

**CHAIR 201: Academic Leaves of Absence**  
**Presented By: Sara Umali, Principal Analyst, Academic Personnel Office**

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February 5, 2016

**Agenda**

1. Policy References
2. Academic Leaves General Guidelines
3. Approval Authority & Office of Record
4. Academic Leave Types and Related Policies
5. Federal and State Laws and Regulations
6. UC Academic Leaves, FML, PDL Interaction
7. Family Accommodations
8. Case Examples & Questions

**Policy References**

1. Academic Personnel Manual (APM) Policy Reference: [APM 700](#)
2. Collective Bargaining Agreement (for represented academic appointees):  
<http://ucnet.universityofcalifornia.edu/labor/bargaining-units/index.html>
3. Health Sciences Compensation Plan (HSCP) (for faculty who are members of the plan):  
[http://medschool.ucr.edu/pdf/UCR\\_HSCP\\_implementing\\_procedures\\_2015.pdf](http://medschool.ucr.edu/pdf/UCR_HSCP_implementing_procedures_2015.pdf)
4. UCR Guidelines:  
[http://academicpersonnel.ucr.edu/leaves/Leaves%20of%20Absence\\_Guidelines.pdf](http://academicpersonnel.ucr.edu/leaves/Leaves%20of%20Absence_Guidelines.pdf)
5. UCR Academic Leave of Absence Website: <http://academicpersonnel.ucr.edu/leaves/>

**General Guidelines (APM 700)**

Academic appointees absent without an approved leave are at considerable risk of non-coverage should an injury occur. Prior approval for leaves of absence is important to remain compliant with Federal and State laws.

In order to fulfill their obligations to the University, the APM states “faculty members must maintain a significant presence on campus, meet classes, keep office hours, hold examinations as scheduled, be accessible to students and staff, be available to interact with University colleagues, and share service responsibilities throughout every quarter or semester of active service” (APM 025-8(a), General Principles, Obligations to the University).

Academic year appointees are expected to be present from the beginning of the Fall Semester (Quarter) through the end of the Spring Semester (Quarter). Fiscal-year appointees who render service throughout the calendar year (12 months) shall apply in advance for leaves of absence.

Academic appointees who are absent from campus for more than seven calendar days must complete and submit a Request for Leave of Absence form (UPAY 573).

Leaves of seven consecutive calendar days or less do not require a leave form with the exception of a medical leave. However, any time there is a leave, the Department Chair must be informed.

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**Approval Authority & Office of Record**

LEAVE TYPE	DURATION	POLICY	REQUIRED FORMS AND DOCUMENTATION*	APPROVAL AUTHORITY
Childbearing, Adoption, Parental (runs concurrently with FML, if eligible)	Any duration	<a href="#">APM 760</a> <a href="#">APM 715</a>	UPAY 573, FML Forms, Stop the Clock (STC) Request Form (optional), Active Service Modified Duties (ASMD) Request Form and Request for Teaching Release Funding (optional)	VPAP (Senate) Dean (Non-Senate, SOM Faculty & HSCP Members)
Personal (Paid or Unpaid)***	30 calendar days or less**		UPAY 573	Dean
	31 calendar days or more		UPAY 573, letter explaining absence, endorsement letter from Chair and/or Dean	VPAP (Senate) Dean (Non-Senate, SOM Faculty & HSCP Members)
Medical/Sick Leave	Over 7 calendar days**	<a href="#">APM 710</a> , <a href="#">APM 715</a>	UPAY 573, FML Forms	
Leave without Salary	Over 7 calendar days****	<a href="#">APM 759</a>	UPAY 573, letter explaining absence, endorsement letter from Chair and/or Dean	
Gov't/Public Service without Salary	Over 7 calendar days****	<a href="#">APM 750</a>	UPAY 573, letter explaining absence, endorsement letter from Chair and/or Dean	
Military Leave with or without Salary	Over 7 calendar days****	<a href="#">APM 751</a>	UPAY 573, letter explaining absence, endorsement letter from Chair and/or Dean	
Professional Development/Special Research with or without Salary***	30 calendar days or less	<a href="#">APM 752</a> <a href="#">APM 758</a>	UPAY 573, letter documenting leave including itinerary	Dean
	31 calendar days or more	<a href="#">APM 752</a> <a href="#">APM 758</a>	UPAY 573, letter documenting leave including itinerary, endorsement letter from Chair and/or Dean and when applicable APM 025 prior approval***	VPAP (Senate) Dean (Non-Senate, SOM Faculty & HSCP Members)
Sabbatical Leave	Any duration	<a href="#">APM 740</a>	UPAY 573, Sabbatical Application Plan	Dean

\* Unless stated as optional, all forms are mandatory.

\*\* Leaves of seven consecutive calendar days or less do not require a leave form with the exception of a medical leave. However, any time there is a leave, the Department Chair must be informed prior to the leave. For compliance with Federal and State laws, any absence that could be related to a serious health condition by an employee or eligible family member must be filed and designated.

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\*\*\*For leaves that include performing service for an outside agency (including corporations, individuals and institutions), see [APM 025](#) for Conflict of Commitment policy and UCR Conflict of Commitment Guidelines: <http://academicpersonnel.ucr.edu/resources/conflictcommit.html>.

Vacation Leaves for fiscal-year appointees may be approved by the Department Chair.

Departments are the office of records and must maintain leave records per UC's Records Retention Schedule: <http://recordsretention.ucop.edu/>. Medical leave and Family Medical Leave (FML) records must be kept separate from the appointee's personnel file.

### Academic Leave Types

#### 1. Sick/Medical Leave: [APM 710](#)

- This provides paid medical leave for reasons of personal illness, injury, or disability. This is for members of the faculty who are not members of the HSCP and who have a full time appointment for at least a full academic year. For entitlements, refer to [APM 710-11a](#) and [APM 710-11b](#).
- For academic appointees eligible to accrue sick leave, the Chancellor (or designee) may approve sick leave up to the total of an appointee's accrued sick leave credit.
- For academic appointees who do not accrue sick leave and who are not eligible for paid medical leave under APM - 710-11, Chancellors (or designee) may approve leave with or without pay pursuant to APM - 758 and APM - 759.
- This policy provides paid leave in addition to normal childbearing and childrearing leaves

To see which academic employees accrue vacation and/or sick leave, refer to the [Leave Accrual Chart](#).

#### 2. Family and Medical Leave: [APM 715](#)

- 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 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 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.
- 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 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.

FML runs concurrently with Personal Medical Leave, Medical Leave for a Family Member, Childbearing Leave or Parental Leave.

#### 3. Holidays: [APM 720](#)

Official holidays for both academic-year and fiscal-year appointees are those administrative holidays annually in the University Calendar. Periods of academic recess are not regarded as holidays. For both

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academic-year and fiscal-year appointees periods of academic recess are only recess from meeting formal classes. They are not recess from research, committee and other administrative duties, or other University obligations.

4. Vacation: [APM 730](#)

To see which academic employees accrue vacation and/or sick leave, refer to the [Leave Accrual Chart](#).

5. Sabbatical Leave: [APM 740](#)

“Sabbatical leaves are granted, in accordance with regulations established by the President, to enable recipients to be engaged in intensive programs of research and/or study, thus to become more effective teachers and scholars and to enhance their services to the University.” Section 103.4 of the Standing Orders of The Regents

- There are 2 types of sabbatical leaves: (a) Regular Sabbatical Leave and (b) Sabbatical Leave in Residence
- Different salary levels apply depending on your length of service and the type of sabbatical you take. See [APM 740](#), charts I-IV or click on this link: <http://academicpersonnel.ucr.edu/leaves/sabbatical.html>

6. Leave for Service to Governmental Agencies: [APM 750](#)

Leaves of absence may be granted to members of the University staff for consultation or other services to governmental agencies.

7. Military Leave: [APM 751](#)

With certain restrictions, all academic appointees shall be eligible for military leave of absence without pay.

8. Leave to Attend a Professional Meeting or Other University Business: [APM 752](#)

An appointee may be granted a leave with pay to attend a professional meeting or for University business. If the leave is for seven days or less, the rules in APM - 752 apply. If leave is for more than seven days, the rules in [APM 758](#) and [759](#) apply.

9. Family Accommodations for Childbearing and Childrearing: [APM 760](#)

The University of California’s family accommodation policies and programs assist faculty and other academic appointees in balancing the needs of work and family. For UCR’s Work/Life Balance Initiative, click here: <http://academicpersonnel.ucr.edu/leaves/childbearing.html>. See page 7 below for more information.

10. Other Leaves with Pay: [APM 758](#)

- In addition to the special types of leaves listed above, leaves of absence with full pay for other good cause may be granted to academic appointees.
- An appointee who holds an administrative position and who is eligible for a sabbatical leave may be eligible for an administrative leave with pay in lieu of a sabbatical leave.

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### 11. Other Leaves without Pay: [APM 759](#)

In addition to the special types of leaves listed above, leaves of absence without pay for other good cause may be granted to academic appointees. Such leaves shall not exceed one year in length and shall not extend beyond June 30 of the academic year in which the leave is granted.

For a list of academic personnel leaves and Academic Personnel Manual (APM) policy references:

<http://academicpersonnel.ucr.edu/leaves/LeaveTbl.pdf>

### Related Policies

#### 1. Reasonable Accommodation for Academic Appointees with Disability: [APM 711](#)

The University provides reasonable accommodation to otherwise qualified academic appointees who are disabled or become disabled and need assistance to perform the essential functions of their positions. Accommodation options will be considered in an interactive process with the appointee. Both the University and the appointee are expected to participate in the interactive process in good faith.

#### 2. Presumptive Resignation: [APM 700-30](#)

If any academic appointee is absent from academic duty for 30 calendar days or more without an approved leave, or does not return to academic duty for 30 calendar days or more after an approved leave expires, the University shall presume that the academic appointee has resigned from his or her University appointment and shall separate that appointee (subject to the procedures and timeline set forth in APM 700-30). In such cases, the department chair shall make appropriately diligent efforts to establish the starting date of the unexplained absence.

#### 3. Conflict of Commitment and Outside Activities of Faculty Members: [APM 025](#)/HSCP faculty: [APM 671](#)

- The University of California policy on conflict of commitment and outside activities of faculty members provides guidance for the identification and management of outside professional activities in order to avoid conflicts of commitment, while assuring that faculty may engage in a wide array of outside activities without unnecessary limitations.
- Some leaves of absence may require a Category 1 prior approval form per [APM 025](#).

For more information on UCR guidelines and procedures, click here:

<http://academicpersonnel.ucr.edu/resources/conflictcommit.html>.

### Federal and State Laws and Regulations

1. Family and Medical Leave Act ([FMLA](#)): The FMLA entitles eligible employees of covered employers to take unpaid, job-protected leave for specified family and medical reasons with continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken leave.
2. California Family Rights Act ([CFRA](#)): CFRA was established to ensure secure leave rights for the following: (a) Birth of a child for purposes of bonding, (b) Placement of a child in the employee's family for adoption or foster care, (c) For the serious health condition of the employee's child, parent or spouse and (d) For the employee's own serious health condition.

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3. Pregnancy Disability Leave ([PDL](#)): An employer must provide up to four months disability leave for a woman who is disabled due to pregnancy, childbirth, or a related medical condition. However, if an employer provides more than four months of leave for other types of temporary disabilities, the same leave must be made available to women who are disabled due to pregnancy, childbirth, or a related medical condition.
4. Americans with Disability Act ([ADA](#)): The Americans with Disabilities Act (ADA) became law in 1990. The ADA is a civil rights law that prohibits discrimination against individuals with disabilities in all areas of public life, including jobs, schools, transportation, and all public and private places that are open to the general public. The purpose of the law is to make sure that people with disabilities have the same rights and opportunities as everyone else. One of the sections includes requirements for making reasonable modifications to policies, practices, and procedures where necessary to avoid discrimination
5. The Fair Employment and Housing Act ([FEHA](#)): This law prohibits harassment and discrimination in employment because of race, color, religion, sex, gender, gender identity, gender expression, sexual orientation, marital status, national origin, ancestry, mental and physical disability, medical condition, age, pregnancy, denial of medical and family care leave, or pregnancy disability leave (Government Code sections 12940, 12945, 12945.2) and/or retaliation for protesting illegal discrimination related to one of these categories, or for reporting patient abuse in tax supported institutions.

### UC Academic Leaves, FML, PDL Interaction

Type of Leave	May Run Concurrent with Federal and/or State Regulations
Sick/Medical Leave - Self	FML, CFRA
Medical Leave - Family Member	FML, FML
Childbearing	FML, CFRA, PDL
Childrearing	FML, CFRA
Adoption	FML, CFRA
Military*	N/A
Professional Leave	N/A
Sabbatical Leave	N/A

\*May qualify as FML. FMLA entitles eligible employees who work for covered employers to take up to 12 workweeks of unpaid, job-protected leave in a 12-month period for a "qualifying exigency" arising out of the foreign deployment of the employee's spouse, son, daughter, or parent. FMLA leave for this purpose is called qualifying exigency leave.

FML and CFRA run concurrently.

FML and PDL run concurrently.

CFRA and PDF do not run concurrently.

FML, CFRA, and PDL run concurrently with a leave of absence.

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### Family Accommodations

#### *Leaves of Absence*

1. Childbearing Leave ([APM 760-25](#))
  - An academic appointee who bears a child is eligible for childbearing leave for the period prior to, during, and after childbirth. During a childbearing leave, no duties shall be required by the University.
2. Childrearing/Parental Leave ([APM 760-27](#))
  - An academic appointee is eligible for a full-time or part-time parental leave without pay for up to one year to care for a child. The child may be the appointee's child or that of a spouse or domestic partner. Accrued vacation may be substituted in lieu of unpaid parental leave.
  - At UCR, any ladder-rank faculty member declaring childrearing responsibilities including adoption as specified in APM 760 may be granted one quarter with pay for one of the following: (1) parental leave (2) active service modified duties (ASMD). The parental leave runs concurrently with FML and subject to FML eligibility requirements and maximum limitations

#### *Not a Leave of Absence*

1. Active Service Modified Duties (ASMD) ([APM 760-28](#))
  - ASMD 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 newly placed for adoption or foster care.
  - During ASMD faculty are expected to meet some portion of their normal duties.
  - Modified duties to be taken within 12 months following the birth, adoption or placement of a child.
2. Stop the Clock (STC) ([APM 760-30](#))
  - 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. Additionally, effective September 2015, a faculty member may request to stop the clock during the probationary period for personal reasons including a serious health condition, disability, bereavement, or significant circumstance or event that disrupts a faculty member's ability to pursue his or her duties.
  - To be eligible to stop the clock, an appointee at the Assistant level must be responsible for 50 percent or more of the care of a child.
  - An academic appointee must provide notice of his or her intent to stop the clock within two years of a birth or placement and before July 1 of the academic year in which a promotion review is to occur.
  - Total time off the tenure clock cannot exceed more than two years in the probationary period.
  - Even those who do not take leave or ASMD may request time off the clock.
  - This provision also applies to other titles who have eight year limitations of service, such as professional researchers.

For UCR's Work/Life Balance Initiative, click here:

<http://academicpersonnel.ucr.edu/leaves/childbearing.html>

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**Case Examples and Questions**

*Case Example 1*

Dr. Smith is a second-year Assistant Professor. He tells you that he and his wife are expecting a child in October, and wants to know his leave options.

*Case Example 2*

Dr. Lee is an Associate Professor. She approaches you in early Spring quarter to tell you that she will be having a baby in the summer and wants to discuss her options for the coming academic year.

*Case Example 3*

Dr. Johnson is a full time, academic year Professor. His elderly widower father, who has Alzheimer's disease, lives nearby in an assisted living situation. He comes to you because he is having an increasingly difficult time balancing his work and providing care to his father and family.

*Case Example 4*

Dr. Garcia is a full time, academic year, Professor and has been employed at UC for 15 years. She comes to you in the fall quarter to request for a medical leave because she has been diagnosed with a serious medical condition. Dr. Garcia requests that her leave lasts through the end of the academic year but is not sure whether she will be able to return after the leave period.