opportunity to review and comment on the draft policies, available on the [Academic Personnel and Programs website](#). Attached is a Model Communication which may be used to inform non-exclusively represented employees about these proposals. The Labor Relations Office at the Office of the President is responsible for informing the bargaining units representing union membership about policy proposals.

We would appreciate receiving your comments no later than **July 22, 2022**. Please submit your comments to ADV-VPCARLSON-SA@ucop.edu. If you have any questions, please contact Policy Analyst Tiffany Wilson at Tiffany.Wilson@ucop.edu.

Sincerely,



Susan Carlson
Vice Provost
Academic Personnel and Programs

Enclosures:

- 1) APM - 715, Leaves of Absence/Family and Medical Leave (clean copy)
- 2) APM - 715, Leaves of Absence/Family and Medical Leave (redline copy)
- 3) APM - 760, Family Accommodations for Childbearing and Childrearing (clean copy)
- 4) APM - 760, Family Accommodations for Childbearing and Childrearing (redline copy)
- 5) Model Communication

cc: President Drake
Provost and Executive Vice President Brown
Executive Vice Chancellors/Provosts
Executive Vice President and Chief Operating Officer Nava
Senior Vice President and Chief Compliance Officer Bustamante
Vice President Lloyd
Vice President Maldonado
Vice Provosts/Vice Chancellors for Academic Affairs/Personnel
Assistant Vice Provosts/Vice Chancellors/Directors-Academic Affairs/Personnel
Associate Vice Provost Lee
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Executive Director Silas
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Chief of Staff and Executive Director Henderson
Chief of Staff Levintov
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Chief Policy Advisor McAuliffe
Principle Counsel Mastro
Director Grant
Director Roller
Director Sykes
Associate Director DiCaprio
Associate Director Fishel
Associate Director Woolston
Assistant Director LaBriola
Manager Donnelly
HR Manager Crosson
Administrative Officer Babbitt
Policy Analyst Durrin
Policy Analyst Miller
Policy Analyst Wilson

Benefits and Privileges: APM - 715 - Leaves of Absence/Family and Medical Leave

715-0 Policy

In accordance with applicable State and Federal law, family and medical leave provides eligible appointees with entitlements to leave, continuance of health plan coverage as if on pay status, and reinstatement rights. Eligible academic appointees are entitled to take family and medical leave with paid or unpaid options (as set forth in APM - 715-20). Academic appointees taking family and medical leave as a block leave shall be relieved of all assigned duties during that period and are not to perform any University work. When family and medical leave is taken intermittently or on a reduced schedule, work assignments shall be adjusted due to the appointee's reduction in time worked during that period.

Family and medical leave may be taken for the following reasons:

- a. The appointee's own serious health condition, including a serious health condition that is a work-incurred injury or illness (see [APM - 710](#) and [APM - 670](#));
- b. To care for the appointee's child, parent, spouse, or domestic partner with a serious health condition. If the family and medical leave qualifies as a leave under the California Family Rights Act (CFRA), such leave may also be taken to care for a parent-in-law, grandparent, grandchild, or sibling.¹
- c. The appointee's own disability related to pregnancy, childbirth, or related medical condition ("Pregnancy Disability Leave") or prenatal care (see [APM - 760-25](#) for provisions specific to this type of family and medical leave).
- d. To bond with the appointee's child after the child's birth or with a child newly placed with the appointee for adoption or foster care, provided the leave is taken within one (1) year of the child's birth or placement with the appointee, as applicable ("Parental Bonding Leave") (see [APM - 760-27](#));
- e. To care for the appointee's son, daughter, parent, spouse, or domestic partner, or next of kin who is a covered servicemember undergoing medical treatment, recuperation, or therapy for a serious injury or illness ("Military Caregiver Leave") (see [APM - 715-17](#));
- f. A qualifying exigency arising out of the fact that the appointee's child, parent, parent-in-law, spouse, or domestic partner, or next of kin is a military member on covered active duty or call to covered active duty status (or has been notified of an impending call or order to covered active duty) ("Qualifying Exigency Leave"). Qualifying exigencies include any one of the following, provided that the activity relates to the military member's covered active duty or call to covered active duty status:
 - 1) Short notice deployment to address issues that arise due to a military member being notified of an impending call to active duty seven (7) or fewer calendar days prior to the date of deployment;

¹ Qualifying family members vary based on whether the leave is a CFRA and/or FMLA designated leave.

- 2) Military events and activities, including official ceremonies;
- 3) Childcare and school activities for a child of the military member who is either under the age of eighteen (18) or incapable of self-care;
- 4) Financial and legal arrangements to address the military member's absence or to act as the military member's representative for purposes of obtaining, arranging, or appealing military service benefits while the military member is on duty or call to active duty status and for the ninety (90) days after the termination of the military member's active duty status;
- 5) Counseling (provided by someone other than a health-care provider) for the appointee, for the military member, or for a child of the military member who is either under age eighteen (18) or incapable of self-care;
- 6) Rest and recuperation (up to fifteen (15) days of leave for each instance) to spend time with a military member who is on short-term, temporary rest and recuperation leave during deployment;
- 7) Post-deployment activities to attend ceremonies sponsored by the military for a period of ninety (90) days following termination of the military member's active duty and to address issues that arise from the death of a military member while on active duty status;
- 8) Parental care for the parent or parent-in-law of the military member when the parent or parent-in-law is incapable of self-care; and
- 9) Additional activities related to the military member's active duty or call to active duty status when the University and the appointee agree that such activity qualifies as an exigency and agree to both the timing and duration of the leave.

715-14 Eligibility

An academic appointee is eligible to take family and medical leave under the federal Family and Medical Leave Act (FMLA) and/or the California Family Rights Act (CFRA) for any reason other than Pregnancy Disability Leave, provided that:

- a. The appointee has at least twelve (12) cumulative months of University service (all prior University service, including service with UC-managed Department of Energy Laboratories, shall be used to calculate the twelve (12)-month service requirement); and
- b. The appointee has worked at least one thousand two hundred and fifty (1,250) hours during the twelve (12) months immediately preceding the commencement date of the leave.

An academic appointee need not meet the foregoing eligibility requirements in order to take family and medical leave as Pregnancy Disability Leave under California's Pregnancy Disability Leave Law (PDLL). However, if the academic appointee does meet these eligibility requirements, the first twelve (12) workweeks of Pregnancy Disability Leave shall run concurrently with entitlement to family and medical leave under the FMLA.

715-16 Duration and Timing of Family and Medical Leave

a. Duration

An academic appointee may take up to twelve (12) workweeks during a calendar year for all types of family and medical leave, except for Military Caregiver Leave, which may be for up to twenty-six (26) workweeks in a single twelve (12)-month period (see APM - 715-17), Pregnancy Disability Leave, which may be for up to four (4) months per pregnancy (see [APM - 760-25](#)), and situations where the employee's family and medical leave does not run concurrently under the FMLA and CFRA. For eligible appointees who are regularly assigned to work more or less than a forty (40)-hour work week, the number of working hours that constitutes twelve (12) workweeks is calculated on a pro rata or proportional basis based on the number of hours typically worked in a week.

b. Timing

1) Academic Appointments with Definite End Dates

For an academic appointee holding an appointment with a definite end date, family and medical leave may not be approved beyond the end date of the appointment. If the appointment is renewed or extended or a subsequent appointment is made, additional family and medical leave may be granted up to an aggregate of twelve (12) workweeks for all family and medical leaves in the calendar year, except Military Caregiver Leave, which may be for up to twenty-six (26) workweeks in a single twelve (12) month period (see APM - 715-17); Pregnancy Disability Leave, which may be for up to four (4) months per pregnancy (see [APM - 760-25](#)); and a combined leave for Pregnancy Disability Leave and Parental Bonding Leave, which may be for up to four (4) months and twelve (12) workweeks per pregnancy; and situations where the employee's family and medical leave does not run concurrently under the FMLA and CFRA.

2) Reduced Schedule or Intermittent Leave

In addition to or as an alternative to taking family and medical leave as a block leave, an appointee may take family and medical leave by working a reduced schedule or on an intermittent basis when medically necessary due to a serious health condition (as certified by a health-care provider), when medically advisable during Pregnancy Disability Leave, or when taking family and medical leave as Qualifying Exigency Leave, including absences of less than one (1) day.

Family and medical leave taken as Parental Bonding Leave (see [APM - 760-27-b](#)) must be taken in increments of at least two (2) weeks; however, an appointee may take such leave in increments of less than two (2) weeks' duration on any two (2) occasions.

When an appointee's need to take family and medical leave on an intermittent or reduced schedule basis is foreseeable based on planned medical treatment for the appointee, the appointee's family member, or a covered servicemember, the appointee should make a reasonable effort to schedule periods of leave to avoid disruption of workload.

When an appointee's need to take family and medical leave on an intermittent or reduced schedule basis is foreseeable based on planned medical treatment for the appointee, the appointee's family member, or a covered servicemember, the University may temporarily

transfer the appointee, during the period when intermittent or reduced schedule leave is required, to an available alternative and equivalent position for which the appointee is qualified and that better accommodates the recurring periods of leave.

Deductions from an appointee's family and medical leave entitlement shall be made for any hours or partial hours actually taken by an appointee as family and medical leave.

715-17 Military Caregiver Leave

An academic appointee may take up to twenty-six (26) workweeks of family and medical leave during a single twelve (12)-month period to care for a son, daughter, parent, spouse, or domestic partner (same sex or opposite sex) or next of kin who is a covered servicemember undergoing medical treatment, recuperation, or therapy for a serious injury or illness.

The single twelve (12)-month period begins on the first day the eligible academic appointee takes leave to care for the covered servicemember and ends twelve (12) months after that date.

If all twenty-six (26) workweeks of leave entitlement are not exhausted during a single twelve (12)-month period, the remaining leave is forfeited.

Appointees may take more than one (1) period of Military Caregiver Leave if the leave is for a different covered servicemember or to care for the same covered servicemember with a subsequent serious injury or illness, provided that no more than twenty-six (26) workweeks of Military Caregiver Leave is taken in a single twelve (12)-month period.

715-20 Pay Status

While family and medical leaves are generally unpaid, an appointee may have the opportunity to use accrued leave or other available pay options to continue to receive compensation during such leave as outlined below.

a. Pay for Family Care and Bonding (PFCB)

1) General

In order to support academic appointees' need to take leave to care for their family members, the University offers eligible appointees PFCB, which is an income replacement option for up to eight (8) workweeks per calendar year. To be eligible for PFCB, an academic appointee must be on an approved block family and medical leave taken for one of the qualifying reasons below, and the appointee must be taking that leave in a block of a minimum of one (1) workweek.

Family and medical leaves that qualify for the PFCB option are those leaves taken under the FMLA and/or CFRA for the following reasons: (i) to care for a family member with a serious health condition (see APM - 715-0-b) for the list of qualifying family members); (ii) for Parental Bonding Leave (see APM - 715-0-d and [APM - 760-27](#)); (iii) for Qualifying Exigency Leave (see APM - 715-0-f); or (iv) for Military Caregiver Leave (see APM - 715-17). APM - 715-14 outlines the eligibility requirements for family and medical leaves. PFCB is not an option available during any other type of leave.

If an appointee elects to use PFCB for a particular qualifying family and medical leave block leave rather than using paid leave accruals, other available pay options or taking the leave without pay, the appointee must continue to use PFCB until they either exhaust their full eight (8) workweeks of PFCB for the calendar year or that qualifying family and medical leave block leave ends. If their leave ends before they have used the full eight (8) workweeks of PFCB for the calendar year, the remainder is available to use during a qualifying family and medical leave block leave later in the calendar year. For an academic appointee holding an appointment with a definite end date, family and medical leave may not be approved beyond the end date of the appointment; therefore, the PFCB option is not available beyond the end date of that appointment.

For participants in the Health Sciences Compensation Plan (HSCP), PFCB interacts with pay options available under the participant's specific School HSCP Implementing Procedures and/or department specific procedures as follows:

- i. If an academic appointee is taking a family and medical leave that would qualify for the PFCB option and there is no HSCP pay option available for that leave, the appointee will have the option to use PFCB for that leave.
- ii. If an academic appointee is taking a family and medical leave that qualifies for the PFCB option and also an HSCP pay option and they would receive more pay with the PFCB option, PFCB will be the option available to the appointee for that leave. If the appointee elects to use that PFCB option for the leave, the appointee's PFCB entitlement would be decremented, and their HSCP entitlement would also be decremented.
- iii. If an academic appointee is taking a family and medical leave that qualifies for the PFCB option and also an HSCP pay option and they would receive more pay with the HSCP option, HSCP will be the option available to the appointee for that leave. If the appointee elects to use that HSCP option for the leave, the appointee's HSCP entitlement would be decremented, and their PFCB entitlement would also be decremented.
- iv. If an academic appointee is using an HSCP pay option during an intermittent or reduced schedule family and medical leave that would qualify for PFCB if taken in a block of one (1) workweek or more, the appointee's HSCP entitlement would be decremented, and their PFCB entitlement would also be decremented.

For academic appointees covered by a Memorandum of Understanding (MOU), the MOU governs whether PFCB is available to those appointees and, if so, the terms of PFCB.

2) PFCB Calculation

The PFCB option provides pay calculated at one hundred percent (100%) of an appointee's eligible earnings.

i. Eligible Earnings

Eligible earnings include an appointee's base salary payable through the University. Base salary includes on-scale, off-scale, and above-scale, and X and X-prime (X') components for Health Sciences Compensation Plan (HSCP)

participants. Eligible earnings do not include pay that is received in addition to the appointee's regular appointment such as "by agreement" payments, administrative stipends, honoraria, compensation for extension teaching, summer session teaching, any negotiated Y and Z payments for HSCP participants, and any other cash compensation received that exceeds one hundred percent (100%) of the base salary of the full-time equivalent of the appointee's eligible appointment(s). However, if the appointee's only appointment is for extension or summer session teaching or is a "by agreement" appointment, and the appointee meets all other PFCB eligibility criteria, those earnings are considered eligible earnings.

ii. Appointments Established at a Fixed Percentage

If the academic appointee has an appointment established at a fixed percentage, PFCB is based on the salary rate in effect during the appointee's leave.

iii. Appointees Reporting Time on a Variable Basis

If the academic appointee reports time on a variable basis, eligible earnings are an average of the appointee's eligible earnings for the three (3) calendar months (for an appointee paid on a monthly basis) or six (6) pay periods (for an appointee paid on a bi-weekly basis) immediately prior to the period in which the leave begins, excluding periods with approved leave without pay. This average is calculated as follows:

- a. For an appointee paid on a bi-weekly basis, the sum of hours paid in the six (6) pay periods immediately prior to the period in which the leave begins is divided by twelve (12) to determine the average hours worked per week. The average hours worked per week is the number of hours per week the appointee is to be paid while receiving PFCB.
- b. For an appointee paid on a monthly basis, the sum of the time paid in the three (3) calendar months immediately prior to the period in which the leave begins is divided by three (3) to determine the average time worked per month. The average time worked per month is the time per month the appointee is to be paid while receiving PFCB.

If the consecutive three (3) months or six (6) bi-weekly pay periods immediately preceding the beginning of the leave cannot be used due to approved leave without pay, the look-back period may be extended up to, but no longer than, one (1) year prior to the beginning of the leave, using the most recent applicable pay periods not to exceed the term of the appointment.

3) Pay and Benefits Considerations

i. Taxability and Deductions

PFCB is considered taxable wages. An appointee's normal deductions are taken from PFCB.

ii. Vacation and Sick Accruals

When the appointee is receiving PFCB, sick accruals (see [APM - 710-18](#)), and vacation accruals (see [APM - 730-20-f](#)) are calculated as if the appointee is on pay status for one hundred percent (100%) of their normal work effort. For accrual of sabbatical leave credit during PFCB, see [APM -715-42](#).

iii. Employment Service Credit

Employment service credit is used to determine years of qualifying service for an appointee's vacation accrual rate and for eligibility for service awards. Appointees accrue one (1) month of employment service credit for each month in which they are on pay status at least fifty percent (50%) time. When an appointee is receiving PFCB, employment service credit is calculated as if the appointee is on pay status for one hundred percent (100%) of their normal work effort.

iv. Retirement Service Credit

Retirement service credit (i.e., service earned as a UCRP member or UC Defined Contribution Savings Choice participant) is earned based upon an appointee's covered compensation and their full time equivalent compensation from a UCRP-eligible appointment. While receiving PFCB, an appointee will continue to make required contributions to retirement plans. An eligible appointee who is receiving PFCB will receive one hundred percent (100%) of the retirement service credit they would have earned in their normal work effort.

v. Benefits

Health and welfare benefits deductions will be taken from PFCB in accordance with the appointee's benefit elections. Receiving PFCB does not, in itself, affect benefits status or eligibility. However, benefits regulations affecting return to pay status after a leave without pay will apply if an appointee returns to pay status by receiving PFCB.

b. Other Pay Options During a Family and Medical Leave

- 1) Accrued sick leave may be used, at the appointee's option, during family and medical leave taken: (i) for the appointee's own serious health condition; (ii) for Pregnancy Disability Leave; (iii) for Parental Bonding Leave; (iv) to care for the appointee's child, parent, parent-in-law, spouse, domestic partner, grandparent, grandchild or sibling with a serious health condition; or (v) Military Caregiver Leave.
- 2) For academic appointees who do not accrue sick leave, Chancellors may approve leave with pay for up to twelve (12) workweeks. If the leave is taken for the appointee's own serious health condition, the pay would be provided pursuant to [APM - 710-11](#) or [APM - 670-20-c](#) for faculty who participate in the Health Sciences Compensation Plan. Such a paid leave would run concurrently with the appointee's family and medical leave if the appointee is eligible and the leave is taken for a reason that qualifies as family and medical leave.
- 3) Accrued vacation leave may be used, at the appointee's option, during family and medical leave taken for any covered reason.

- 4) If the appointee elects to use accrued sick leave or vacation leave during a family and medical leave (see APM - 715-20-a or 715-20-c), the appointee's leave bank will only be deducted for the actual amount of time taken as family and medical leave. An appointee who accrues sick leave or vacation leave but elects to take family and medical leave as unpaid leave shall not be paid for any hours or partial hours taken as family and medical leave.
- 5) The use of accrued vacation or sick leave for participants in negotiated compensation plans such as the Health Sciences Compensation Plan ([APM - 670](#)), must follow the applicable plan terms.

715-30 Notice and Certification

a. Responsibility of Appointee

- 1) An appointee shall provide at least thirty (30) days advance notice of the need for a family and medical leave when the need for leave is foreseeable. If thirty (30) days notice is not possible because of a medical emergency, for example, notice shall be given as soon as practicable. Failure to comply with these notice requirements may result in postponement of family and medical leave.
- 2) A complete and sufficient certification from a health-care provider may be required when family and medical leave is requested for: (i) the appointee's own serious health condition; (ii) the appointee's Pregnancy Disability Leave; (iii) to care for the appointee's child, parent, parent-in-law, spouse, domestic partner, grandparent, grandchild, or sibling with a serious health condition; or (iv) Military Caregiver Leave. (See [APM - 710-24-b](#)).
 - i. Criteria used under FMLA, CFRA and PDLL will be used to determine required documentation for any family and medical leave.
 - ii. An appointee who is granted family and medical leave for the appointee's own serious health condition may be required to present a return to work certification completed by the appointee's health-care provider prior to returning to work from such a leave.
 - iii. Supporting documentation may be required when an appointee requests family and medical leave for a qualifying exigency (e.g., a copy of the military member's active duty orders).

b. Responsibility of Department (or Other Specified Unit)

It is the responsibility of the appointee's department (or other specified unit) to designate the appointee's leave as qualifying for family and medical leave, if the leave meets the requirements set forth in APM - 715-0 and 715-14. It is also the department's (or other specified unit's) responsibility to give written notice of eligibility and designation to the appointee. Family and medical leaves run concurrently with other approved leaves taken for a purpose that meets the criteria for a family and medical leave.

715-34 Effect on Benefits

An academic appointee on an approved family and medical leave, with or without pay, shall be entitled to continue participation in health coverage (medical, dental, and optical) as if on pay status. Other group insurance coverage and retirement benefits shall be in accordance with the provisions of the applicable group insurance and retirement system regulations.

715-36 Reinstatement

Reinstatement after a family and medical leave taken for any reason other than Pregnancy Disability Leave shall be to the same or an equivalent position provided that the appointee returns to work immediately following the family and medical leave. If the appointee would have been laid off or terminated if the appointee had been working rather than on leave, the appointee shall be afforded the same considerations afforded to other non-Senate academic appointees who are laid off or terminated pursuant to the provisions of [APM - 145](#), Non-Senate Academic Appointees/Layoff and Involuntary Reduction in Time; [APM - 150](#), Non-Senate Academic Appointees/Corrective Action and Dismissal; or applicable Memorandum of Understanding. Appointees whose appointments have a definite end date are not entitled to leave or continuation of appointment beyond the end date of that appointment.

Reinstatement after a family and medical leave taken for pregnancy disability shall be to the same position, provided that the appointee returns to work within four (4) months and immediately following the Pregnancy Disability Leave. If a non-Senate academic appointee would have been laid off or terminated if the appointee had been working rather than on leave, reinstatement shall be to a comparable position at the same location. If a comparable position is not available, the appointee shall be afforded the same considerations afforded to other non-Senate academic appointees who are laid off or terminated pursuant to the provisions of [APM - 145](#), Non-Senate Academic Appointees/Layoff and Involuntary Reduction in Time; [APM - 150](#), Non-Senate Academic Appointees/Corrective Action and Dismissal; or applicable Memorandum of Understanding.

Appointees whose appointments have a definite end date are not entitled to leave or continuation of appointment beyond the end date of that appointment.

715-40 Effect on the Eight-Year Probationary Period of Assistant Professors

To determine years toward the eight-year limitation of service, the combined total of periods of approved leave unrelated to academic duties and time off the tenure clock may not exceed two (2) years. See [APM - 133-17-g](#), Applicability of Periods of Leave.

715-42 Sabbatical Leave Credit

Sabbatical leave credit is not accrued during a leave of absence with pay for one (1) quarter or semester or more, or for a leave of absence without pay of any length ([APM - 740-11- h\(3\) and \(4\)](#)).

715-80 Additional Information

APM - 715 summarizes an appointee's rights and obligations related to family and medical leave, including the appointee's rights and obligations under the FMLA, CFRA, and PDLL. For additional

guidance related to family and medical leave, contact your Departmental Personnel Assistant or Academic Personnel or Benefits representative.

In addition to family and medical leave, appointees may be eligible to take other types of leave to care for close family members under University policy (see APM sections [710-20](#), [710-24](#), [760-27](#), and [760-28](#)). Other approved leave(s) taken for a purpose that meets the criteria for family and medical leave will run concurrently with family and medical leave.

For information about other related policies, refer to the APM sections listed below:

- a. [APM - 133](#), Limitation of Total Period of Service with Certain Academic Titles
- b. [APM - 670](#), Health Sciences Compensation Plan
- c. [APM - 710](#), Leaves of Absence/Sick Leave/Medical Leave
- d. [APM - 711](#), Reasonable Accommodation for Academic Appointees with Disabilities
- e. [APM - 730](#), Leaves of Absence/Vacation
- f. [APM - 760](#), Family Accommodations for Childbearing and Childrearing

715-95 Records

Chancellors shall assure that records are maintained in the department (or other specified unit) for those academic appointees under their respective jurisdictions who qualify for family and medical leave pursuant to the requirements set forth in APM - 715-0 and 715-14. Records related to family and medical leave shall be maintained separately from other personnel records.

Revision History

January 1, 2023:

- Substantive revisions to reflect change in percentage of income replacement for Pay for Family Care and Bonding pay option from 70% to 100% of eligible earnings.

February 10, 2022:

- Technical revisions to add additional qualifying family member for family and medical leave due to changes to CFRA, effective 1/1/22.

July 1, 2021:

- Substantive revisions to clarify intent of language.
- Technical revision to remove gendered language and to correct minor grammatical errors.
- Language added to address the new Pay for Family Care and Bonding pay option.
- Additional qualifying family members for family and medical leave added due to changes to CFRA effective 1/1/21.

July 1, 2019:

- Technical revision to correct inadvertent omission of language in APM - 715-20-b as issued on May 1, 2019.

May 1, 2019:

- Technical revisions to comply with law and existing policy, and to revise language for clarity.

For details on prior revisions, please visit the [Academic Personnel and Programs website](#).

4/21/2022 DRAFT

Benefits and Privileges: APM - 715 - Leaves of Absence/Family and Medical Leave

715-0 Policy

In accordance with applicable State and Federal law, family and medical leave provides eligible appointees with entitlements to leave, continuance of health plan coverage as if on pay status, and reinstatement rights. Eligible academic appointees are entitled to take family and medical leave with paid or unpaid options (as set forth in APM - 715-20). Academic appointees taking family and medical leave as a block leave shall be relieved of all assigned duties during that period and are not to perform any University work. When family and medical leave is taken intermittently or on a reduced schedule, work assignments shall be adjusted due to the appointee's reduction in time worked during that period.

Family and medical leave may be taken for the following reasons:

- a. The appointee's own serious health condition, including a serious health condition that is a work-incurred injury or illness (see [APM - 710](#) and [APM - 670](#));
- b. To care for the appointee's child, parent, spouse, or domestic partner with a serious health condition. If the family and medical leave qualifies as a leave under the California Family Rights Act (CFRA), such leave may also be taken to care for a parent-in-law, grandparent, grandchild, or sibling.¹
- c. The appointee's own disability related to pregnancy, childbirth, or related medical condition ("Pregnancy Disability Leave") or prenatal care (see [APM - 760-25](#) for provisions specific to this type of family and medical leave).
- d. To bond with the appointee's child after the child's birth or with a child newly placed with the appointee for adoption or foster care, provided the leave is taken within one (1) year of the child's birth or placement with the appointee, as applicable ("Parental Bonding Leave") (see [APM - 760-27](#));
- e. To care for the appointee's son, daughter, parent, spouse, or domestic partner, or next of kin who is a covered servicemember undergoing medical treatment, recuperation, or therapy for a serious injury or illness ("Military Caregiver Leave") (see [APM - 715-17](#));
- f. A qualifying exigency arising out of the fact that the appointee's child, parent, parent-in-law, spouse, or domestic partner, or next of kin is a military member on covered active duty or call to covered active duty status (or has been notified of an impending call or order to covered active duty) ("Qualifying Exigency Leave"). Qualifying exigencies include any one of the following, provided that the activity relates to the military member's covered active duty or call to covered active duty status:
 - 1) Short notice deployment to address issues that arise due to a military member being notified of an impending call to active duty seven (7) or fewer calendar days prior to the date of deployment;

¹ Qualifying family members vary based on whether the leave is a CFRA and/or FMLA designated leave.

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- 2) Military events and activities, including official ceremonies;
- 3) Childcare and school activities for a child of the military member who is either under the age of eighteen (18) or incapable of self-care;
- 4) Financial and legal arrangements to address the military member's absence or to act as the military member's representative for purposes of obtaining, arranging, or appealing military service benefits while the military member is on duty or call to active duty status and for the ninety (90) days after the termination of the military member's active duty status;
- 5) Counseling (provided by someone other than a health-care provider) for the appointee, for the military member, or for a child of the military member who is either under age eighteen (18) or incapable of self-care;
- 6) Rest and recuperation (up to fifteen (15) days of leave for each instance) to spend time with a military member who is on short-term, temporary rest and recuperation leave during deployment;
- 7) Post-deployment activities to attend ceremonies sponsored by the military for a period of ninety (90) days following termination of the military member's active duty and to address issues that arise from the death of a military member while on active duty status;
- 8) Parental care for the parent or parent-in-law of the military member when the parent or parent-in-law is incapable of self-care; and
- 9) Additional activities related to the military member's active duty or call to active duty status when the University and the appointee agree that such activity qualifies as an exigency and agree to both the timing and duration of the leave.

715-14 Eligibility

An academic appointee is eligible to take family and medical leave under the federal Family and Medical Leave Act (FMLA) and/or the California Family Rights Act (CFRA) for any reason other than Pregnancy Disability Leave, provided that:

- a. The appointee has at least twelve (12) cumulative months of University service (all prior University service, including service with UC-managed Department of Energy Laboratories, shall be used to calculate the twelve (12)-month service requirement); and
- b. The appointee has worked at least one thousand two hundred and fifty (1,250) hours during the twelve (12) months immediately preceding the commencement date of the leave.

An academic appointee need not meet the foregoing eligibility requirements in order to take family and medical leave as Pregnancy Disability Leave under California's Pregnancy Disability Leave Law (PDLL). However, if the academic appointee does meet these eligibility requirements, the first twelve (12) workweeks of Pregnancy Disability Leave shall run concurrently with entitlement to family and medical leave under the FMLA.

715-16 Duration and Timing of Family and Medical Leave

a. Duration

An academic appointee may take up to twelve (12) workweeks during a calendar year for all types of family and medical leave, except for Military Caregiver Leave, which may be for up to twenty-six (26) workweeks in a single twelve (12)-month period (see APM - 715-17), Pregnancy Disability Leave, which may be for up to four (4) months per pregnancy (see [APM - 760-25](#)), and situations where the employee's family and medical leave does not run concurrently under the FMLA and CFRA. For eligible appointees who are regularly assigned to work more or less than a forty (40)-hour work week, the number of working hours that constitutes twelve (12) workweeks is calculated on a pro rata or proportional basis based on the number of hours typically worked in a week.

b. Timing

1) Academic Appointments with Definite End Dates

For an academic appointee holding an appointment with a definite end date, family and medical leave may not be approved beyond the end date of the appointment. If the appointment is renewed or extended or a subsequent appointment is made, additional family and medical leave may be granted up to an aggregate of twelve (12) workweeks for all family and medical leaves in the calendar year, except Military Caregiver Leave, which may be for up to twenty-six (26) workweeks in a single twelve (12) month period (see APM - 715-17); Pregnancy Disability Leave, which may be for up to four (4) months per pregnancy (see [APM - 760-25](#)); and a combined leave for Pregnancy Disability Leave and Parental Bonding Leave, which may be for up to four (4) months and twelve (12) workweeks per pregnancy; and situations where the employee's family and medical leave does not run concurrently under the FMLA and CFRA.

2) Reduced Schedule or Intermittent Leave

In addition to or as an alternative to taking family and medical leave as a block leave, an appointee may take family and medical leave by working a reduced schedule or on an intermittent basis when medically necessary due to a serious health condition (as certified by a health-care provider), when medically advisable during Pregnancy Disability Leave, or when taking family and medical leave as Qualifying Exigency Leave, including absences of less than one (1) day.

Family and medical leave taken as Parental Bonding Leave (see [APM - 760-27-b](#)) must be taken in increments of at least two (2) weeks; however, an appointee may take such leave in increments of less than two (2) weeks' duration on any two (2) occasions.

When an appointee's need to take family and medical leave on an intermittent or reduced schedule basis is foreseeable based on planned medical treatment for the appointee, the appointee's family member, or a covered servicemember, the appointee should make a reasonable effort to schedule periods of leave to avoid disruption of workload.

When an appointee's need to take family and medical leave on an intermittent or reduced schedule basis is foreseeable based on planned medical treatment for the appointee, the appointee's family member, or a covered servicemember, the University may temporarily

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transfer the appointee, during the period when intermittent or reduced schedule leave is required, to an available alternative and equivalent position for which the appointee is qualified and that better accommodates the recurring periods of leave.

Deductions from an appointee's family and medical leave entitlement shall be made for any hours or partial hours actually taken by an appointee as family and medical leave.

715-17 Military Caregiver Leave

An academic appointee may take up to twenty-six (26) workweeks of family and medical leave during a single twelve (12)-month period to care for a son, daughter, parent, spouse, or domestic partner (same sex or opposite sex) or next of kin who is a covered servicemember undergoing medical treatment, recuperation, or therapy for a serious injury or illness.

The single twelve (12)-month period begins on the first day the eligible academic appointee takes leave to care for the covered servicemember and ends twelve (12) months after that date.

If all twenty-six (26) workweeks of leave entitlement are not exhausted during a single twelve (12)-month period, the remaining leave is forfeited.

Appointees may take more than one (1) period of Military Caregiver Leave if the leave is for a different covered servicemember or to care for the same covered servicemember with a subsequent serious injury or illness, provided that no more than twenty-six (26) workweeks of Military Caregiver Leave is taken in a single twelve (12)-month period.

715-20 Pay Status

While family and medical leaves are generally unpaid, an appointee may have the opportunity to use accrued leave or other available pay options to continue to receive ~~some~~ compensation during such leave as outlined below.

a. Pay for Family Care and Bonding (PFCB)**1) General**

In order to support academic appointees' need to take leave to care for their family members, the University offers eligible appointees PFCB, which is an ~~un~~-partial income replacement option for up to eight (8) workweeks per calendar year. To be eligible for PFCB, an academic appointee must be on an approved block family and medical leave taken for one of the qualifying reasons below, and the appointee must be taking that leave in a block of a minimum of one (1) workweek.

Family and medical leaves that qualify for the PFCB option are those leaves taken under the FMLA and/or CFRA for the following reasons: (i) to care for a family member with a serious health condition (see APM - 715-0-b) for the list of qualifying family members); (ii) for Parental Bonding Leave (see APM - 715-0-d and [APM - 760-27](#)); (iii) for Qualifying Exigency Leave (see APM - 715-0-f); or (iv) for Military Caregiver Leave (see APM - 715-17). APM - 715-14 outlines the eligibility requirements for family and medical leaves. PFCB is not an option available during any other type of leave.

If an appointee elects to use PFCB for a particular qualifying family and medical leave block leave rather than using paid leave accruals, other available pay options or taking the leave without pay, the appointee must continue to use PFCB until they either exhaust their full eight (8) workweeks of PFCB for the calendar year or that qualifying family and medical leave block leave ends. If their leave ends before they have used the full eight (8) workweeks of PFCB for the calendar year, the remainder is available to use during a qualifying family and medical leave block leave later in the calendar year. For an academic appointee holding an appointment with a definite end date, family and medical leave may not be approved beyond the end date of the appointment; therefore, the PFCB option is not available beyond the end date of that appointment.

~~An appointee may not use paid leave accruals (vacation, sick leave) or any other available pay option while receiving PFCB.~~

For participants in the Health Sciences Compensation Plan (HSCP), PFCB interacts with pay options available under the participant's specific School HSCP Implementing Procedures and/or department specific procedures as follows:

- i. If an academic appointee is taking a family and medical leave that would qualify for the PFCB option and there is no HSCP pay option available for that leave, the appointee will have the option to use PFCB for that leave.
- ii. If an academic appointee is taking a family and medical leave that qualifies for the PFCB option and also an HSCP pay option and they would receive more pay with the PFCB option, PFCB will be the option available to the appointee for that leave. If the appointee elects to use that PFCB option for the leave, the appointee's PFCB entitlement would be decremented, and their HSCP entitlement would also be decremented.
- iii. If an academic appointee is taking a family and medical leave that qualifies for the PFCB option and also an HSCP pay option and they would receive more pay with the HSCP option, HSCP will be the option available to the appointee for that leave. If the appointee elects to use that HSCP option for the leave, the appointee's HSCP entitlement would be decremented, and their PFCB entitlement would also be decremented.
- iv. If an academic appointee is using an HSCP pay option during an intermittent or reduced schedule family and medical leave that would qualify for PFCB if taken in a block of one (1) workweek or more, the appointee's HSCP entitlement would be decremented, and their PFCB entitlement would also be decremented.

For academic appointees covered by a Memorandum of Understanding (MOU), the MOU governs whether PFCB is available to those appointees and, if so, the terms of PFCB.

2) PFCB Calculation

The PFCB option provides pay calculated at ~~seventy one hundred~~ percent (~~70~~100%) of an appointee's eligible earnings.

- i. Eligible Earnings

Eligible earnings include an appointee's base salary payable through the University. Base salary includes on-scale, off-scale, and above-scale, and X and X-prime (X') components for Health Sciences Compensation Plan (HSCP) participants. Eligible earnings do not include pay that is received in addition to the appointee's regular appointment such as "by agreement" payments, administrative stipends, honoraria, compensation for extension teaching, summer session teaching, any negotiated Y and Z payments for HSCP participants, and any other cash compensation received that exceeds one hundred percent (100%) of the base salary of the full-time equivalent of the appointee's eligible appointment(s). However, if the appointee's only appointment is for extension or summer session teaching or is a "by agreement" appointment, and the appointee meets all other PFCB eligibility criteria, those earnings are considered eligible earnings.

ii. Appointments Established at a Fixed Percentage

If the academic appointee has an appointment established at a fixed percentage, PFCB is based on the salary rate in effect during the appointee's leave.

iii. Appointees Reporting Time on a Variable Basis

If the academic appointee reports time on a variable basis, eligible earnings are an average of the appointee's eligible earnings for the three (3) calendar months (for an appointee paid on a monthly basis) or six (6) pay periods (for an appointee paid on a bi-weekly basis) immediately prior to the period in which the leave begins, excluding periods with approved leave without pay. This average is calculated as follows:

- a. For an appointee paid on a bi-weekly basis, the sum of hours paid in the six (6) pay periods immediately prior to the period in which the leave begins is divided by twelve (12) to determine the average hours worked per week. The average hours worked per week ~~is then multiplied by 0.7 to determine is~~ the number of hours per week the appointee is to be paid while receiving PFCB.
- b. For an appointee paid on a monthly basis, the sum of the time paid in the three (3) calendar months immediately prior to the period in which the leave begins is divided by three (3) to determine the average time worked per month. The average time worked per month ~~is then multiplied by 0.7 to determine is~~ the time per month the appointee is to be paid while receiving PFCB.

If the consecutive three (3) months or six (6) bi-weekly pay periods immediately preceding the beginning of the leave cannot be used due to approved leave without pay, the look-back period may be extended up to, but no longer than, one (1) year prior to the beginning of the leave, using the most recent applicable pay periods not to exceed the term of the appointment.

3) Pay and Benefits Considerations

i. Taxability and Deductions

PFCB is considered taxable wages. An appointee's normal deductions are taken from PFCB.

ii. Vacation and Sick Accruals

~~Because an appointee is paid seventy percent (70%) of eligible earnings when receiving PFCB,~~ When the appointee is receiving PFCB, sick accruals (see APM - 710-18), and vacation accruals (see APM - 730-20-f) are calculated as if the appointee is on pay status for ~~seventy-one hundred percent (70/100%)~~ one hundred percent (100%) of their normal work effort. For accrual of sabbatical leave credit during PFCB, see APM - 715-42.

iii. Employment Service Credit

Employment service credit is used to determine years of qualifying service for an appointee's vacation accrual rate and for eligibility for service awards. Appointees accrue one (1) month of employment service credit for each month in which they are on pay status at least fifty percent (50%) time. ~~If receiving PFCB results in a pay status of less than fifty percent (50%) in a given month, an appointee will not receive employment service credit for that month.~~ When an appointee is receiving PFCB, employment service credit is calculated as if the appointee is on pay status for one hundred percent (100%) of their normal work effort.

iv. Retirement Service Credit

Retirement service credit (i.e., service earned as a UCRP member or UC Defined Contribution Savings Choice participant) is earned based upon an appointee's covered compensation and their full time equivalent compensation from a UCRP-eligible appointment. While receiving PFCB, an appointee will continue to make required contributions to retirement plans. An eligible appointee who is receiving PFCB will receive ~~seventy percent (70%)~~ one hundred percent (100%) of the retirement service credit they would have earned in their normal work effort.

v. Benefits

Health and welfare benefits deductions will be taken from PFCB in accordance with the appointee's benefit elections. Receiving PFCB does not, in itself, affect benefits status or eligibility. However, benefits regulations affecting return to pay status after a leave without pay will apply if an appointee returns to pay status by receiving PFCB.

b. Other Pay Options During a Family and Medical Leave

- 1) Accrued sick leave may be used, at the appointee's option, during family and medical leave taken: (i) for the appointee's own serious health condition; (ii) for Pregnancy Disability Leave; (iii) for Parental Bonding Leave; (iv) to care for the appointee's child, parent, parent-in-law, spouse, domestic partner, grandparent, grandchild or sibling with a serious health condition; or (v) Military Caregiver Leave.
- 2) For academic appointees who do not accrue sick leave, Chancellors may approve leave with pay for up to twelve (12) workweeks. If the leave is taken for the appointee's own

serious health condition, the pay would be provided pursuant to [APM - 710-11](#) or [APM - 670-20-c](#) for faculty who participate in the Health Sciences Compensation Plan. Such a paid leave would run concurrently with the appointee's family and medical leave if the appointee is eligible and the leave is taken for a reason that qualifies as family and medical leave.

- 3) Accrued vacation leave may be used, at the appointee's option, during family and medical leave taken for any covered reason.
- 4) If the appointee elects to use accrued sick leave or vacation leave during a family and medical leave (see [APM - 715-20-a](#) or [715-20-c](#)), the appointee's leave bank will only be deducted for the actual amount of time taken as family and medical leave. An appointee who accrues sick leave or vacation leave but elects to take family and medical leave as unpaid leave shall not be paid for any hours or partial hours taken as family and medical leave.
- 5) The use of accrued vacation or sick leave for participants in negotiated compensation plans such as the Health Sciences Compensation Plan ([APM - 670](#)), must follow the applicable plan terms.

715-30 Notice and Certification

a. Responsibility of Appointee

- 1) An appointee shall provide at least thirty (30) days advance notice of the need for a family and medical leave when the need for leave is foreseeable. If thirty (30) days notice is not possible because of a medical emergency, for example, notice shall be given as soon as practicable. Failure to comply with these notice requirements may result in postponement of family and medical leave.
- 2) A complete and sufficient certification from a health-care provider may be required when family and medical leave is requested for: (i) the appointee's own serious health condition; (ii) the appointee's Pregnancy Disability Leave; (iii) to care for the appointee's child, parent, parent-in-law, spouse, domestic partner, grandparent, grandchild, or sibling with a serious health condition; or (iv) Military Caregiver Leave. (See [APM - 710-24-b](#)).
 - i. Criteria used under FMLA, CFRA and PDLL will be used to determine required documentation for any family and medical leave.
 - ii. An appointee who is granted family and medical leave for the appointee's own serious health condition may be required to present a return to work certification completed by the appointee's health-care provider prior to returning to work from such a leave.
 - iii. Supporting documentation may be required when an appointee requests family and medical leave for a qualifying exigency (e.g., a copy of the military member's active duty orders).

b. Responsibility of Department (or Other Specified Unit)

It is the responsibility of the appointee's department (or other specified unit) to designate the appointee's leave as qualifying for family and medical leave, if the leave meets the requirements set forth in APM - 715-0 and 715-14. It is also the department's (or other specified unit's) responsibility to give written notice of eligibility and designation to the appointee. Family and medical leaves run concurrently with other approved leaves taken for a purpose that meets the criteria for a family and medical leave.

715-34 Effect on Benefits

An academic appointee on an approved family and medical leave, with or without pay, shall be entitled to continue participation in health coverage (medical, dental, and optical) as if on pay status. Other group insurance coverage and retirement benefits shall be in accordance with the provisions of the applicable group insurance and retirement system regulations.

715-36 Reinstatement

Reinstatement after a family and medical leave taken for any reason other than Pregnancy Disability Leave shall be to the same or an equivalent position provided that the appointee returns to work immediately following the family and medical leave. If the appointee would have been laid off or terminated if the appointee had been working rather than on leave, the appointee shall be afforded the same considerations afforded to other non-Senate academic appointees who are laid off or terminated pursuant to the provisions of [APM - 145](#), Non-Senate Academic Appointees/Layoff and Involuntary Reduction in Time; [APM - 150](#), Non-Senate Academic Appointees/Corrective Action and Dismissal; or applicable Memorandum of Understanding. Appointees whose appointments have a definite end date are not entitled to leave or continuation of appointment beyond the end date of that appointment.

Reinstatement after a family and medical leave taken for pregnancy disability shall be to the same position, provided that the appointee returns to work within four (4) months and immediately following the Pregnancy Disability Leave. If a non-Senate academic appointee would have been laid off or terminated if the appointee had been working rather than on leave, reinstatement shall be to a comparable position at the same location. If a comparable position is not available, the appointee shall be afforded the same considerations afforded to other non-Senate academic appointees who are laid off or terminated pursuant to the provisions of [APM - 145](#), Non-Senate Academic Appointees/Layoff and Involuntary Reduction in Time; [APM - 150](#), Non-Senate Academic Appointees/Corrective Action and Dismissal; or applicable Memorandum of Understanding.

Appointees whose appointments have a definite end date are not entitled to leave or continuation of appointment beyond the end date of that appointment.

715-40 Effect on the Eight-Year Probationary Period of Assistant Professors

To determine years toward the eight-year limitation of service, the combined total of periods of approved leave unrelated to academic duties and time off the tenure clock may not exceed two (2) years. See [APM - 133-17-g](#), Applicability of Periods of Leave.

715-42 Sabbatical Leave Credit

Sabbatical leave credit is not accrued during a leave of absence with pay for one (1) quarter or semester or more, or for a leave of absence without pay of any length (APM - 740-11- h(3) and (4)).

715-80 Additional Information

APM - 715 summarizes an appointee's rights and obligations related to family and medical leave, including the appointee's rights and obligations under the FMLA, CFRA, and PDLL. For additional guidance related to family and medical leave, contact your Departmental Personnel Assistant or Academic Personnel or Benefits representative.

In addition to family and medical leave, appointees may be eligible to take other types of leave to care for close family members under University policy (see APM sections 710-20, 710-24, 760-27, and 760-28). Other approved leave(s) taken for a purpose that meets the criteria for family and medical leave will run concurrently with family and medical leave.

For information about other related policies, refer to the APM sections listed below:

- a. [APM - 133](#), Limitation of Total Period of Service with Certain Academic Titles
- b. [APM - 670](#), Health Sciences Compensation Plan
- c. [APM - 710](#), Leaves of Absence/Sick Leave/Medical Leave
- d. [APM - 711](#), Reasonable Accommodation for Academic Appointees with Disabilities
- e. [APM - 730](#), Leaves of Absence/Vacation
- f. [APM - 760](#), Family Accommodations for Childbearing and Childrearing

715-95 Records

Chancellors shall assure that records are maintained in the department (or other specified unit) for those academic appointees under their respective jurisdictions who qualify for family and medical leave pursuant to the requirements set forth in APM - 715-0 and 715-14. Records related to family and medical leave shall be maintained separately from other personnel records.

Revision History

January 1, 2023:

- Substantive revisions to reflect change in percentage of income replacement for Pay for Family Care and Bonding pay option from 70% to 100% of eligible earnings.

February 10, 2022:

- Technical revisions to add additional qualifying family member for family and medical leave due to changes to CFRA, effective 1/1/22.

July 1, 2021:

- Substantive revisions to clarify intent of language.

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- Technical revision to remove gendered language and to correct minor grammatical errors.
- Language added to address the new Pay for Family Care and Bonding pay option.
- Additional qualifying family members for family and medical leave added due to changes to CFRA effective 1/1/21.

July 1, 2019:

- Technical revision to correct inadvertent omission of language in APM - 715-20-b as issued on May 1, 2019.

May 1, 2019:

- Technical revisions to comply with law and existing policy, and to revise language for clarity.

For details on prior revisions, please visit the [Academic Personnel and Programs website](#).

4/21/2022 DRAFT

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Benefits and Privileges: APM - 760 - Family Accommodations for Childbearing and Childrearing**760-0 Policy**

Family accommodation policies for childbearing and childrearing responsibilities are fundamental to an equitable and productive academic environment. The University of California's family accommodation policies and programs assist faculty and other academic appointees in balancing the needs of work and family.

760-8 Types of Family Accommodations for Childbearing and Childrearing

- a. Childbearing and Pregnancy Disability Leave with or without pay (APM -760-25)
- b. Childrearing Leave (APM -760-27)
- c. Active service-modified duties (APM -760-28)
- d. Part-time appointment and reduction in percentage of time of an appointment to accommodate family needs (APM -760-29)
- e. Stopping the clock for the care of a child or children (APM -760-30)
- f. Deferral of personnel reviews (APM -760-31)

760-25 Childbearing and Pregnancy Disability Leave**a. Description and Eligibility**

An academic appointee who is disabled because of pregnancy, childbirth, or related medical conditions is eligible for childbearing leave for the period prior to, during, and after childbirth, regardless of the length of University Service. Childbearing leave may also be used for prenatal care.

Consistent with the California Pregnancy Disability Leave Law (PDLL), an academic appointee who is disabled because of pregnancy, childbirth, or related medical conditions is eligible to take an unpaid childbearing leave ("Pregnancy Disability Leave") for up to four (4) months during the period of actual disability, as certified by the appointee's health-care provider, and may also use Pregnancy Disability Leave for prenatal care. Such Pregnancy Disability Leave will run concurrently with any childbearing leave under this policy.

During a childbearing leave and/or Pregnancy Disability Leave, no duties shall be required by the University. Nor shall duties be postponed for after an appointee's return without the appointee's agreement.

Family Accommodations for Childbearing and Childrearing

Childbearing leave and/or Pregnancy Disability Leave need not be taken in one continuous period of time but may be taken on an intermittent or reduced schedule basis when medically advisable.

An academic appointee may be eligible for employer-paid Basic Disability Insurance benefits and, if enrolled, for employee-paid Voluntary Short-Term or Voluntary Long-Term Disability Insurance Plan benefits if unable to work because of pregnancy disability. Before any of these disability benefits begin, an appointee who accrues sick leave must use accrued sick leave (during any applicable waiting period) in accordance with the terms of the benefits.

b. Pay Status

While childbearing leaves and Pregnancy Disability Leaves are generally unpaid, an appointee may have the opportunity to use accrued leave and/or continue to receive compensation during such leaves under the following provisions:

- 1) An academic appointee who accrues sick leave or vacation leave credit may, at the appointee's option, use such accrued leave credit in lieu of taking childbearing leave and/or Pregnancy Disability Leave without pay.
- 2) A member of the Academic Senate will receive at least the member's approved base salary for up to eight (8) weeks while unable to perform the member's normal University obligations. Any additional compensation under the Health Sciences Compensation Plan (HSCP) shall be paid in accordance with HSCP School Implementing Procedures.
- 3) A non-Senate academic appointee who does not accrue sick leave and who has served in any UC academic title for at least twelve (12) consecutive months will receive at least the appointee's approved base salary for up to eight (8) weeks while unable to perform the appointee's normal University obligations. Any additional compensation under the HSCP shall be paid in accordance with HSCP School Implementing Procedures.
- 4) A non-Senate academic appointee who does not accrue sick leave and who has not served in any UC academic title for at least twelve (12) consecutive months will receive at least the appointee's approved base salary for approximately the period which would be accrued during the appointment in accordance with the accrual rates in [APM - 710-18](#). Any additional compensation under the HSCP shall be paid in accordance with HSCP School Implementing Procedures.

c. Accommodation of Pregnancy

As an alternative to or in addition to a childbearing leave, the University shall (i) provide the appointee with reasonable accommodation upon request, which could include temporarily modifying a pregnant appointee's position and/or (ii) transfer the appointee to a less strenuous or hazardous position upon request. Such requests will be granted if

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medically advisable according to the appointee's health-care provider and if they can be reasonably accommodated. Such reasonable accommodations or transfer shall not be counted against an eligible academic appointee's entitlement to childbearing leave and/or Pregnancy Disability Leave unless the appointee takes intermittent leave or works a reduced schedule as a result.

d. Interaction with Family and Medical Leave Entitlement

Pregnancy Disability Leave under the PDLL is a form of family and medical leave and shall run concurrently with childbearing leave under this policy.

In addition, if an academic appointee on a childbearing leave is eligible for family and medical leave under the federal Family and Medical Leave Act (FMLA) (see [APM - 715-14](#)), the first twelve (12) workweeks of that leave in any calendar year shall run concurrently with family and medical leave under the FMLA. When on family and medical leave, the department, and not the academic appointee, shall arrange for others to cover work assignments during the absence. If an appointee would like to participate in this coordination of work assignments prior to the start of the leave, the appointee should notify the department.

e. Effect on Benefits

An academic appointee on childbearing leave and/or Pregnancy Disability Leave under the PDLL, with or without pay, shall be entitled to continue participation in health coverage (medical, dental, and vision) as if on pay status for up to four (4) months per pregnancy. Other group insurance coverage and retirement benefits shall be administered in accordance with the provisions of the applicable group insurance and retirement system regulations. Local Benefits Offices will provide information on how to continue insurance coverage.

760-27 Childrearing Leave

Childrearing leave consists of parental bonding leave and/or parental leave which is more fully described below.

a. Parental Bonding Leave

An academic appointee who is eligible for family and medical leave (see [APM - 715-14](#)) shall be granted an unpaid leave to bond with the appointee's child after the child's birth or placement with the appointee for adoption or foster care, and to attend to matters related to the birth, adoption, or placement of the child for up to twelve (12) workweeks ("Parental Bonding Leave").

Parental Bonding Leave must be concluded within twelve (12) months following the child's birth or placement. Such leave must be taken in increments of at least two (2) weeks; however, an appointee may take such leave in increments of less than two (2) weeks' duration on any two (2) occasions.

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b. Parental Leave

An academic appointee is eligible for a full-time or part-time parental leave without pay for up to one (1) year to care for a child (“Parental Leave”). The child may be the appointee’s child or that of a spouse or domestic partner.

c. Interaction with Family and Medical Leave Entitlement

Parental Bonding Leave under the FMLA and/or CFRA is a form of family and medical leave and shall run concurrently with Parental Leave taken pursuant to this policy. Parental Bonding Leave is more restrictive than Parental Leave. Parental Bonding Leave must be concluded within twelve (12) months following the child’s birth or placement. Such leave must be taken in increments of at least two (2) weeks; however, an appointee may take such leave in increments of less than two (2) weeks duration on any two (2) occasions.

d. Pay Status

While both Parental Bonding Leave and Parental Leave are generally unpaid, an appointee may have the opportunity to use accrued leave or other available pay options to continue to receive compensation during such leave as outlined below.

1) Pay for Family Care and Bonding (PFCB)**i. General**

In order to support academic appointees’ need to take leave to care for their family members, the University offers eligible appointees PFCB, which is an income replacement option for up to eight (8) workweeks per calendar year. To be eligible for PFCB, an academic appointee must be on an approved block family and medical leave taken for one of the qualifying reasons below, and the appointee must be taking that leave in a block of a minimum of one (1) workweek.

Family and medical leaves that qualify for the PFCB option are those leaves taken under the FMLA and/or CFRA for the following reasons: (i) to care for a family member with a serious health condition (see [APM - 715-0-b](#) for the list of qualifying family members); (ii) for Parental Bonding Leave (see [APM - 715-0-d](#) and [APM - 760-27](#)); (iii) for Qualifying Exigency Leave (see [APM - 715-0-f](#)); or (iv) for Military Caregiver Leave (see [APM - 715-17](#)). [APM - 715-14](#) outlines the eligibility requirements for family and medical leaves. PFCB is not an option available during any other type of leave.

If an appointee elects to use PFCB for a particular qualifying family and medical leave block leave rather than using paid leave accruals, other available pay options or taking the leave without pay, the appointee must continue to use PFCB until they either exhaust their full eight (8)

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workweeks of PFCB for the calendar year or that qualifying family and medical leave block leave ends. If their leave ends before they have used the full eight (8) workweeks of PFCB for the calendar year, the remainder is available to use during a qualifying family and medical leave block leave later in the calendar year. For an academic appointee holding an appointment with a definite end date, family and medical leave may not be approved beyond the end date of the appointment; therefore, the PFCB option is not available beyond the end date of that appointment.

For participants in the Health Sciences Compensation Plan (HSCP), PFCB interacts with pay options available under the participant's specific School HSCP Implementing Procedures and/or department specific procedures as follows:

- a. If an academic appointee is taking a family and medical leave that would qualify for the PFCB option and there is no HSCP pay option available for that leave, the appointee will have the option to use PFCB for that leave.
- b. If an academic appointee is taking a family and medical leave that qualifies for the PFCB option and also an HSCP pay option and they would receive more pay with the PFCB option, PFCB will be the option available to the appointee for that leave. If the appointee elects to use that PFCB option for the leave, the appointee's PFCB entitlement would be decremented, and their HSCP entitlement would also be decremented.
- c. If an academic appointee is taking a family and medical leave that qualifies for the PFCB option and also an HSCP pay option and they would receive more pay with the HSCP option, HSCP will be the option available to the appointee for that leave. If the appointee elects to use that HSCP option for the leave, the appointee's HSCP entitlement would be decremented, and their PFCB entitlement would also be decremented.
- d. If an academic appointee is using an HSCP pay option during an intermittent or reduced schedule family and medical leave that would qualify for PFCB if taken in a block of one (1) workweek or more, the appointee's HSCP entitlement would be decremented, and their PFCB entitlement would also be decremented.

For academic appointees covered by a Memorandum of Understanding (MOU), the MOU governs whether PFCB is available to those appointees and, if so, the terms of PFCB.

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ii. PFCB Calculation

The PFCB option provides pay calculated at one hundred percent (100%) of an appointee's eligible earnings.

a. Eligible Earnings

Eligible earnings include an appointee's base salary payable through the University. Base salary includes on-scale, off-scale, and above-scale, and X and X-prime (X') components for Health Sciences Compensation Plan (HSCP) participants. Eligible earnings do not include pay that is received in addition to the appointee's regular appointment such as "by agreement" payments, administrative stipends, honoraria, compensation for extension teaching, summer session teaching, any negotiated Y and Z payments for HSCP participants, and any other cash compensation received that exceeds one hundred percent (100%) of the base salary of the full-time equivalent of the appointee's eligible appointment(s). However, if the appointee's only appointment is for extension or summer session teaching or is a "by agreement" appointment, and the appointee meets all other PFCB eligibility criteria, those earnings are considered eligible earnings.

b. Appointments Established at a Fixed Percentage

If the academic appointee has an appointment established at a fixed percentage, PFCB is based on the salary rate in effect during the appointee's leave.

c. Appointees Reporting Time on a Variable Basis

If the academic appointee reports time on a variable basis, eligible earnings are an average of the appointee's eligible earnings for the three (3) calendar months (for an appointee paid on a monthly basis) or six (6) pay periods (for an appointee paid on a bi-weekly basis) immediately prior to the period in which the leave begins, excluding periods with approved leave without pay. This average is calculated as follows:

- (1) For an appointee paid on a bi-weekly basis, the sum of hours paid in the six (6) pay periods immediately prior to the period in which the leave begins is divided by twelve (12) to determine the average hours worked per week. The average hours worked per week is the number of hours per week the appointee is to be paid while receiving PFCB.

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- (2) For an appointee paid on a monthly basis, the sum of the time paid in the three (3) calendar months immediately prior to the period in which the leave begins is divided by three (3) to determine the average time worked per month. The average time worked per month is the time per month the appointee is to be paid while receiving PFCB.

If the consecutive three (3) months or six (6) bi-weekly pay periods immediately preceding the beginning of the leave cannot be used due to approved leave without pay, the look-back period may be extended up to, but no longer than, one (1) year prior to the beginning of the leave, using the most recent applicable pay periods not to exceed the term of the appointment.

- iii. Pay and Benefits Considerations

- a. Taxability and Deductions

PFCB is considered taxable wages. An appointee's normal deductions are taken from PFCB.

- b. Vacation and Sick Accruals

When the appointee is receiving PFCB, sick accruals (see [APM - 710-18](#)), and vacation accruals (see [APM - 730-20-f](#)) are calculated as if the appointee is on pay status for one hundred percent (100%) of their normal work effort. For accrual of sabbatical leave credit during PFCB, see [APM 715-42](#).

- c. Employment Service Credit

Employment service credit is used to determine years of qualifying service for an appointee's vacation accrual rate and for eligibility for service awards. Appointees accrue one (1) month of employment service credit for each month in which they are on pay status at least fifty percent (50%) time. When an appointee is receiving PFCB, employment service credit is calculated as if the appointee is on pay status for one hundred percent (100%) of their normal work effort.

- d. Retirement Service Credit

Retirement service credit (i.e., service earned as a UCRP member or UC Defined Contribution Savings Choice participant) is earned based upon an appointee's covered compensation and their full

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time equivalent compensation from a UCRP-eligible appointment. While receiving PFCB, an appointee will continue to make required contributions to retirement plans. An eligible appointee who is receiving PFCB will receive one hundred percent (100%) of the retirement service credit they would have earned in their normal work effort.

e. Benefits

Health and welfare benefits deductions will be taken from PFCB in accordance with the appointee's benefit elections. Receiving PFCB does not, in itself, affect benefits status or eligibility. However, benefits regulations affecting return to pay status after a leave without pay will apply if an appointee returns to pay status by receiving PFCB.

2) Other Pay Options During a Childrearing Leave

Accrued sick or accrued vacation leave may be used, at the appointee's option, during a Parental Bonding Leave or Parental Leave that would otherwise be unpaid.

Any additional compensation under the Health Sciences Compensation Plan (HSCP) shall be paid in accordance with HSCP School Implementing Procedures.

e. Effect on Benefits

An academic appointee on Parental Bonding Leave under the FMLA and/or CFRA, with or without pay, shall be entitled to continue participation in health coverage (medical, dental, and vision) as if on pay status. Other group insurance coverage and retirement benefits shall be administered in accordance with the provisions of the applicable group insurance and retirement system regulations.

An appointee on a Parental Leave that does not qualify as a Parental Bonding Leave under the FMLA and/or CFRA is responsible for the continuation of benefits during any unpaid portion of the leave.

Details on how to continue insurance coverage are available from local Benefits Offices.

760-28 Active Service-Modified Duties

a. Description and Eligibility

Active service-modified duties is a period during which normal duties are reduced so that an academic appointee may prepare for and/or care for a newborn child or a child newly placed for adoption or foster care. To be eligible for active service-modified duties, an academic appointee must be responsible for fifty percent (50%) or more of the care of a

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child. The child may be the appointee's child or that of a spouse or domestic partner. An appointee is eligible for a period of active service-modified duties for each event of birth or placement. The birth or placement of one (1) or more children at the same time constitutes a single event of birth or placement. Eligibility for a period of active service-modified duties shall normally begin three (3) months prior to the birth or placement and continue for up to twelve (12) months following the birth or placement.

A childbearing appointee who has a full-time appointment for at least one (1) full academic year (three (3) quarters or two (2) semesters) is eligible for a total period of childbearing leave plus active service-modified duties of three (3) quarters (or two (2) semesters) to enable recovery from the effects of pregnancy and childbirth and to prepare for and/or care for the newborn child. If an appointee gives birth during the summer or an off-duty term, the appointee is eligible for a total period of active service-modified duties of three (3) quarters (or two (2) semesters).¹

All other academic appointees are eligible for a total period of childbearing leave plus active service-modified duties of one (1) quarter (or one (1) semester).²

An academic appointee shall provide notice to the department chair or unit head of the need for a period of active service-modified duties. The notice must include a written statement by the appointee certifying that the appointee is responsible for fifty percent (50%) or more of the care of a newborn child or a child newly placed for adoption or foster care. The proposed modifications should then be discussed with the appointee and are subject to approval by the Dean and/or Chancellor. During a period of active service-modified duties, the appointee is on active service and is expected to perform some portion of the appointee's normal duties. A period of active service-modified duties is not a leave of absence.

For ladder-rank faculty, the modification of duties normally will be either partial or full relief from teaching without the assignment of additional teaching duties before or after to offset the teaching relief. In the quarter or semester of a childbearing or pregnancy disability leave there must be full relief from teaching duties. For other eligible faculty who primarily have teaching duties, the modification of duties normally will be partial teaching relief or the assignment of additional resources such as teaching assistants or readers, as appropriate. For all other eligible academic appointees, the modification of duties normally will be a reduced workload (see APM - 760-28-b(2)).³

b. Pay Status

¹ This paragraph does not apply to Health Sciences Compensation Plan faculty members; see APM - 760-28-c for relevant provisions.

² This paragraph does not apply to Health Sciences Compensation Plan faculty members; see APM - 760-28-c for relevant provisions.

³ This paragraph does not apply to Health Sciences Compensation Plan faculty members; see APM - 760-28-c for relevant provisions.

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Pay status during a period of active service-modified duties shall be based on the following provisions:

- 1) Faculty members will continue to receive their regular monthly salary.⁴
- 2) Academic appointees who accrue sick leave shall use such accrued sick leave credit in proportion to the reduced workload. When sick leave credit has been exhausted or for those non-faculty academic appointees who do not accrue sick leave, pay will be reduced in proportion to the reduced workload. A reduction in appointment percentage may affect an appointee's health and welfare and retirement benefits.

c. Provisions for Health Sciences Compensation Plan Faculty Members

During a period of active service-modified duties, faculty who are participants in the Health Sciences Compensation Plan (HSCP) with clinical responsibilities may reduce clinical duties in lieu of teaching relief, as appropriate. Modification of clinical duties is not a reduction in percentage of effort in clinical duties. Terms of clinical duty reduction expectations with regard to this provision shall be routinely documented by the HSCP School Implementing Procedures. For non-HSCP faculty who have clinical duties, modification of duties could be a reduction of clinical duties and an overall reduced workload.

At a minimum, HSCP faculty members are eligible for a total period of childbearing leave plus active service-modified duties of up to one (1) quarter (or one (1) semester) for each event of birth or placement for adoption or foster care. For an HSCP faculty member who is a childbearing appointee, an additional two (2) quarters (or one (1) semester) of active service-modified duties to enable recovery from the effects of pregnancy and childbirth and to prepare for and/or care for the newborn child may be approved in accordance with campus policies. During a period of active service-modified duties, HSCP faculty members will receive pay no less than their approved base monthly salary. Any additional compensation under the HSCP shall be paid in accordance with HSCP School Implementing Procedures.

760-29 Part-Time Appointment and Reduction in Percentage of Time of an Appointment to Accommodate Family Needs

Academic appointees may be eligible for appointment to a part-time position or may be eligible to reduce the percentage of time of their appointment from full-time to part-time for a specified period of time or permanently to accommodate family needs. The Chancellor has authority to approve such appointments. Members of the Health Sciences Compensation Plan who reduce the percentage of time of their appointment remain under the same terms of the Plan during the period

⁴ This paragraph does not apply to Health Sciences Compensation Plan faculty members; see APM - 760-28-c for relevant provisions.

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that their appointment is reduced (see [APM - 670](#)). For provisions regarding part-time appointments in the Professor series, see [APM - 220-10, -16-c, -16-d, -18-b, and Appendix B](#).

760-30 Stopping the Clock for the Care of a Child or Children

- a. An academic appointee may stop the clock during the probationary period to care for any child who is or becomes part of a faculty member's family. To be eligible to stop the clock, an appointee at the Assistant or Potential for Security of Employment level must be responsible for fifty percent (50%) or more of the care of a child. The birth or placement of one (1) or more children at the same time constitutes a single event of birth or placement. An appointee is eligible to stop the clock even if the appointee does not take a formal leave or have a modification of duties. [APM - 133\(3\) and h\(1\)](#).
- b. An academic appointee must provide notice of intent to stop the clock within two (2) years of a birth or placement and before July 1 of the academic year in which a promotion review is to occur. Each notice must include a written statement by the appointee certifying that the appointee is responsible for fifty percent (50%) or more of the care of the child or children.
- c. The clock may not be stopped after July 1 of the academic year in which a promotion review is to occur or in cases where there has been a review that has resulted in a decision not to continue the individual's appointment.
- d. Stopping the clock will not delay the timing of a merit or reappointment review. However, academic appointees may request to defer a formal appraisal or promotion review by one (1) year to correspond with the stopping of the clock in accordance with campus policies.

760-31 Deferral of Personnel Reviews

An academic appointee at the Associate level or above may request deferral of a personnel review to accommodate family needs in accordance with campus policies.

Academic appointees shall not be arbitrarily disadvantaged in their promotion, advancement, or compensation because they have elected to take a childbearing or childrearing leave, to stop the clock, or to defer a personnel review. Personnel reviews that are deferred due to a family accommodation as defined in [APM - 133-17-g-i](#) or [APM - 760](#) should be treated procedurally in the same manner as personnel reviews conducted at the usual intervals. The file shall be evaluated without prejudice as if the work were done in the normal period of service and so stated in the department chair's or unit head's letter.

760-35 General Provisions**a. Notice**

When academic appointees are aware that they will need to take a childbearing or childrearing leave or to participate in a period of active service-modified duties, they

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should provide sufficient advance notice to allow their department or unit to make replacement teaching and other arrangements. At a minimum, thirty (30) days advance notice should be given.

b. Duration

- 1) The aggregate duration of all leaves plus periods of active service- modified duties may not exceed one (1) year for a single event of birth of a child or of placement of a child for adoption or foster care, unless otherwise required by law. The child may be the appointee's child or that of a spouse or domestic partner. The birth or placement of one (1) or more children at the same time constitutes a single event of birth or placement.
- 2) An academic appointee is not eligible for a childbearing leave, a childrearing leave, a family and medical leave, or a period of active service-modified duties beyond the established end date of the appointment. If the appointment is renewed or extended, or if a subsequent appointment is made, the appointee may continue a leave or period of active service-modified duties, provided the maximum time allowed for such leaves or accommodation(s) has not been used.

c. Effect on the Eight-Year Limitation of Service of Assistant Level Appointees

Any childbearing or childrearing leave that is equal to or exceeds one (1) semester or one (1) quarter and that is not greater than one (1) year, whether with or without salary, shall automatically be excluded from service toward the eight-year limit unless the academic appointee informs the department chair or unit head in writing before, during, or within one (1) quarter or semester after the leave that it should not be excluded from service toward the eight-year limit. Exclusion of one (1) or two (2) quarters or one (1) semester will not necessarily delay the timing of a review. (See [APM - 133-17-g\(3\)](#).)

A period of active service-modified duties is not a leave of absence and is included as service toward the eight-year limit.

For determining years toward the eight-year limitation of service, the combined total of periods of leave for family accommodations, other leaves unrelated to academic duties, and time off the clock may not exceed two (2) years.

d. Sabbatical Leave Credit

An academic appointee does not accrue sabbatical leave credit during a childbearing leave with or without pay for one (1) quarter or semester or more, or during a childbearing or parental leave without pay. (See [APM - 740-11-h\(3\)](#) and [\(4\)](#)). During a period of active service-modified duties, an appointee accrues credit toward sabbatical leave in accordance with standard accrual provisions. (See [APM - 740-11](#)). In order for an individual to accrue sabbatical leave credit, service must be at half time or more. (See [APM - 740-11-a](#), [-b](#), and [-c](#)).

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e. Reinstatement Following Childbearing or Childrearing Leaves

- 1) An appointee who takes a childbearing leave shall be reinstated to the same position if return to work occurs within four (4) months and immediately following the childbearing leave. If a non-Senate academic appointee would have been laid off or terminated had the appointee been working rather than on leave, reinstatement shall be to a comparable position at the same location. If a comparable position is not available, the appointee shall be afforded the same considerations afforded to other non-Senate academic appointees who are laid off or terminated pursuant to the provisions of [APM - 145](#), Non-Senate Academic Appointees/Layoff and Involuntary Reduction in Time; [APM - 150](#), Non-Senate Academic Appointees/Corrective Action and Dismissal; or applicable Memorandum of Understanding.
- 2) If an appointee takes a childrearing leave, the appointee shall be reinstated to the same or an equivalent position, provided that the appointee returns to work immediately following the childrearing leave. If a non-Senate appointee would have been laid off or terminated had the appointee been working rather than on leave, the appointee shall be afforded the same considerations afforded to other non-Senate academic appointees who are laid off or terminated pursuant to the provisions of [APM - 145](#), Non-Senate Academic Appointees/Layoff and Involuntary Reduction in Time; [APM - 150](#), Non-Senate Academic Appointees/Corrective Action and Dismissal; or applicable Memorandum of Understanding.
- 3) Appointees whose appointments have a definite end date are not entitled to a leave or continuation of appointment beyond the end date of that appointment.

f. Records

Chancellors shall assure that appropriate records are maintained for appointees who utilize a family accommodation as defined in APM - 760. Records relating to a family and medical leave shall be maintained separately from other personnel records.

760-37 Related Policies

For related policies, refer to the Academic Personnel Manual sections listed below:

- a. [APM - 133-17](#), Computation of Years of Service (see [APM - 133-17-g](#), [-h](#), [-i](#), and [-j](#) for provisions on leaves, stopping the clock, and personnel reviews that are deferred due to a family accommodation as defined in APM -760)
- b. [APM - 210-1](#), Instructions to Review Committees That Advise on Actions Concerning Appointees in the Professor and Corresponding Series (see [APM - 210-1-c\(4\)](#) for provisions on assessment of evidence)
- c. [APM - 220](#), Professor Series (see [APM - 220-10](#), [-16-c](#), [16-d](#), [18-b](#), and [Appendix B](#) for provisions on part-time appointments, reductions in percentage of time of an appointment,

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and personnel reviews that are deferred due to a family accommodation as defined in APM - 760)

- d. [APM - 670](#), Health Sciences Compensation Plan
- e. [APM - 671](#), Conflict of Commitment and Outside Activities of Health Sciences Compensation Plan Participants
- f. [APM - 710](#), Leaves of Absence/Sick Leave/Medical Leave
- g. [APM - 715](#), Leaves of Absence/Family and Medical Leave
- h. [APM - 730](#), Leaves of Absence/Vacation

Revision History

January 1, 2023:

- Substantive revisions to reflect change in percentage of income replacement for Pay for Family Care and Bonding pay option from 70% to 100% of eligible earnings.

July 1, 2021:

- Substantive revisions to clarify intent of language.
- Technical revisions to remove gendered language and to correct minor grammatical errors.
- Language added to address the new Pay for Family Care and Bonding pay option.
- Increased pay for childbearing leave for eligible appointees from six to eight weeks.
- Removed eligibility criteria for age of child for ASMD.

May 1, 2019:

- Technical revisions to comply with law and existing policy, and to revise language for clarity.

August 7, 2018:

- Technical revisions to equalize the active-service modified duties period between semester and quarter campuses.
- Technical revisions to delete charts I-IV pending legal review of policy.

For details on prior revisions, please visit the [Academic Personnel and Programs website](#).

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760-37 Related Policies

Benefits and Privileges: APM - 760 - Family Accommodations for Childbearing and Childrearing**760-0 Policy**

Family accommodation policies for childbearing and childrearing responsibilities are fundamental to an equitable and productive academic environment. The University of California's family accommodation policies and programs assist faculty and other academic appointees in balancing the needs of work and family.

760-8 Types of Family Accommodations for Childbearing and Childrearing

- a. Childbearing and Pregnancy Disability Leave with or without pay (APM -760-25)
- b. Childrearing Leave (APM - 760-27)
- c. Active service-modified duties (APM - 760-28)
- d. Part-time appointment and reduction in percentage of time of an appointment to accommodate family needs (APM - 760-29)
- e. Stopping the clock for the care of a child or children (APM -760-30)
- f. Deferral of personnel reviews (APM - 760-31)

760-25 Childbearing and Pregnancy Disability Leave**a. Description and Eligibility**

An academic appointee who is disabled because of pregnancy, childbirth, or related medical conditions is eligible for childbearing leave for the period prior to, during, and after childbirth, regardless of the length of University Service. Childbearing leave may also be used for prenatal care.

Consistent with the California Pregnancy Disability Leave Law (PDLL), an academic appointee who is disabled because of pregnancy, childbirth, or related medical conditions is eligible to take an unpaid childbearing leave ("Pregnancy Disability Leave") for up to four (4) months during the period of actual disability, as certified by the appointee's health-care provider, and may also use Pregnancy Disability Leave for prenatal care. Such Pregnancy Disability Leave will run concurrently with any childbearing leave under this policy.

During a childbearing leave and/or Pregnancy Disability Leave, no duties shall be required by the University. Nor shall duties be postponed for after an appointee's return without the appointee's agreement.

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Childbearing leave and/or Pregnancy Disability Leave need not be taken in one continuous period of time but may be taken on an intermittent or reduced schedule basis when medically advisable.

An academic appointee may be eligible for employer-paid Basic Disability Insurance benefits and, if enrolled, for employee-paid Voluntary Short-Term or Voluntary Long-Term Disability Insurance Plan benefits if unable to work because of pregnancy disability. Before any of these disability benefits begin, an appointee who accrues sick leave must use accrued sick leave (during any applicable waiting period) in accordance with the terms of the benefits.

b. Pay Status

While childbearing leaves and Pregnancy Disability Leaves are generally unpaid, an appointee may have the opportunity to use accrued leave and/or continue to receive compensation during such leaves under the following provisions:

- 1) An academic appointee who accrues sick leave or vacation leave credit may, at the appointee's option, use such accrued leave credit in lieu of taking childbearing leave and/or Pregnancy Disability Leave without pay.
- 2) A member of the Academic Senate will receive at least the member's approved base salary for up to eight (8) weeks while unable to perform the member's normal University obligations. Any additional compensation under the Health Sciences Compensation Plan (HSCP) shall be paid in accordance with HSCP School Implementing Procedures.
- 3) A non-Senate academic appointee who does not accrue sick leave and who has served in any UC academic title for at least twelve (12) consecutive months will receive at least the appointee's approved base salary for up to eight (8) weeks while unable to perform the appointee's normal University obligations. Any additional compensation under the HSCP shall be paid in accordance with HSCP School Implementing Procedures.
- 4) A non-Senate academic appointee who does not accrue sick leave and who has not served in any UC academic title for at least twelve (12) consecutive months will receive at least the appointee's approved base salary for approximately the period which would be accrued during the appointment in accordance with the accrual rates in [APM - 710-18](#). Any additional compensation under the HSCP shall be paid in accordance with HSCP School Implementing Procedures.

c. Accommodation of Pregnancy

As an alternative to or in addition to a childbearing leave, the University shall (i) provide the appointee with reasonable accommodation upon request, which could include temporarily modifying a pregnant appointee's position and/or (ii) transfer the appointee to a less strenuous or hazardous position upon request. Such requests will be granted if

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medically advisable according to the appointee's health-care provider and if they can be reasonably accommodated. Such reasonable accommodations or transfer shall not be counted against an eligible academic appointee's entitlement to childbearing leave and/or Pregnancy Disability Leave unless the appointee takes intermittent leave or works a reduced schedule as a result.

d. Interaction with Family and Medical Leave Entitlement

Pregnancy Disability Leave under the PDLL is a form of family and medical leave and shall run concurrently with childbearing leave under this policy.

In addition, if an academic appointee on a childbearing leave is eligible for family and medical leave under the federal Family and Medical Leave Act (FMLA) (see [APM - 715-14](#)), the first twelve (12) workweeks of that leave in any calendar year shall run concurrently with family and medical leave under the FMLA. When on family and medical leave, the department, and not the academic appointee, shall arrange for others to cover work assignments during the absence. If an appointee would like to participate in this coordination of work assignments prior to the start of the leave, the appointee should notify the department.

e. Effect on Benefits

An academic appointee on childbearing leave and/or Pregnancy Disability Leave under the PDLL, with or without pay, shall be entitled to continue participation in health coverage (medical, dental, and vision) as if on pay status for up to four (4) months per pregnancy. Other group insurance coverage and retirement benefits shall be administered in accordance with the provisions of the applicable group insurance and retirement system regulations. Local Benefits Offices will provide information on how to continue insurance coverage.

760-27 Childrearing Leave

Childrearing leave consists of parental bonding leave and/or parental leave which is more fully described below.

a. Parental Bonding Leave

An academic appointee who is eligible for family and medical leave (see [APM - 715-14](#)) shall be granted an unpaid leave to bond with the appointee's child after the child's birth or placement with the appointee for adoption or foster care, and to attend to matters related to the birth, adoption, or placement of the child for up to twelve (12) workweeks ("Parental Bonding Leave").

Parental Bonding Leave must be concluded within twelve (12) months following the child's birth or placement. Such leave must be taken in increments of at least two (2) weeks; however, an appointee may take such leave in increments of less than two (2) weeks' duration on any two (2) occasions.

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b. Parental Leave

An academic appointee is eligible for a full-time or part-time parental leave without pay for up to one (1) year to care for a child (“Parental Leave”). The child may be the appointee’s child or that of a spouse or domestic partner.

c. Interaction with Family and Medical Leave Entitlement

Parental Bonding Leave under the FMLA and/or CFRA is a form of family and medical leave and shall run concurrently with Parental Leave taken pursuant to this policy. Parental Bonding Leave is more restrictive than Parental Leave. Parental Bonding Leave must be concluded within twelve (12) months following the child’s birth or placement. Such leave must be taken in increments of at least two (2) weeks; however, an appointee may take such leave in increments of less than two (2) weeks duration on any two (2) occasions.

d. Pay Status

While both Parental Bonding Leave and Parental Leave are generally unpaid, an appointee may have the opportunity to use accrued leave or other available pay options to continue to receive ~~some~~ compensation during such leave as outlined below.

1) Pay for Family Care and Bonding (PFCB)**i. General**

In order to support academic appointees’ need to take leave to care for their family members, the University offers eligible appointees PFCB, which is ~~an partial~~-income replacement option for up to eight (8) workweeks per calendar year. To be eligible for PFCB, an academic appointee must be on an approved block family and medical leave taken for one of the qualifying reasons below, and the appointee must be taking that leave in a block of a minimum of one (1) workweek.

Family and medical leaves that qualify for the PFCB option are those leaves taken under the FMLA and/or CFRA for the following reasons: (i) to care for a family member with a serious health condition (see [APM - 715-0-b](#) for the list of qualifying family members); (ii) for Parental Bonding Leave (see [APM - 715-0-d](#) and [APM - 760-27](#)); (iii) for Qualifying Exigency Leave (see [APM - 715-0-f](#)); or (iv) for Military Caregiver Leave (see [APM - 715-17](#)). [APM - 715-14](#) outlines the eligibility requirements for family and medical leaves. PFCB is not an option available during any other type of leave.

If an appointee elects to use PFCB for a particular qualifying family and medical leave block leave rather than using paid leave accruals, other available pay options or taking the leave without pay, the appointee must continue to use PFCB until they either exhaust their full eight (8)

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workweeks of PFCB for the calendar year or that qualifying family and medical leave block leave ends. If their leave ends before they have used the full eight (8) workweeks of PFCB for the calendar year, the remainder is available to use during a qualifying family and medical leave block leave later in the calendar year. For an academic appointee holding an appointment with a definite end date, family and medical leave may not be approved beyond the end date of the appointment; therefore, the PFCB option is not available beyond the end date of that appointment.

~~An appointee may not use paid leave accruals (vacation, sick leave) or any other available pay option while receiving PFCB.~~

For participants in the Health Sciences Compensation Plan (HSCP), PFCB interacts with pay options available under the participant's specific School HSCP Implementing Procedures and/or department specific procedures as follows:

- a. If an academic appointee is taking a family and medical leave that would qualify for the PFCB option and there is no HSCP pay option available for that leave, the appointee will have the option to use PFCB for that leave.
- b. If an academic appointee is taking a family and medical leave that qualifies for the PFCB option and also an HSCP pay option and they would receive more pay with the PFCB option, PFCB will be the option available to the appointee for that leave. If the appointee elects to use that PFCB option for the leave, the appointee's PFCB entitlement would be decremented, and their HSCP entitlement would also be decremented.
- c. If an academic appointee is taking a family and medical leave that qualifies for the PFCB option and also an HSCP pay option and they would receive more pay with the HSCP option, HSCP will be the option available to the appointee for that leave. If the appointee elects to use that HSCP option for the leave, the appointee's HSCP entitlement would be decremented, and their PFCB entitlement would also be decremented.
- d. If an academic appointee is using an HSCP pay option during an intermittent or reduced schedule family and medical leave that would qualify for PFCB if taken in a block of one (1) workweek or more, the appointee's HSCP entitlement would be decremented, and their PFCB entitlement would also be decremented.

For academic appointees covered by a Memorandum of Understanding (MOU), the MOU governs whether PFCB is available to those appointees and, if so, the terms of PFCB.

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ii. PFCB Calculation

The PFCB option provides pay calculated at ~~seventy-one hundred~~ percent (~~70~~100%) of an appointee's eligible earnings.

a. Eligible Earnings

Eligible earnings include an appointee's base salary payable through the University. Base salary includes on-scale, off-scale, and above-scale, and X and X-prime (X') components for Health Sciences Compensation Plan (HSCP) participants. Eligible earnings do not include pay that is received in addition to the appointee's regular appointment such as "by agreement" payments, administrative stipends, honoraria, compensation for extension teaching, summer session teaching, any negotiated Y and Z payments for HSCP participants, and any other cash compensation received that exceeds one hundred percent (100%) of the base salary of the full-time equivalent of the appointee's eligible appointment(s). However, if the appointee's only appointment is for extension or summer session teaching or is a "by agreement" appointment, and the appointee meets all other PFCB eligibility criteria, those earnings are considered eligible earnings.

b. Appointments Established at a Fixed Percentage

If the academic appointee has an appointment established at a fixed percentage, PFCB is based on the salary rate in effect during the appointee's leave.

c. Appointees Reporting Time on a Variable Basis

If the academic appointee reports time on a variable basis, eligible earnings are an average of the appointee's eligible earnings for the three (3) calendar months (for an appointee paid on a monthly basis) or six (6) pay periods (for an appointee paid on a bi-weekly basis) immediately prior to the period in which the leave begins, excluding periods with approved leave without pay. This average is calculated as follows:

- (1) For an appointee paid on a bi-weekly basis, the sum of hours paid in the six (6) pay periods immediately prior to the period in which the leave begins is divided by twelve (12) to determine the average hours worked per week. The average hours worked per week is ~~then multiplied by 0.7 to determine~~ the number of hours per week the appointee is to be paid while receiving PFCB.

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- (2) For an appointee paid on a monthly basis, the sum of the time paid in the three (3) calendar months immediately prior to the period in which the leave begins is divided by three (3) to determine the average time worked per month. The average time worked per month is ~~then multiplied by 0.7 to determine~~ the time per month the appointee is to be paid while receiving PFCB.

If the consecutive three (3) months or six (6) bi-weekly pay periods immediately preceding the beginning of the leave cannot be used due to approved leave without pay, the look-back period may be extended up to, but no longer than, one (1) year prior to the beginning of the leave, using the most recent applicable pay periods not to exceed the term of the appointment.

iii. Pay and Benefits Considerations

a. Taxability and Deductions

PFCB is considered taxable wages. An appointee's normal deductions are taken from PFCB.

b. Vacation and Sick Accruals

~~Because an appointee is paid seventy percent (70%) of eligible earnings when receiving PFCB, When the appointee is receiving PFCB, sick~~ accruals (see APM - 710-18), and vacation accruals (see APM - 730-20-f) are calculated as if the appointee is on pay status for ~~seventy-one hundred~~ percent (70100%) of their normal work effort. For accrual of sabbatical leave credit during PFCB, see APM 715-42.

c. Employment Service Credit

Employment service credit is used to determine years of qualifying service for an appointee's vacation accrual rate and for eligibility for service awards. Appointees accrue one (1) month of employment service credit for each month in which they are on pay status at least fifty percent (50%) time. ~~If receiving PFCB results in a pay status of less than fifty percent (50%) in a given month, an appointee will not receive employment service credit for that month. When an appointee is receiving PFCB, employment service credit is calculated as if the appointee is on pay status for one hundred percent (100%) of their normal work effort.~~

d. Retirement Service Credit

Retirement service credit (i.e., service earned as a UCRP member

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or UC Defined Contribution Savings Choice participant) is earned based upon an appointee's covered compensation and their full time equivalent compensation from a UCRP-eligible appointment. While receiving PFCB, an appointee will continue to make required contributions to retirement plans. An eligible appointee who is receiving PFCB will receive ~~seventy-one hundred~~ percent (~~70100~~%) of the retirement service credit they would have earned in their normal work effort.

e. Benefits

Health and welfare benefits deductions will be taken from PFCB in accordance with the appointee's benefit elections. Receiving PFCB does not, in itself, affect benefits status or eligibility. However, benefits regulations affecting return to pay status after a leave without pay will apply if an appointee returns to pay status by receiving PFCB.

2) Other Pay Options During a Childrearing Leave

Accrued sick or accrued vacation leave may be used, at the appointee's option, during a Parental Bonding Leave or Parental Leave that would otherwise be unpaid.

Any additional compensation under the Health Sciences Compensation Plan (HSCP) shall be paid in accordance with HSCP School Implementing Procedures.

e. Effect on Benefits

An academic appointee on Parental Bonding Leave under the FMLA and/or CFRA, with or without pay, shall be entitled to continue participation in health coverage (medical, dental, and vision) as if on pay status. Other group insurance coverage and retirement benefits shall be administered in accordance with the provisions of the applicable group insurance and retirement system regulations.

An appointee on a Parental Leave that does not qualify as a Parental Bonding Leave under the FMLA and/or CFRA is responsible for the continuation of benefits during any unpaid portion of the leave.

Details on how to continue insurance coverage are available from local Benefits Offices.

760-28 Active Service-Modified Duties**a. Description and Eligibility**

Active service-modified duties is a period during which normal duties are reduced so that an academic appointee may prepare for and/or care for a newborn child or a child newly placed for adoption or foster care. To be eligible for active service-modified duties, an

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academic appointee must be responsible for fifty percent (50%) or more of the care of a child. The child may be the appointee's child or that of a spouse or domestic partner. An appointee is eligible for a period of active service-modified duties for each event of birth or placement. The birth or placement of one (1) or more children at the same time constitutes a single event of birth or placement. Eligibility for a period of active service-modified duties shall normally begin three (3) months prior to the birth or placement and continue for up to twelve (12) months following the birth or placement.

A childbearing appointee who has a full-time appointment for at least one (1) full academic year (three (3) quarters or two (2) semesters) is eligible for a total period of childbearing leave plus active service-modified duties of three (3) quarters (or two (2) semesters) to enable recovery from the effects of pregnancy and childbirth and to prepare for and/or care for the newborn child. If an appointee gives birth during the summer or an off-duty term, the appointee is eligible for a total period of active service-modified duties of three (3) quarters (or two (2) semesters).¹

All other academic appointees are eligible for a total period of childbearing leave plus active service-modified duties of one (1) quarter (or one (1) semester).²

An academic appointee shall provide notice to the department chair or unit head of the need for a period of active service-modified duties. The notice must include a written statement by the appointee certifying that the appointee is responsible for fifty percent (50%) or more of the care of a newborn child or a child newly placed for adoption or foster care. The proposed modifications should then be discussed with the appointee and are subject to approval by the Dean and/or Chancellor. During a period of active service-modified duties, the appointee is on active service and is expected to perform some portion of the appointee's normal duties. A period of active service-modified duties is not a leave of absence.

For ladder-rank faculty, the modification of duties normally will be either partial or full relief from teaching without the assignment of additional teaching duties before or after to offset the teaching relief. In the quarter or semester of a childbearing or pregnancy disability leave there must be full relief from teaching duties. For other eligible faculty who primarily have teaching duties, the modification of duties normally will be partial teaching relief or the assignment of additional resources such as teaching assistants or readers, as appropriate. For all other eligible academic appointees, the modification of duties normally will be a reduced workload (see APM - 760-28-b(2)).³

b. Pay Status

Pay status during a period of active service-modified duties shall be based on the following

¹ This paragraph does not apply to Health Sciences Compensation Plan faculty members; see APM - 760-28-c for relevant provisions.

² This paragraph does not apply to Health Sciences Compensation Plan faculty members; see APM - 760-28-c for relevant provisions.

³ This paragraph does not apply to Health Sciences Compensation Plan faculty members; see APM - 760-28-c for relevant provisions.

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- 1) Faculty members will continue to receive their regular monthly salary.⁴
- 2) Academic appointees who accrue sick leave shall use such accrued sick leave credit in proportion to the reduced workload. When sick leave credit has been exhausted or for those non-faculty academic appointees who do not accrue sick leave, pay will be reduced in proportion to the reduced workload. A reduction in appointment percentage may affect an appointee's health and welfare and retirement benefits.

c. Provisions for Health Sciences Compensation Plan Faculty Members

During a period of active service-modified duties, faculty who are participants in the Health Sciences Compensation Plan (HSCP) with clinical responsibilities may reduce clinical duties in lieu of teaching relief, as appropriate. Modification of clinical duties is not a reduction in percentage of effort in clinical duties. Terms of clinical duty reduction expectations with regard to this provision shall be routinely documented by the HSCP School Implementing Procedures. For non-HSCP faculty who have clinical duties, modification of duties could be a reduction of clinical duties and an overall reduced workload.

At a minimum, HSCP faculty members are eligible for a total period of childbearing leave plus active service-modified duties of up to one (1) quarter (or one (1) semester) for each event of birth or placement for adoption or foster care. For an HSCP faculty member who is a childbearing appointee, an additional two (2) quarters (or one (1) semester) of active service-modified duties to enable recovery from the effects of pregnancy and childbirth and to prepare for and/or care for the newborn child may be approved in accordance with campus policies. During a period of active service-modified duties, HSCP faculty members will receive pay no less than their approved base monthly salary. Any additional compensation under the HSCP shall be paid in accordance with HSCP School Implementing Procedures.

760-29 Part-Time Appointment and Reduction in Percentage of Time of an Appointment to Accommodate Family Needs

Academic appointees may be eligible for appointment to a part-time position or may be eligible to reduce the percentage of time of their appointment from full-time to part-time for a specified period of time or permanently to accommodate family needs. The Chancellor has authority to approve such appointments. Members of the Health Sciences Compensation Plan who reduce the percentage of time of their appointment remain under the same terms of the Plan during the period that their appointment is reduced (see [APM - 670](#)). For provisions regarding part-time appointments in the Professor series, see [APM - 220-10, -16-c, -16-d, -18-b, and Appendix B](#).

⁴ This paragraph does not apply to Health Sciences Compensation Plan faculty members; see [APM - 76-28-c](#) for relevant provisions.

760-30 Stopping the Clock for the Care of a Child or Children

- a. An academic appointee may stop the clock during the probationary period to care for any child who is or becomes part of a faculty member's family. To be eligible to stop the clock, an appointee at the Assistant or Potential for Security of Employment level must be responsible for fifty percent (50%) or more of the care of a child. The birth or placement of one (1) or more children at the same time constitutes a single event of birth or placement. An appointee is eligible to stop the clock even if the appointee does not take a formal leave or have a modification of duties. [APM - 133\(3\) and h\(1\)](#).
- b. An academic appointee must provide notice of intent to stop the clock within two (2) years of a birth or placement and before July 1 of the academic year in which a promotion review is to occur. Each notice must include a written statement by the appointee certifying that the appointee is responsible for fifty percent (50%) or more of the care of the child or children.
- c. The clock may not be stopped after July 1 of the academic year in which a promotion review is to occur or in cases where there has been a review that has resulted in a decision not to continue the individual's appointment.
- d. Stopping the clock will not delay the timing of a merit or reappointment review. However, academic appointees may request to defer a formal appraisal or promotion review by one (1) year to correspond with the stopping of the clock in accordance with campus policies.

760-31 Deferral of Personnel Reviews

An academic appointee at the Associate level or above may request deferral of a personnel review to accommodate family needs in accordance with campus policies.

Academic appointees shall not be arbitrarily disadvantaged in their promotion, advancement, or compensation because they have elected to take a childbearing or childrearing leave, to stop the clock, or to defer a personnel review. Personnel reviews that are deferred due to a family accommodation as defined in [APM - 133-17-g-i](#) or [APM - 760](#) should be treated procedurally in the same manner as personnel reviews conducted at the usual intervals. The file shall be evaluated without prejudice as if the work were done in the normal period of service and so stated in the department chair's or unit head's letter.

760-35 General Provisions**a. Notice**

When academic appointees are aware that they will need to take a childbearing or childrearing leave or to participate in a period of active service-modified duties, they

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should provide sufficient advance notice to allow their department or unit to make replacement teaching and other arrangements. At a minimum, thirty (30) days advance notice should be given.

b. Duration

- 1) The aggregate duration of all leaves plus periods of active service- modified duties may not exceed one (1) year for a single event of birth of a child or of placement of a child for adoption or foster care, unless otherwise required by law. The child may be the appointee's child or that of a spouse or domestic partner. The birth or placement of one (1) or more children at the same time constitutes a single event of birth or placement.
- 2) An academic appointee is not eligible for a childbearing leave, a childrearing leave, a family and medical leave, or a period of active service-modified duties beyond the established end date of the appointment. If the appointment is renewed or extended, or if a subsequent appointment is made, the appointee may continue a leave or period of active service--modified duties, provided the maximum time allowed for such leaves or accommodation(s) has not been used.

c. Effect on the Eight-Year Limitation of Service of Assistant Level Appointees

Any childbearing or childrearing leave that is equal to or exceeds one (1) semester or one (1) quarter and that is not greater than one (1) year, whether with or without salary, shall automatically be excluded from service toward the eight-year limit unless the academic appointee informs the department chair or unit head in writing before, during, or within one (1) quarter or semester after the leave that it should not be excluded from service toward the eight-year limit. Exclusion of one (1) or two (2) quarters or one (1) semester will not necessarily delay the timing of a review. (See [APM - 133-17-g\(3\)](#).)

A period of active service-modified duties is not a leave of absence and is included as service toward the eight-year limit.

For determining years toward the eight-year limitation of service, the combined total of periods of leave for family accommodations, other leaves unrelated to academic duties, and time off the clock may not exceed two (2) years.

d. Sabbatical Leave Credit

An academic appointee does not accrue sabbatical leave credit during a childbearing leave with or without pay for one (1) quarter or semester or more, or during a childbearing or parental leave without pay. (See [APM - 740-11-h\(3\)](#) and [\(4\)](#)). During a period of active service-modified duties, an appointee accrues credit toward sabbatical leave in accordance with standard accrual provisions. (See [APM - 740-11](#)). In order for an individual to accrue sabbatical leave credit, service must be at half time or more. (See [APM - 740-11-a](#), [-b](#), and [-c](#)).

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e. Reinstatement Following Childbearing or Childrearing Leaves

- 1) An appointee who takes a childbearing leave shall be reinstated to the same position if return to work occurs within four (4) months and immediately following the childbearing leave. If a non-Senate academic appointee would have been laid off or terminated had the appointee been working rather than on leave, reinstatement shall be to a comparable position at the same location. If a comparable position is not available, the appointee shall be afforded the same considerations afforded to other non-Senate academic appointees who are laid off or terminated pursuant to the provisions of [APM - 145](#), Non-Senate Academic Appointees/Layoff and Involuntary Reduction in Time; [APM - 150](#), Non-Senate Academic Appointees/Corrective Action and Dismissal; or applicable Memorandum of Understanding.
- 2) If an appointee takes a childrearing leave, the appointee shall be reinstated to the same or an equivalent position, provided that the appointee returns to work immediately following the childrearing leave. If a non-Senate appointee would have been laid off or terminated had the appointee been working rather than on leave, the appointee shall be afforded the same considerations afforded to other non-Senate academic appointees who are laid off or terminated pursuant to the provisions of [APM - 145](#), Non-Senate Academic Appointees/Layoff and Involuntary Reduction in Time; [APM - 150](#), Non-Senate Academic Appointees/Corrective Action and Dismissal; or applicable Memorandum of Understanding.
- 3) Appointees whose appointments have a definite end date are not entitled to a leave or continuation of appointment beyond the end date of that appointment.

f. Records

Chancellors shall assure that appropriate records are maintained for appointees who utilize a family accommodation as defined in APM - 760. Records relating to a family and medical leave shall be maintained separately from other personnel records.

760-37 Related Policies

For related policies, refer to the Academic Personnel Manual sections listed below:

- a. [APM - 133-17](#), Computation of Years of Service (see [APM - 133-17-g](#), [-h](#), [-i](#), and [-j](#) for provisions on leaves, stopping the clock, and personnel reviews that are deferred due to a family accommodation as defined in APM -760)
- b. [APM - 210-1](#), Instructions to Review Committees That Advise on Actions Concerning Appointees in the Professor and Corresponding Series (see [APM - 210-1-c\(4\)](#) for provisions on assessment of evidence)
- c. [APM - 220](#), Professor Series (see [APM - 220-10](#), [-16-c](#), [16-d](#), [18-b](#), and [Appendix B](#) for provisions on part-time appointments, reductions in percentage of time of an appointment,

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and personnel reviews that are deferred due to a family accommodation as defined in APM - 760)

- d. [APM - 670](#), Health Sciences Compensation Plan
- e. [APM - 671](#), Conflict of Commitment and Outside Activities of Health Sciences Compensation Plan Participants
- f. [APM - 710](#), Leaves of Absence/Sick Leave/Medical Leave
- g. [APM - 715](#), Leaves of Absence/Family and Medical Leave
- h. [APM - 730](#), Leaves of Absence/Vacation

Revision HistoryJanuary 1, 2023:

- Substantive revisions to reflect change in percentage of income replacement for Pay for Family Care and Bonding pay option from 70% to 100% of eligible earnings.

July 1, 2021:

- Substantive revisions to clarify intent of language.
- Technical revisions to remove gendered language and to correct minor grammatical errors.
- Language added to address the new Pay for Family Care and Bonding pay option.
- Increased pay for childbearing leave for eligible appointees from six to eight weeks.
- Removed eligibility criteria for age of child for ASMD.

May 1, 2019:

- Technical revisions to comply with law and existing policy, and to revise language for clarity.

August 7, 2018:

- Technical revisions to equalize the active-service modified duties period between semester and quarter campuses.
- Technical revisions to delete charts I-IV pending legal review of policy.

For details on prior revisions, please visit the [Academic Personnel and Programs website](#).

MODEL COMMUNICATION

The University invites comments on proposed revisions to Sections 715 and 760 of the Academic Personnel Manual:

- APM - 715, Leaves of Absence/Family and Medical Leave
- APM - 760, Family Accommodations for Childbearing and Childrearing

Summarized below are the proposed key policy revisions that are being distributed for systemwide review.

- Proposed revisions are being made to APM - 715, Leaves of Absence/Family and Medical Leave, and APM - 760, Family Accommodations for Childbearing and Childrearing in order to reflect the increase in the paid family leave benefit from 70% to 100% of eligible earnings, with a proposed effective date of January 1, 2023. All other aspects of the policies will remain the same.

The proposed revisions to APM - 715 and APM - 760 are posted to the [Academic Personnel and Programs website](#) under the “Systemwide Review” tab. It may also be viewed at _____ [e.g., *the campus Academic Personnel Office or Human Resources Office*].

If you have any questions or if you wish to comment, please contact _____ at _____, no later than _____, 2022.