

## **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.<sup>1</sup>
- 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;

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<sup>1</sup> 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 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 a 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 percent (70%) 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 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 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, 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 percent (70%) 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.

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%) 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**

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.

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- 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](#).