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Family Accommodations for Childbearing and Childrearing

760-0 Policy

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

760-8 Types of Family Accommodations for Childbearing and Childrearing

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

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

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

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

During a childbearing leave and/or Pregnancy Disability Leave, no duties shall be required by the University.

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

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

b. Pay Status

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

- (1) An academic appointee who accrues sick leave or vacation leave credit may, at her option, use such accrued leave credit in lieu of taking childbearing leave and/or Pregnancy Disability Leave without pay.
- (2) A member of the Academic Senate will receive at least her approved base salary for up to six (6) weeks while she is unable to perform her normal University obligations. Any additional compensation under the Health Sciences Compensation Plan (HSCP) shall be paid in accordance with HSCP School Implementing Procedures.
- (3) A non-Senate academic appointee who does not accrue sick leave and who has served in her title or any other UC academic title for at least twelve (12) consecutive months will receive at least her approved base salary for up to six (6) weeks while she is unable to perform her normal University obligations. Any additional compensation under the HSCP shall be paid in accordance with HSCP School Implementing Procedures.
- (4) A non-Senate academic appointee who does not accrue sick leave and who has not served in her title or any other UC academic title for at least twelve (12) consecutive months will receive at least her approved base salary for approximately the period which would be accrued during the appointment in accordance with the accrual rates in [APM - 710-18](#). Any additional compensation under the HSCP shall be paid in accordance with HSCP School Implementing Procedures.

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c. Accommodation of Pregnancy

As an alternative to or in addition to a childbearing leave, the University shall (i) provide the appointee with reasonable accommodation upon request, which could include temporarily modifying a pregnant appointee's position and/or (ii) transfer her to a less strenuous or hazardous position upon request. Such requests will be granted if medically advisable according to the appointee's health-care provider and if they can be reasonably accommodated. Such reasonable accommodations or transfer shall not be counted against an eligible academic appointee's entitlement to childbearing leave and/or Pregnancy Disability Leave unless the appointee takes intermittent leave or works a reduced schedule as a result.

d. Interaction with Family and Medical Leave Entitlement

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

In addition, if an academic appointee on a childbearing leave is eligible for family and medical leave under the federal Family and Medical Leave Act (FMLA) (see [APM - 715-14](#)), the first twelve (12) workweeks of that leave in any calendar year shall run concurrently with family and medical leave under the FMLA.

e. Effect on Benefits

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

760-27 Parental Leave Without Pay**a. Description and Eligibility**

An academic appointee is eligible for a full-time or part-time parental leave without pay for up to one (1) year to care for a child. The child may be the appointee's child or that of a spouse or domestic partner. Accrued vacation leave or accrued sick leave may be used during a parental leave that would otherwise be unpaid.

b. Interaction with Family and Medical Leave Entitlement

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

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

Parental Bonding Leave shall run concurrently with parental leave taken pursuant to this policy.

c. Effect on Benefits

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

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

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

760-28 Active Service-Modified Duties

a. Description and Eligibility

Active service-modified duties is a period during which normal duties are reduced so that an academic appointee may prepare for and/or care for a newborn child or a child under age five (5) newly placed for adoption or foster care. To be eligible for active service-modified duties, an academic appointee must be responsible for fifty percent (50%) or more of the care of a child. The child may be the appointee's child or that of a spouse or domestic partner. An appointee is eligible for a period of active service-modified duties for each event of birth or placement. The birth or placement of one (1)

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or more children at the same time constitutes a single event of birth or placement. Eligibility for a period of active service-modified duties shall normally begin three (3) months prior to the birth or placement and continue for up to twelve (12) months following the birth or placement.

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

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

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

For ladder-rank faculty, the modification of duties normally will be either partial or full relief from teaching without the assignment of additional teaching duties before or after to offset the teaching relief. In the quarter or semester of a childbearing leave, there must be full relief from teaching duties. For other eligible faculty who primarily have teaching duties, the modification of duties normally will be partial teaching relief or the assignment of additional resources such as teaching assistants or readers, as appropriate. For all other eligible academic appointees, the modification of duties normally will be a reduced workload (see APM - 760-28-b(2)).¹

b. Pay Status

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

¹ Paragraphs footnoted do not apply to Health Sciences Compensation Plan faculty members; see APM - 760-28-c for relevant provisions.

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the following provisions:

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

c. Provisions for Health Sciences Compensation Plan Faculty Members

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

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

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

¹ Paragraphs footnoted do not apply to Health Sciences Compensation Plan faculty members; see [APM - 760-28-c](#) for relevant provisions.

[Appendix B.](#)

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

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

760-31 Deferral of Personnel Reviews

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

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

760-35 General Provisions

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a. Notice

When academic appointees are aware that they will need to take a childbearing or parental leave or to participate in a period of active service-modified duties, they should provide sufficient advance notice to allow their department or unit to make replacement teaching and other arrangements. At a minimum, thirty (30) days advance notice should be given.

b. Duration

- (1) The aggregate duration of all leaves plus periods of active service-modified duties may not exceed one (1) year for a single event of birth of a child or of placement of a child under age five (5) for adoption or foster care, unless otherwise required by law. The child may be the appointee's child or that of a spouse or domestic partner. The birth or placement of one (1) or more children at the same time constitutes a single event of birth or placement.
- (2) An academic appointee is not eligible for a childbearing leave, a parental leave, a family and medical leave, or a period of active service-modified duties beyond the established end date of the appointment. If the appointment is renewed or extended, or if a subsequent appointment is made, the appointee may continue a leave or period of active service-modified duties, provided the maximum time allowed for such leaves or accommodation(s) has not been used.

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

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

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

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

d. Sabbatical Leave Credit

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

e. Reinstatement Following Childbearing or Parental Leaves

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

f. Records

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

760-37 Related Policies

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

- a. [APM - 133-17](#), Computation of Years of Service (see [APM - 133-17-g, -h, -i, and -j](#) for provisions on leaves, stopping the clock, and personnel reviews that are deferred due to a family accommodation as defined in APM -760)
- b. [APM - 210-1](#), Instructions to Review Committees That Advise on Actions Concerning Appointees in the Professor and Corresponding Series (see [APM - 210-1-c\(4\)](#) for provisions on assessment of evidence)
- c. [APM - 220](#), Professor Series (see [APM - 220-10, -16-c, 16-d, 18-b, and Appendix B](#) for provisions on part-time appointments, reductions in percentage of time of an appointment, and personnel reviews that are deferred due to a family accommodation as defined in APM -760)
- d. [APM - 670](#), Health Sciences Compensation Plan
- e. [APM - 671](#), Conflict of Commitment and Outside Activities of Health Sciences Compensation Plan Participants
- f. [APM - 710](#), Leaves of Absence/Sick Leave
- g. [APM - 715](#), Leaves of Absence/Family and Medical Leave
- h. [APM - 730](#), Leaves of Absence/Vacation

Revision History

May 1, 2019:

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

August 7, 2018:

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

BENEFITS AND PRIVILEGES

APM - 760

Family Accommodations for Childbearing and Childrearing

For details on prior revisions, please visit the Academic Personnel and Programs website:

<https://www.ucop.edu/academic-personnel-programs/academic-personnel-policy/policy-issuances-and-guidelines/index.html>.