

University of California
Substantive Revisions to the Leave-Related Policies of the APM - 700 Series
Implementation Toolkit

Academic Personnel Policy Manual Sections
700, 710, 715, 720, 730, 740, 750, 751, 752, 758 and 760

Effective July 1, 2021

Contents

1. Implementation Guidance for the Revised Leave-Related Policies of the APM -700 Series (APM 700, 710, 720, 730, 740, 750, 751, 752, 758 and 760)
2. Implementation Guidance on Pay for Family Care and Bonding (PFCB) for Academic Appointees
3. Guidance Regarding the California Family Rights Act (CFRA) Amendments, Updated December 16, 2021

Implementation Guidance for the Revised Leave-Related Policies of the APM - 700 Series

I. Introduction

- On June 21, 2021, Provost and Executive Vice President Michael T. Brown, formally issued the following revised sections of the Academic Personnel Manual (APM), effective July 1, 2021¹:
 - APM - 700, Leaves of Absence/General
 - APM - 710, Leaves of Absence/Sick Leave/Medical Leave
 - APM - 715, Leaves of Absence/Family and Medical Leave
 - APM - 720, Leaves of Absence/Holidays
 - APM - 730, Leaves of Absence/Vacation
 - APM - 740, Leaves of Absence/Sabbatical Leaves
 - APM - 750, Leaves of Absence/Leave for Service to Governmental Agencies
 - APM - 751, Leaves of Absence/Military Leave
 - APM - 752, Leaves of Absence/Leave to Attend Professional Meeting
 - APM - 758, Leave of Absence/Other Leaves with Pay
 - APM - 760, Family Accommodations for Childbearing and Childrearing

- The revised policies include substantive revisions to add new pay options for family care and bonding, increase paid childbearing leave for certain appointees who do not accrue sick leave, codify jury duty leave and bereavement leave, as well as technical revisions to comply with changes to the law, to remove gendered language, and to provide clarity in policy language.

- The purpose of this toolkit is to provide campus Academic Personnel offices with guidance on the implementation of the revised policies that are effective July 1, 2021.

II. Effective Date and Implementation Date

- The revised suite of policies are effective as of July 1, 2021.
- Campuses must begin implementing the revised policies on July 1, 2021, including the new Pay for Family Care and Bonding (PFCB) pay option. The legal changes noted in the “Guidance Regarding the California Family Rights Act (CFRA) Amendments effective January 1, 2021” were effective January 1, 2021 so campuses should already be complying with the law.

III. Implementation Guidance on Policy Revisions

- **APM - 700, Leaves of Absence/General**

¹ Note that revisions to APM - 759, Leaves of Absence/Other Leaves Without Pay were not included with the June 21, 2021 issuance package. Revisions to APM - 759 are still pending and will be issued at a later date. Campuses should continue to follow existing APM - 759, last revised December 14, 2000.

In response to the University's shift to a remote work environment during the COVID-19 pandemic, new language has been added to the presumptive resignation section (APM - 700-30) to address remote work situations in relation to an appointee's absence from academic duty. Previous policy language addressed "absence from academic duty" only as it related to physical presence.

The new language in APM - 700-30 provides that in times where remote work is authorized by the Chancellor, "absent from academic duty" for presumptive resignation purposes means a "lack of regular, consistent communication and engagement in normal University duties coupled with a failure by an academic appointee to meet assigned or contractual responsibilities." Campuses should review their local campus policies and procedures to ensure that they conform with the new APM language.

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

No substantive revisions were made to APM - 710. The revised policy includes minor technical revisions to clarify language.

- **APM - 715, Leaves of Absence/Family and Medical Leave**

Policy language in APM - 715-0-b has been updated to reflect the January 1, 2021 changes to the California Family Rights Act (CFRA). Included in this toolkit is a guidance document addressing the January 1, 2021 changes to CFRA that was previously distributed to campus Academic Personnel Offices in December 2020. The changes to CFRA became effective on January 1, 2021 and campuses should already be complying with the new changes in law. Revised APM - 715 now reflects these changes in the language of the policy. Campuses should ensure that local campus policies and procedures conform with the new changes, including updating any relevant leave request forms or other documentation associated with such leaves. Please refer to the "Guidance Document for the 1/1/2021 Changes to CFRA" for details on the CFRA-specific changes.

New language addressing the University's new Pay for Family Care and Bonding (PFCB) pay option has been added to APM - 715-20-a. Included in this toolkit is a PFCB-specific guidance document addressing the application and implementation of PFCB to qualifying family medical leaves (FML) taken by policy-covered academic appointees, including a list of academic unions that have opted in to the PFCB pay option. Please refer to the "Implementation Guidance on Pay for Family Care and Bonding (PFCB) for Academic Appointees" for implementation details on this new pay option.

- **APM - 720, Leaves of Absence/Holidays**

Language addressing periods of academic recess and intersession was added to the definition section of the policy. This language was included to clarify that work continues during periods of recess and that appointees are considered to be "in service" during these periods. Campuses should review their local campus policies and

procedures to ensure that local policies conform with the revised policy.

- **APM - 730, Leaves of Absence/Vacation**

Clarifying language was added to APM - 730 to clarify intent regarding records of vacation leave. In addition, references to other APM policies, such as APM -740, Leaves of Absence/Sabbatical Leaves and APM - 670, Health Sciences Compensation Plan, were added to ensure conformance and consistency with these policies. Campus academic personnel offices should review their local campus policies and procedures to see if any clarifying revisions are needed.

- **APM - 740, Leaves of Absence/Sabbatical Leaves**

Under APM - 740-16, Restrictions, language noting that the Chancellor may approve deferral beyond the maximum was replaced with language clarifying the Chancellor to approve any sabbatical accruals in excess of the stated maximum of thirty (30) quarters or twenty (20) semesters for academic-year appointees, and forty (40) quarters or ten (10) years for fiscal-year appointees.

Language was added to note that substituted teaching or significant service is not eligible for new additional compensation.

Language noting that the sabbatical report shall be included in the supporting materials for subsequent promotion or merit increase when the period of review includes the period of sabbatical leave. This is to ensure that sabbatical reports are included in the appropriate merit or promotion reviews.

Campus academic personnel offices should review their local campus policies and procedures to ensure that local practices conform with the revised policy.

- **APM - 750, Leaves of Absence/Leave for Service to Governmental Agencies**

The revisions to APM - 750 include changes in approval authority for leaves for service to governmental agencies. Under the revised policy, the Chancellors and Vice President of Agriculture and Natural Resources (ANR) now have approval authority for *all* leaves of this type, regardless of duration. Previously, Chancellors and the Vice President of ANR only had approval authority for leaves of 30 days or less. Campus academic personnel offices should review their local campus policies and procedures to develop new approval process for such leaves, including the revision or development of leave forms. In addition, campuses may want to review their local delegations of authority with regard to approval of such leaves.

Under 750-10, Criteria for Granting Leave with Pay, the restriction that no leave with full pay will be granted unless colleagues are willing to take on the duties of the individual on leave without extra compensation was deleted. Campus academic personnel offices should ensure that this practice no longer occurs going forward.

- **APM - 751, Leaves of Absence/Military Leave**

The revisions to APM - 751 include updates to comply with state and federal law, as well as with the University's Presidential Policy on Supplement to Military Pay. This particular

leave is not often utilized by academic appointees, however, campus academic personnel offices should ensure that local campus policies and procedures conform with the updated policy.

- **APM - 752, Leaves of Absence/Leave to Attend Professional Meeting**

Campus academic personnel offices should note that the policy title of APM - 752 has been revised to “Leaves of Absence/Leave to Attend Professional Meeting **or Other University Business.**” References in local campus policies and procedures may need to be revised to reflect the updated policy title.

- **APM - 758, Leaves of Absence/Other Leaves With Pay**

Bereavement Leave

A new section codifying bereavement leave has been added to APM – 758-0. Similar to PPSM policy, the new language allows up to ten working days per death to be granted in the event of the death of the appointee’s child, parent, spouse, domestic partner, sibling, grandparent, or grandchild, including in-laws or step relatives in the relationships listed. This also includes persons residing in the appointee’s household. In the event of the death of an individual who is not a family member or member of household, up to five days per calendar year may be granted.

Note that the ten days for the death of a family member or member of household and the five days for the death of an individual who is not a family member or member of household need not be taken consecutively and may be used intermittently. The five-day allotment for individuals who are not a family member or household member is for the entire calendar year; whereas, the ten-day allotment for the relatives listed is per death.

Historically, in absence of language in the APM regarding bereavement leave, the practice has been to follow PPSM policy. With the formal codification of “bereavement leave” in APM - 758, campus academic personnel offices should review local campus policies and procedures to ensure conformance with the new policy language, including the updating or development of any relevant request forms.

Jury Duty Leave

A new section codifying jury duty leave has been added to APM - 758-0. Similar to PPSM policy, appointees shall be eligible for a paid leave of absence when serving for required jury duty, receiving their pay at their regular rate and appointment percentage for the period of actual service. During the period of jury duty, the appointee is expected to be in service on scheduled days when excused from jury duty. The department and or school will determine what verification of service is needed.

Historically, in absence of language in the APM regarding jury duty leave, the practice has been to follow PPSM policy. With the formal codification of “jury duty leave” in APM - 758, campus academic personnel office should review local campus policies and procedures to ensure conformance with the new policy language, including determining what type of verification will be required as evidence of jury duty service as well as the updating or development of any relevant request forms.

- **APM - 760, Family Accommodations for Childbearing and Childrearing**

Pay for Family Care and Bonding

New language addressing the University’s new Pay for Family Care and Bonding (PFCB) pay option has been added to APM - 760-27. Included in this toolkit is a PFCB-specific guidance document addressing the application and implementation of PFCB to qualifying family medical leaves (FML) taken by policy-covered academic appointees, including a list of academic unions that have opted in to the PFCB pay option. Please refer to the “Implementation Guidance on Pay for Family Care and Bonding (PFCB) for Academic Appointees” for implementation details on this new pay option.

Paid Childbearing Leave

Language in APM - 760-25-b has been updated to increase the existing paid childbearing leave from six weeks to eight weeks for academic appointees who do not accrue sick leave. Effective July 1, 2021, members of the Academic Senate and non-Senate academics who do not accrue sick leave and have service in any UC academic title for at least twelve consecutive months will receive up to eight weeks pay while unable to perform normal University obligations. Any additional compensation under the Health Sciences Compensation Plan (HSCP) shall be paid in accordance with the HSCP School Implementing Procedures.

- The new increase in paid childbearing leave to eight weeks cannot be applied retroactively to a leave already completed prior to July 1, 2021. If an appointee is on a qualifying leave in progress as of July 1, 2021, the appointee may be eligible for additional weeks of paid childbearing up to a total of 8 weeks for the entire period of childbearing leave.

Campus academic personnel offices should review local campus policies and procedures to ensure that practices comply with this change as of July 1, 2021, including the updating of any relevant request forms and guidance documents.

Active Service-Modified Duties

Under 760-28-a, Active Service-Modified Duties (ASMD) is a period where normal duties are reduced so that an appointee may prepare for/and or care for a child newly placed for adoption or foster care. The requirement that a newly placed child be under age five for the appointee to be eligible for Active Service Modified Duty has been removed. Appointees

may now apply for ASMD to care for a child of any age. Campus academic personnel offices should review local policies and procedures to ensure that the age requirement is removed, including the updating of any relevant request forms and guidance documents.

Implementation Guidance on Pay for Family Care and Bonding (PFCB) for Academic Appointees

General:

Approved by the Council of Chancellors on April 6, 2022, PFCB will provide a pay option of up to eight weeks of income replacement per calendar year, calculated at 100% (increasing from 70%) of an appointee's eligible earnings, during qualifying leaves. For monthly paid employees, PFCB income replacement will increase beginning with the pay period that starts on Jan. 1, 2023. For biweekly paid employees, PFCB income replacement will increase beginning with the pay period that starts on Dec. 25, 2022.

Through the Pay for Family Care and Bonding (PFCB) pay option, eligible academic appointees may choose to receive 100% of their eligible earnings for up to eight workweeks per calendar year during an approved block Family and Medical Leave (FML) of one workweek or more, if the leave is taken for any of the following purposes:

- Care for a family member with a serious health condition
- Bonding with a new child
- Military Caregiver Leave
- Qualifying Exigency Leave

(A workweek is here defined as seven consecutive calendar days, regardless of the number of days scheduled to work during the workweek or whether the appointee is on part-time status.)

FML is job-protected leave provided by the University for specified family and medical reasons consistent with the federal Family and Medical Leave Act (FMLA), the California Family Rights Act (CFRA), and California's Pregnancy Disability Leave Law (PDLL). Application of PFCB will not impact pay options available for an appointee's own health condition as PFCB may only be applied to FML qualifying leaves to care for a family member with a serious health condition, for parental bonding leave, for Military Caregiver Leave, or for Qualifying Exigency Leave.

Please refer to APM 715-20-a and APM 760-27-d(1) for the complete policy language addressing PFCB as it applies to academic appointees. **For represented academic appointees, PFCB may not be available, or a different pay option may apply; please refer to the applicable collective bargaining agreement.**

PFCB and UCPath:

A balance for PFCB will be displayed in UCPath and reports will be available through Cognos to track usage. For AY appointees, campuses should cross reference the balance displayed in UCPath against the usage shown in the available Cognos reports.

Health Science Compensation Plans (HSCP):

For coordination of available Health Sciences Compensation Plan (HSCP) pay options for parental bonding see APM 760-27-d(1). For coordination of available HSCP pay options for leave to care for a family member with a serious health condition see APM 715-20-a. If there is an available HSCP pay option for a qualifying reason that PFCB is also available for, the HSCP participant should decide whether to use the HSCP pay option or PFCB after evaluating the pay options provided by both. Use of the PFCB pay option is optional, and whether or not to apply PFCB to a qualifying FML is the choice of the appointee taking leave. If the HSCP participant elects to use either the PFCB pay option or the HSCP pay option, both the HSCP pay option and PFCB pay option will need to be decremented accordingly.

Locations and departments are responsible for ensuring that appointees do not exceed the pay option provided through PFCB.

Non-Represented Residents, Trainees and Interns:

Non-represented medical residents (as of December 2022, unions representing medical residents at UCSF Fresno and UCR are in negotiations for first contracts, so their available pay options may change in the near future)), dentistry residents (non-OFMS dentistry residents at UCSF), veterinary residents and interns at UCD, non-physician clinical trainees, and clinical psychology interns are eligible for the PFCB pay option if they are taking a FML leave for one of the four aforementioned qualifying reasons.

Non-represented residents, trainees and interns should consult with their department and benefits coordinator to confirm the amount of time away from training that is allowable under their program.

Represented Academics Covered By Systemwide PFCB:

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.

PFCB Scenarios:

Scenario 1:

Rose is a non-faculty academic and is requesting to take parental bonding leave in three block increments. Rose is requesting to take the first FML block leave during the block increments of July 12-July 21, the second August 9-August 17, and the third August 23-September 3. PFCB must be applied in a minimum of one-work week, and under CFRA, bonding leave may be taken in two-week increments or less than two weeks on any two occasions. Following the parental bonding leave periods, Rose will have a remaining balance of three weeks of PFCB to apply to a FML leave during the remaining calendar year.

- First block- July 12-July 21 (1 workweek 3 days)
- Second block- August 9-August 17 (1 workweek 2 days)
- Third block- August 23-September 3 (2 workweeks)

Scenario 2:

Professor Taylor is an academic year faculty member who just had a baby. Immediately following the appointee’s Pregnancy Disability Leave (PDL), which ran concurrently with childbearing leave under APM-760, the appointee takes a parental bonding leave in a block of eight weeks. The appointee used six weeks of FMLA entitlement during the appointee’s PDL. Therefore, the first six weeks of the appointee’s parental bonding leave run concurrently under FMLA and CFRA, and the last two weeks use only the appointee’s CFRA entitlement. Professor Taylor decides to use PFCB to be paid at 100% of the appointee’s eligible earnings during the eight weeks of parental bonding leave.

- Week 1-6: Pregnancy Disability Leave under FMLA and PDLL (which runs concurrently with childbearing leave).
- Week 7-12: Parental bonding leave under FMLA and CFRA. Uses PFCB.
- Week 13-14: Parental bonding leave under CFRA. Continues to use PFCB.

Professor Taylor	Week	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	
	PDLL	[Light Blue]																
	FMLA	[Green]																
	CFRA							[Yellow]										
8 weeks paid at 100% of eligible earnings	PFCB							[Blue]										

Note: To apply PFCB, an appointee has to be on a block FML. Appointees may be eligible for Active Service-Modified Duties (ASMD) prior to, or following, the leave period for the birth or placement of

the child or children. ASMD is not a leave. Appointees should consult with their department to request and coordinate the ASMD period.

HSCP Scenarios:

For HSCP participants, if their department compensation plan paid leave benefits do not meet the minimum pay provisions provided under the PFCB program, then they will be eligible for the difference between the value of the HSCP paid leave benefit and the income replacement available under PFCB.

Scenario 1:

Professor Ivy is needing to take a block leave of eight weeks to care for a family member with a serious health condition. Professor Ivy is a member of the Health Sciences Compensation Plan (HSCP) and the department’s HSCP provides one week pay at X, X’ per fiscal year for FML leave to care for a family member with a serious health condition. The HSCP pay option can be applied once per fiscal year to a FML qualifying leave. Professor Ivy’s monthly base salary (X and X’) is \$10,000. The available compensation plan pay option would provide one week at X and X’ (\$2500). The PFCB pay option of 100% of eligible earnings is calculated for eight weeks (\$20,000).

715-20-a(1)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.

For HSCP participants, the decision of whether to utilize the PFCB pay option will be based on which pay option is more advantageous to the faculty member. In this scenario, after reviewing their available pay options for their leave, the faculty member chooses to apply the PFCB pay option, so the PFCB pay option for the eight weeks is applied and the one week provided under the compensation plan is decremented. The compensation plan pay option may not be used again until the next fiscal year when the compensation plan pay option resets.

Week	1	2	3	4	5	6	7	8
FMLA								
CFRA								
HSCP comp plan "benefit" balance decrement								
PFCB								

Scenario 2:

Professor Daisy is needing to take a parental bonding leave of six weeks following Professor Daisy’s pregnancy disability leave. Under the Health Sciences Compensation Plan (HSCP), Professor Daisy is provided twelve weeks of pay at X, X’ and Y. Professor Daisy has applied six weeks of the pay option at X, X’ and Y afforded under the HSCP to their previous pregnancy disability leave of six weeks. The remaining six weeks of the pay option available under the HSCP at X, X’ and Y with a total income replacement of \$24,564 can be applied to their parental bonding leave period taken under their Family and Medical Leave Act (FMLA) and California Family Rights Act (CFRA) entitlements.

Professor Daisy utilizes the remaining HSCP pay option providing six weeks at X, X’ and Y, or \$24,564. Had Professor Daisy utilized the PFCB pay option to a qualifying FML period of eight weeks, the PFCB pay option would have paid \$23,555.56. The six weeks provided by the department Health Sciences Compensation Plan would provide \$1,008.44 more than the PFCB pay option.

715-20-a(1)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.

In this scenario, Professor Daisy chose the more generous HSCP pay option which resulted in application of the 6-week pay option under HSCP and the full 8 weeks of PFCB pay option. Since the 6 weeks of pay under the HSCP option is more generous than the PFCB option, the full PFCB pay option is exhausted even though the pay option was only applied to 6 weeks.

Week	1	2	3	4	5	6	7	8	9	10	11	12	
PDL													
FMLA													
HSCP comp plan "benefit"													
CFRA													
PFCB							8 weeks PFCB decrement						

The department will enter the HSCP usage into UCPATH and will track the equivalent PFCB usage outside of UCPATH. In the case where the pay option available under the HSCP is more generous than the PFCB pay option available for the qualifying leave and the HSCP pay option is applied, since the PFCB balance will also be decremented, the usage of PFCB will need to be tracked by the location. In this case, both the HSCP and PFCB pay options will have been exhausted.

Note: To apply PFCB, an appointee has to be on a block FML leave taken for a qualifying reason and in a block of one workweek or more. Appointees may be eligible for Active Service-Modified Duties (ASMD) prior to, or following, the leave period for the birth or placement of the child or children. ASMD is not a leave. Appointees should consult with their department to request and coordinate the ASMD period.

Scenario 3:

Professor Maple is eligible for twelve weeks of childbearing pay under the school's Health Sciences Compensation Plan (HSCP) to apply to their pregnancy disability period. Professor Maple's pregnancy disability leave (PDL) ends after nine weeks so Professor Maple has three weeks remaining of FMLA entitlement that could be used for a parental bonding leave. Professor Maple also has twelve weeks of CFRA entitlement that Professor Maple can use for this purpose. Professor Maple wants to take three weeks of parental bonding, which will run concurrently under FMLA and CFRA. Local policy allows for the remaining balance of the twelve weeks of the HSCP childbearing pay option provided under the school's HSCP to be applied to the parental bonding period for a leave in progress. To determine whether the remaining compensation plan pay option of three weeks is more generous than the eight week pay option provided through PFCB, both pay options are calculated using the following salary information for Professor Maple:

Professor, Step 1 (APU Scale 1) - Leave is prior to 10/1/22 range adjustment, using 2020-21 salary scale
 $X+X' = 127,100$ $Y = 85,000$
 Total comp = 212,100

Professor Maple utilizes three weeks of the HSCP pay option of \$12,189.609 ($\$212,100/2,088 = \101.58 per hour. Three weeks at 40 hours per week = 120 hours. $\$101.58 \times 120 \text{ hours} = \$12,189.60$). Had they utilized the PFCB pay option to a qualifying FML period of eight weeks, the PFCB pay option would have paid \$19,478.40 ($\$127,100/2,088 = \60.87 per hour. Eight weeks at 40 hours per week = 320 hours. $\$60.87 \times 320 \text{ hours} = \$19,478.40$).

Difference between the two pay options = \$7,288.80

The pay option that the school’s HSCP provides for childbearing leave is allocated in one twelve-week block (eighty-four consecutive calendar days). Consistent with APM 760-25, the school’s HSCP considers an academic who is disabled due to pregnancy, childbirth, or related medical condition eligible for childbearing leave. If the period of temporary disability related to pregnancy, childbirth or related medical condition is less than twelve weeks, per local policy, the remaining period of the HSCP pay option may be applied to a period of parental bonding if taken immediately following the pregnancy disability leave period. In the above scenario, the pregnancy disability period ends after nine weeks, and the faculty chooses to use the three weeks remaining of their HSCP pay option from the childbearing leave to their parental bonding period. The remaining three weeks provides a pay option of \$12,189.60. The difference between the PFCB pay option and the HSCP pay option is \$7,289.80, which is equivalent to 1.8 workweeks.

This may result in PFCB usage exceeding eight weeks in a calendar year in order to meet the PFCB minimum usage requirement of one workweek.

Note: If the appointee has less than one workweek of remaining FML eligibility available, the PFCB pay option is not available to the appointee.

APM 715-20-a(1)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.

Since the PFCB pay option would be more generous, the PFCB pay option may be applied to the parental bonding leave. However, per local policy, in order to utilize the remaining three weeks of the HSCP, the HSCP pay option must be applied first, up to the maximum of twelve weeks. The PFCB pay option will be decremented \$12,189.60 to reflect the HSCP pay option applied to the parental bonding leave.

Week	1	2	3	4	5	6	7	8	9	10	11	12
PDL	[Blue bar]											
FMLA	[Green bar]											
HSCP comp plan "benefit"	[Red bar]									[Yellow bar: 3 weeks HSCP comp plan decrement]		
CFRA												
PFCB										[Blue bar]		

Note: To apply PFCB, an appointee has to be on a block FML leave taken for a qualifying reason and in a block of one workweek or more. Appointees may be eligible for Active Service-Modified Duties (ASMD) prior to, or following, the leave period for the birth or placement of the child or children. ASMD is not a leave. Appointees should consult with their department to request and coordinate the ASMD period.

FAQs:

Question: What constitutes a workweek?

Answer: A workweek for the purposes of PFCB is seven consecutive calendar days and an appointee’s work schedule can vary in the number of days worked within that workweek.

Question: If the APM policy-covered appointee goes on leave and elects to use the PFCB pay option, and their leave is taken during a scheduled merit increase will 100% pay calculation be adjusted to reflect a change in salary?

Answer: The 100% pay calculation will be based on the current salary at the time the leave is taken. If a merit increase occurs during the period of leave in which the PFCB pay option is applied, the merit increase will be applied and the 100% pay calculation will be adjusted to reflect the change in salary.

Question: Is this PFCB pay option available for academic appointees that do not accrue vacation or sick?

Answer: PFCB would provide a pay option for non-accruing appointees that are 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.

Question: For HSCP participants applying the PFCB pay option, what components of pay constitute base salary?

Answer: For HSCP participants, the PFCB pay option will be calculated at 100% of X and X'.

Guidance Regarding California Family Rights Act (CFRA) Amendments

Updated December 16, 2022

The California Family Rights Act (CFRA) is being **amended effective January 1, 2023** to permit employees to take protected leave to care for a “designated person” with a serious health condition. We have updated this guidance regarding CFRA amendments since January 1, 2021 for your information and so that you can share it with all personnel at your location who play a role in administering Family and Medical Leave (FML) for academic appointees.

The following changes to CFRA affect FML administration at UC:

- Effective January 1, 2023 (**NEW**): CFRA will expand to permit employees to take leave to provide care for a designated person with a serious health condition.
- Effective January 1, 2022:
 - CFRA expanded the definition of “parent” to include parents-in-law.
 - Employees are able to take leave to provide care for a parent-in-law with a serious health condition.
 - Employees are also able to take Qualifying Exigency Leave because of a qualifying exigency related to the covered active Armed Forces duty (or call to such duty) of a parent-in-law.
- Effective January 1, 2021:
 - CFRA expanded the category of family members for whom an employee may take leave to provide care to include grandparents, grandchildren, siblings.
 - In addition, CFRA expanded the category of children for whom an employee may take leave to provide care. The child does not have to be under 18 or an adult dependent child.
 - CFRA also expanded the reasons for which leave may be taken to include Qualifying Exigency Leave. Qualifying Exigency Leave is leave taken because of a qualifying exigency related to the covered active duty or call to covered active duty of an employee’s spouse, domestic partner, child, or parent in the Armed Forces of the United States.

In light of the above, here is guidance for implementation at UC for all represented and non-represented academic appointees:

- Leave to Care for a Family Member with a Serious Health Condition:
 - FML-eligible academic appointees who are requesting FML to care for a family member with a serious health condition are able to take leave to care for the following family members:
 - Spouse
 - Domestic partner
 - Designated person¹
 - Child (including adult children)
 - Parent (including parent-in-law)
 - Grandparent
 - Grandchild

¹ Effective January 1, 2023.

- Sibling
 - The above relationships are broadly defined to include not just blood relatives but also step-relatives, and relatives by virtue of adoption, foster care, and legal ward/legal guardian relationships. In-laws other than parents-in-law are not included unless the academic appointee identifies the in-law as a designated person.
 - “In loco parentis” relationships also qualify, which means that (a) “parent” includes a person who had day-to-day responsibilities to care for the academic appointee or financially supported the academic appointee when the academic appointee was a child, and (b) “child” includes a person for whom the academic appointee has day-to-day responsibilities to care for the child or financially supports the child.
 - If FML is taken to care for a spouse, domestic partner, child (under 18 years of age or incapable of self-care because of a mental or physical disability), or parent, this leave would use an academic appointee’s entitlement(s) under the FMLA and CFRA to the extent that the academic appointee has such entitlement(s) available.
 - If FML is taken to care for a designated person, non-disabled adult child (18 years of age or older), grandparent, grandchild, parent-in-law, or sibling, this leave would only use an academic appointee’s entitlement under the CFRA to the extent the academic appointee has such entitlement available.
- Guidance Specific to Designated Persons²:
 - A “designated person” is any individual related by blood or whose association with the academic appointee is the equivalent of a family relationship. The University’s Declaration of Relationship form asks appointees to certify that their designated person satisfies this requirement.
 - The academic appointee may identify the designated person at the time the appointee requests the leave.
 - Academic appointees are limited to one designated person per calendar year. For example, if an appointee took two weeks of FML under CFRA in July 2023 to care for a designated person with a serious health condition and identified a cousin as their designated person at that time, the appointee could not take FML under CFRA to care for a different designated person until January 1, 2024.
- Qualifying Exigency Leave:
 - FML-eligible academic appointees who are requesting Qualifying Exigency Leave are able to take leave because of a qualifying exigency related to the covered active duty or call to covered active duty of the following family members in the Armed Forces of the United States:
 - Spouse
 - Domestic partner
 - Child
 - Parent (including parent-in-law)
 - The information in APM – 715 (Leaves of Absence/Family and Medical Leave) regarding what circumstances constitute qualifying exigencies for purposes of Qualifying Exigency Leave apply for purposes of CFRA as well as FMLA.
- Impact on FML Leave Entitlement: There are situations where the reason the academic appointee is taking FML will qualify under the FMLA or CFRA, but not both. Therefore, if the academic appointee exhausts their entitlement under one statute, the academic appointee may still be able to take additional FML during the calendar year under the other statute. For example, when an academic appointee exhausts their full CFRA entitlement (12 workweeks) during a leave to care for a designated person with a serious health condition (who is a not

² Effective January 1, 2023.

qualifying family member under the FMLA), the academic appointee still has up to 12 workweeks of FMLA entitlement remaining that they can use later in the calendar year for any FMLA-qualifying reason.

- Benefits: An academic appointee who is on an approved FML leave under the FMLA and/or CFRA will continue to have coverage under the University's health plans (medical, dental, and optical) as if on pay status.

We are in the process of updating the relevant APM provisions to address the CFRA changes effective January 1, 2023. The [Family and Medical Leave Fact Sheet](#) has been updated and will be available online on January 1. The FML provisions in collective bargaining agreements for academic units will be updated to reflect the CFRA changes when successor agreements are negotiated. The University's FML forms impacted by these changes have been updated. The updated forms are available on [UCnet](#).