

Executive Board

(Systemwide Senate Review) Proposed Revisions to APM
- 710, Leaves of Absence/Sick Leave/Medical Leave

Table of Contents

Exec Divisional Response - UCLA Senate re (Systemwide Review) APM 710_2023 July 11	1
Exec 2023-04-24_APM-710_Systemwide_Review_Cover_Letter	2
Exec 2023-04-24_APM-710_TRACKED	5

July 11, 2023

Susan Cochran
Chair, UC Academic Senate

Re: (Systemwide Senate Review) Proposed Revisions to APM- 710, Leaves of Absence/Sick Leave/Medical Leave

Dear Chair Cochran,

The divisional Executive Board appreciated the opportunity to review the Proposed Revisions to APM - 710, Leaves of Absence/Sick Leave/Medical Leave. The Executive Board (EB) reviewed the proposal at its meeting on June 8, 2023. After discussion, members voted to approve a motion to endorse the proposed revisions as written.

Sincerely,



Jessica Cattelino
Chair
UCLA Academic Senate

Cc: April de Stefano, Executive Director, UCLA Academic Senate
Andrea Kasko, Vice Chair/Chair Elect, UCLA Academic Senate
Shane White, Immediate Past Chair, UCLA Academic Senate



OFFICE OF THE VICE PROVOST -
ACADEMIC PERSONNEL AND PROGRAMS

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

April 24, 2023

CHANCELLORS
ACADEMIC COUNCIL CHAIR SUSAN COCHRAN
LABORATORY DIRECTOR MICHAEL WITHERELL
ANR VICE PRESIDENT GLENDA HUMISTON

**Re: Systemwide Review of Proposed Revisions to Academic Personnel Manual (APM)
Section 710, Leaves of Absence/Sick Leave/Medical Leave**

Dear Colleagues:

Enclosed for systemwide review are proposed revisions to the following sections of the Academic Personnel Manual (APM):

- APM - 710, Leaves of Absence/Sick Leave/Medical Leave

The proposed revisions are intended to address substantive matters discussed in more detail below.

Background

On September 29, 2022, Governor Newsom signed AB 1041 which permits employees to take leave under CFRA to care for a “designated person” with a serious health condition. This legislation went into effect January 1, 2023. The proposed technical revisions, which were distributed for Management Consultation from March 9, 2023, through April 10, 2023, are necessary to bring APM -710 into compliance with the CFRA amendment. The proposed revisions to APM - 710 also permit the use of sick leave for designated persons.

Key Policy Revisions

The proposed changes are largely technical revisions to add a designated person for family and medical leave due to changes to the California Family Rights Act (CFRA), effective January 1, 2023. Proposed substantive changes are made to the following APM - 710 section:

- 710-20 Use of Proposed Sick Leave

The proposed substantive change allows academic appointees to use accrued sick leave for medical appointments or illness of a designated person.

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 31, 2023**. Please submit your comments to VP-AcademicPersonnel@ucop.edu. If you have any questions, please contact Tiffany Wilson at tiffany.wilson@ucop.edu.

Sincerely,



Douglas M. Haynes
Vice Provost
Academic Personnel and Programs

Enclosures:

- 1) APM - 710, Leaves of Absence/Sick Leave/Medical Leave (clean copy)
- 2) APM - 710, Leaves of Absence/Sick Leave/Medical Leave (tracked changes copy)
- 3) Model Communication

cc: President Drake
Provost and Executive Vice President Newman
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 Personnel
Vice Chair Steintrager
Assistant Vice Provosts/Vice Chancellors for Academic Personnel
Associate Vice Provost Lee
Associate Vice President Matella
Deputy General Counsel Woodall

Executive Director Lin
Chief of Staff Kaos
Chief of Staff and Executive Director Henderson
Interim Chief of Staff Halimah
Chief of Staff Levintov
Chief Policy Advisor McAuliffe
Principle Counsel Mastro
Director Anders
Director Roller
Director Sykes
Associate Director DiCaprio
Associate Director Weston-Dawkes
Associate Director Woolston
Assistant Director LaBriola
Labor Relations Manager Cortez
Labor Relations Manager Garza
HR Manager Crosson
Administrative Manager Garcia
Policy Analyst Durrin
Policy Analyst Wilson
Administrative Officer Babbitt

DRAFT - Benefits and Privileges: APM - 710 - Leaves of Absence/Sick Leave/Medical Leave

710-0 Policy

- a. Faculty members do not accrue sick leave. However, eligible faculty members shall be granted paid medical leave for periods of personal illness, injury, or disability. (See APM - 710-11, or [APM - 670-20-c-\(1\) and \(2\)](#) if participating in the Health Sciences Compensation Plan(HSCP).)
- b. Eligible non-faculty academic appointees accrue sick leave. (See APM - 710-14 and APM - 710-18.)
- c. APM - 710 does not apply to Postdoctoral Scholars (see [APM - 390](#)).
- d. Student academic appointees do not accrue sick leave.
- e. For academic appointees holding an appointment with a specified ending date, sick leave or paid medical leave shall not be approved beyond the ending date of the appointment. In the event the appointment is renewed or extended or a subsequent appointment is made, further leave may be granted.
- f. See [APM - 715-20](#) regarding the use of sick leave during family and medical leaves 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, designated person, grandparent, grandchild, or sibling with a serious health condition; or (v) for Military Caregiver Leave.
- g. A paid or unpaid leave taken under this policy shall be counted against the appointee's family and medical leave entitlement if the leave qualifies as family and medical leave. (See [APM - 715-0](#)).
- h. For exclusively represented academic appointees, also refer to the applicable Memorandum of Understanding.

710-1 Related Policies

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

- a. [APM - 133](#), Limitation on Total Period of Service with Certain Academic Titles
- b. [APM - 670](#), Health Sciences Compensation Plan
- c. [APM - 711](#), Reasonable Accommodation for Academic Appointees with Disabilities
- d. [APM - 715](#), Leaves of Absence/Family and Medical Leave

- e. [APM - 730](#), Leaves of Absence/Vacation
- f. [APM - 760](#), Family Accommodations for Childbearing and Childrearing

710-11 Paid Medical Leave for Academic Appointees Who Do Not Accrue Sick Leave

Paid medical leave benefits for faculty who are participants of the HSCP are described in [APM - 670](#) and the relevant School Implementing Procedures and Department Guidelines. In the absence of specific School Implementing Procedures, the leave provisions as described in this policy will be used. Extended illness leave for HSCP participants may not exceed the maximum time period allowable under APM - 710-11-a and b.

Members of the faculty (as defined in [APM - 110-4-\(15\)](#)) who are not participants of the HSCP and who have a full-time appointment for at least a full academic year (three (3) quarters or two (2) semesters) who are unable to work for reasons of personal illness, injury, or disability shall be granted paid medical leave as follows:

- a. Eligible faculty members with less than ten (10) years of University of California service in a title listed in [APM - 110-4-\(15\)](#) that does not accrue sick leave shall be granted a maximum of two (2) quarters (or one (1) semester) for academic-year appointees, or six (6) months for fiscal-year appointees, of consecutive or intermittent paid medical leave within a ten (10) year period for personal illness, injury, or disability.
- b. Eligible faculty members with ten (10) or more years of University of California service in a title listed in [APM - 110-4-\(15\)](#) that does not accrue sick leave shall be granted a maximum of three (3) quarters (or two (2) semesters) for academic-year appointees, or twelve (12) months, for fiscal-year appointees, of consecutive or intermittent paid medical leave within each subsequent ten (10) year period for personal illness, injury, or disability.
- c. Paid medical leave under APM - 710-11 and [APM - 670-20-c](#) does not accrue. Therefore, if it is not used, it does not carry over to subsequent ten (10) year periods and does not convert to University of California Retirement Plan (UCRP) service credit upon retirement. Each ten (10) year period starts a new period of paid medical leave eligibility.
- d. Faculty members with term appointments will not be granted paid medical leave beyond the end date of the term appointment except in cases of reappointment.
- e. University of California Retirement Plan (UCRP) service credit accrues while an appointee is on a UC-paid medical leave, in accordance with UCRP provisions.
- f. Faculty members may also be eligible for employer-paid Basic Disability benefits and, if enrolled, for University of California employee-paid Voluntary Short-Term or Voluntary Long-Term Disability Insurance benefits.

- g. While receiving injury or illness compensation under the Workers' Compensation Act, an absent faculty member may use available paid medical leave to supplement Workers' Compensation payments, provided the total of the medical leave pay and workers' compensation benefit does not exceed the appointee's University of California Retirement Plan (UCRP) covered compensation for the period.

This policy provides paid leave in addition to normal childbearing and childrearing leaves. (See [APM - 760-25-b](#) or [APM - 670-20-c-\(2\)](#).)

710-14 Eligibility for Accrual of Sick Leave

The following groups of non-student academic appointees accrue sick leave credit provided the appointment is at fifty percent (50%) or more time. Appointees at less than fifty percent (50%) time do not accrue sick leave. Visiting appointees in the following titles or series are eligible to accrue sick leave credit. (See [APM - 230-20-f](#).) For appointees in the following title series who are covered by a Memorandum of Understanding, accrual of sick leave is governed by the applicable Memorandum of Understanding.

- a. Professional Research series
- b. Specialist series
- c. Specialist in Cooperative Extension series
- d. Cooperative Extension Advisor series
- e. Librarian series
- f. Associate University Librarian and Assistant University Librarian
- g. Continuing Educator series
- h. University Extension Teachers
- i. Academic Administrator series
- j. Academic Coordinator series
- k. Coordinators of Public Programs
- l. Project (e.g., *Scientist*) series

710-18 Rate of Accrual

Eligible fiscal-year appointees accrue sick leave at the rate of one (1) working day per month for full-time service, including leaves with pay. Eligible academic-year appointees accrue sick leave only during the months of their service period, at the rate of one (1) working day per month for full-time service, including leaves with pay. Eligible appointees at fifty percent (50%) or more time accrue sick leave at a proportionate rate; appointees at less than fifty percent (50%) time do not accrue sick leave.

An appointee who is on leave without pay for a work-incurred injury, illness, or disability and is receiving temporary disability payments accrues sick leave on the same basis as if regularly employed, but such accrued sick leave is credited to the appointee only upon return to work.

710-20 Use of Accrued Sick Leave

Use of accrued sick leave for academic appointees listed in APM - 710-14 is governed by the following:

- a. Accrued sick leave shall be used in keeping with normally approved purposes including personal illness; medical appointments; childbearing and childrearing (see [APM - 715](#) and [760](#)); disability; ~~medical appointments or illness of, or~~ bereavement for; an appointee's child, parent, spouse, domestic partner, sibling, grandparent, or grandchild; or medical appointments or illness of an appointee's child, parent, spouse, domestic partner, sibling, grandparent, grandchild, or designated person. For sick leave purposes, a "designated person" is any individual related by blood or whose association with the appointee is the equivalent of a family relationship at the time the appointee requests sick leave. Appointees are limited to one designated person per calendar year for sick leave purposes. In-laws or step relatives in the relationships listed, including relatives of the domestic partner who would be covered if the domestic partner were the appointee's spouse, are also covered. This provision also covers other persons residing in the appointee's household.
- b. Accrued sick leave may be used, at the appointee's option, during family and medical leave to which the appointee is entitled under [APM - 715](#) when the appointee is taking family and medical leave for any covered reason other than qualifying exigency leave. (See [APM - 715-0-f](#) for information on Qualifying Exigency Leave). In the case of the appointee's own illness, the appointee may be eligible for employer-paid Basic Disability benefits and, if enrolled, for University of California employee-paid Voluntary Short-Term or Voluntary Long-Term Disability Insurance benefits.
- c. While receiving injury or illness compensation under the Workers' Compensation Act, an absent appointee may also use accrued sick leave to supplement workers' compensation payments provided the total of the sick leave pay and workers' compensation benefit does not exceed the appointee's University of California Retirement Plan (UCRP) covered compensation for the period.
- d. Accrued sick leave shall be used in proportion to the reduced workload during periods of active service-modified duties. (See [APM - 760-28-b\(2\)](#).)

Leaves of Absence/Sick Leave/Medical Leave

- e. Academic appointees with term appointments will not be granted sick leave beyond the end date of the term appointment except in cases of reappointment.

710-24 Authority

Authority of Chancellors includes the Executive Vice President and Chief Operating Officer, the Provost and Executive Vice President, and the Vice President—Agriculture and Natural Resources in their areas of authority.

Authority to review and approve requests for sick leave and paid medical leave has been delegated as follows:

- a. The Chancellor shall determine the appropriate documentation and campus approval procedures for all paid and unpaid leaves due to illness, injury, or disability.
- b. The criteria used under the Family and Medical Leave Act (FMLA), California Family Rights Act (CFRA), and the Pregnancy Disability Leave Law (PDL) regulations will be used to determine required medical documentation during any family and medical leave (see [APM - 715](#)). The Chancellor should establish standards and procedures for the review of appropriate medical documentation for all other paid and unpaid leaves due to illness, injury, or disability. The information to be provided should include the appointee's estimated return to work date. Campuses should determine what constitutes adequate medical certification for approval of leaves that do not qualify as family and medical leave and when such documentation will be required. The University may require certification from a University-selected health-care provider before approving a leave that does not qualify as family and medical leave, in which case the University shall pay the reasonable costs of any medical examinations requested or required by the University.
- c. For academic appointees eligible to accrue sick leave, the Chancellor may approve sick leave up to the total of an appointee's accrued sick leave credit.
- d. For faculty members who do not accrue sick leave, the Chancellor is authorized to approve paid medical leave for personal health reasons in accordance with APM - 710-11 or [APM - 670-20-c](#) and campus guidelines. Such paid medical leave should be approved in advance whenever possible. Occasionally a Dean or department chair approves leaves for illness, injury, or disability for less than one (1) month. Such leaves should be counted against the maximum amount of paid medical leave provided under APM - 710-11 or [APM - 670-20-c](#). For any period of paid medical leave longer than one (1) month, prior approval should be obtained from the designated campus authority to avoid conversion to unpaid leave.
- e. For academic appointees who do not accrue sick leave and who are not eligible for paid medical leave under APM - 710-11 or [APM - 670-20-c](#), Chancellors may approve leave with or without pay pursuant to [APM - 758](#) and [APM - 759](#).
- f. Academic appointees are urged to apply for disability benefits before periods of paid sick leave or paid medical leave end.

- g. If an appointee exhausts accrued sick leave or paid medical leave, as applicable, and is still unable to return to work, Chancellors may approve leave without pay for up to one (1) year and may approve a longer leave without pay pursuant to [APM - 759](#). Updated medical information or documentation shall be required to demonstrate the appointee's continuing inability to return to work. (Alternatively, [APM - 080](#), Medical Separation, may be appropriate for long-term disability that cannot be reasonably accommodated).
- h. When an academic appointee is ready to return to work, the chair, in consultation with the Disability Management Office (or equivalent), may evaluate the appointee's ability to resume the duties of the position. The chair may request a release to return to work and/or request a health-care provider's statement outlining any limitations and any accommodations that might be requested. (See [APM - 711](#), Reasonable Accommodation for Academic Appointees with Disabilities). For leaves that do not qualify as family and medical leave, the University may require certification from a University-selected health-care provider before approving a return to work, in which case the University shall pay the reasonable costs of any medical examinations requested or required by the University.

710-28 Reasonable Accommodation for Academic Appointees with Disabilities

It is the policy of the University to provide reasonable accommodations to otherwise qualified academic appointees who are disabled or become disabled and need assistance to perform the essential functions of their positions, provided that the accommodation does not pose an undue hardship (see [APM - 711](#)).

710-38 Relation with Family and Medical Leave Entitlement

An appointee eligible for family and medical leave is entitled to up to twelve (12) workweeks of unpaid leave in a calendar year, unless the leave is taken as Military Caregiver Leave, which may be for up to twenty-six (26) workweeks in a single twelve (12) month period (see [APM - 715-17](#)), or Pregnancy Disability Leave, which may be for up to four (4) months per pregnancy (see [APM - 760-25](#)). For academic appointees who accrue sick leave and/or vacation leave, accrued paid leave may be used during a family and medical leave that would otherwise be unpaid as described in [APM - 715-20](#). For academic appointees who do not accrue sick leave and/or vacation leave, the Chancellor may approve leave with pay (see [APM - 710-11](#) or [APM - 670-20-c](#) for faculty who participate in the HSCP). Family and medical leaves will run concurrently with other approved leave(s) taken for a purpose that meets the criteria for a family and medical leave. See [APM - 710-11](#) regarding the maximum amount of paid medical leave that may be granted to faculty members for reasons of personal illness, injury, or disability.

710-40 Effect on the Eight-Year Probationary Period of Assistant Professors

To determine years toward the eight-year limitation of service, the combined total 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.)

710-42 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. (See [APM - 740-11-h\(3\) and \(4\)](#).)

710-44 Transfer of Accrued Sick Leave

An appointee who transfers from one position within the University in which sick leave accrues to another position within the University in which sick leave accrues shall have the sick leave transferred.

An appointee who transfers from a position within the University in which sick leave accrues to another position within the University in which sick leave does not accrue shall not have prior sick leave accruals transferred. However, the appointee shall retain the accrued sick leave balance, which may be available for use if the appointee later transfers to a position in which sick leave accrues or for conversion to UCRP service credit if the appointee retires, in accordance with UCRP provisions.

Unused accrued sick leave balances will be converted to UCRP service credit at retirement, in accordance with UCRP provisions, if an appointee retires within four (4) months after leaving University employment.

710-46 Reinstatement of Sick Leave

An appointee who is reemployed after a separation from employment of less than fifteen (15) calendar days shall have all accrued sick leave from prior service reinstated, unless the leave balance was previously converted to UCRP service credit upon retirement. If the separation from employment lasted more than fifteen (15) calendar days but less than six (6) months, not more than eighty (80) hours of accrued sick leave shall be reinstated as determined by the Chancellor. If the separation lasted for six (6) months (180 days) or more, accrued sick leave shall not be reinstated. For purposes of this section only, State of California service shall be treated the same as University service.

An appointee who is reemployed from layoff status shall have all accrued sick leave reinstated in accordance with [APM - 145-36](#), Benefits Upon Reemployment.

710-95 Records

Chancellors and Vice Presidents shall assure that appropriate records are maintained in the department (or specified unit) for those academic appointees under their jurisdictions. Records relating to family and medical leave shall be maintained separately from other personnel records.

Revision History

[DATE TBD]:

- Technical revisions to add a designated person for family and medical leave due to changes to CFRA, effective 1/1/23.

Rev. 2/40/2022xx/xx/2023

Page 7

BENEFITS AND PRIVILEGES
Leaves of Absence/Sick Leave/Medical Leave

DRAFT
APM - 710

- Policy updated to permit use of sick leave for medical appointments or illness of a designated person, effective January 1, 2023.

February 10, 2022 :

- Technical revisions to add additional qualifying family members for family and medical leave due to changes to CFRA.

July 1, 2021:

- Technical revisions to clarify language.

May 1, 2019:

- Technical revisions to comply with law and existing policy, and to revise language for clarity. In addition, references to work incurred injury, illness, or disability were relocated to [APM - 715](#).

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