

715-0 **Policy**

In accordance with applicable State and Federal law, family and medical leave provides eligible employees with entitlements to leave for up to a total of 12 workweeks during a calendar year, continuance of health plan coverage as if on pay status, and reinstatement rights. Eligible academic appointees are entitled to take unpaid leave or to substitute accrued vacation or accrued sick leave (as set forth in APM - 715-20) for the following reasons:

- a. the appointee's own serious health condition;
- b. to care for the appointee's child, parent, spouse, or domestic partner (same-sex or opposite-sex) with a serious health condition;
- c. to care for the appointee's newborn child or a child newly placed with the appointee for adoption or foster care.

In lieu of using family and medical leave, appointees may be eligible under University policy to take other types of leave to care for other family members and other persons residing in the appointee's household (see APM Sections 710-20, 710-24, 760-27, and 760-28).

715-1 **Related Policies**

For information about 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 - 710, Leaves of Absence/Sick Leave
- c. APM - 730, Leaves of Absence/Vacation
- d. APM - 760, Family Accommodations for Childbearing and Childrearing

**715-14 Eligibility**

An academic appointee is entitled to up to 12 workweeks of family and medical leave during a calendar year, provided that:

- a. the appointee has at least 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 12-month service requirement); and
- b. the appointee has worked at least 1,250 hours during the 12 months immediately preceding the commencement date of the leave.

**715-20 Use of Leave**

Family and medical leave is normally unpaid leave except that:

- a. Accrued sick leave may be substituted, at the appointee's option, for unpaid family and medical leave granted for the appointee's serious health condition or to care for the appointee's child, parent, spouse, or domestic partner with a serious health condition. Accrued vacation leave may be substituted, at the appointee's option, for unpaid family and medical leave granted for any covered reason.
- b. For academic appointees who do not accrue sick leave, Chancellors may approve leave with pay for up to 12 workweeks.

For eligible appointees who work less than five full days a week, the number of working days which constitutes 12 workweeks is calculated on a pro rata or proportional basis.

**715-30 Notice and Certification**

**a. Responsibility of Appointee**

Whenever possible an appointee shall provide at least 30 days advance notice of the need for a family and medical leave. If 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.

Certification from the health care provider may be required when leave is requested for the appointee's own serious health condition or to care for the serious health condition of the appointee's child, parent, spouse, or domestic partner. An appointee who is granted leave for the appointee's serious health condition may be required to present medical certification prior to returning to work in accordance with campus policy.

**b. Responsibility of Department (or Other Specified Unit)**

It is the responsibility of the department (or other specified unit) to designate leave, unpaid or paid, 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 which meets the criteria for a family and medical leave-qualifying event.

**715-32 Timing and Duration**

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. In the event the appointment is renewed or extended or a subsequent appointment is made, further leave may be granted up to an aggregate of 12 workweeks during a calendar year.

When medically necessary, as certified by the appointee's health care provider, an appointee may take family and medical leave on a reduced work schedule or on an intermittent basis, including absences of less than one day. Leave bank deductions shall be made for any hours or partial hours taken by an appointee who elects to substitute accrued sick leave or vacation leave for unpaid family and medical leave taken on an intermittent basis or reduced schedule. An appointee who accrues sick leave or vacation leave and elects to take unpaid family and medical leave shall not be paid for any hours or partial hours taken on an intermittent basis or reduced schedule. An appointee should make a reasonable effort to schedule periods of leave to avoid disruption of workload. The University may temporarily transfer an appointee to an available alternative and equivalent position for which he or she is qualified and which better accommodates the recurring periods of leave.

Leave granted to care for the appointee's newborn child or a child newly placed with the appointee for adoption or foster care shall be concluded within 12 months following the child's birth or placement.

**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 for a period of up to 12 workweeks during a calendar year. 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 shall be to the same or equivalent position provided that the appointee returns to work within the 12 workweeks and immediately following termination of the leave. If the appointee would have been laid off or terminated had the appointee remained on pay status during the leave period, 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**

See APM - 133-17-g, Applicability of Periods of Leave.

For determining years toward the eight-year limitation of service, the combined total of periods of leave unrelated to academic duties and time off the tenure clock may not exceed two years.

**715-42 Sabbatical Leave Credit**

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

715-80 **Additional Information**

APM - 715 summarizes State and Federal family and medical leave law. For additional guidance or specific provisions of these laws, contact your Departmental Personnel Assistant or Academic Personnel or Benefits representative.

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.