

Overview of academic personnel COVID-related Leaves and Programs

- ▶ EPAL: Emergency Paid Administrative Leave
- ▶ FFCRA - EPSL: Family First Coronavirus Relief Act - Emergency Paid Sick Leave
- ▶ FFCRA - EFML: Family First Coronavirus Relief Act - Expanded Family Medical Leave

- ▶ Impact on merit/promotion reviews

- ▶ *Reminder* Stop the Clock

- ▶ *New* APM 710 sick leave/paid medical leave exception for childcare
- ▶ *New* COVID-related Dependent Care Modified Duties

Comparison: EPAL, EPSL, & EFML (1 of 4)

UC Expanded Paid Administrative Leave (EPAL)	FFCRA Emergency Paid Sick Leave (EPSL)	FFCRA Expanded Family & Medical Leave (EFML)
128 hours or 16 days for FTE prorated for part-time appointees	80 hours for FTE or the two-week equivalent for part-time appointees	Up to 12 workweeks for any eligible appointee
March 1-December 31, 2020	April 1-December 31, 2020	April 1-December 31, 2020
No prior service requirements	No prior service requirements	On payroll for 30 calendar days immediately prior to the leave
Can be taken intermittently, and for exempt appointees is recorded in whole days. For hourly appointees, leave taken is entered in hours.	Must be taken in two-week blocks (can, however, be taken in shorter blocks for Reason 5 in certain limited circumstances -see FAQ 30)	Must be taken in blocks of at minimum two-weeks (can, however, be taken in shorter blocks in certain limited circumstances -see FAQ 30)

Comparison: EPAL, EPSL, & EFML (2 of 4)

UC Expanded Paid Administrative Leave (EPAL)

Qualifying reason for use-unable to work or telework because of:

- 1.Appointee's own COVID-19 related illness or that of a family member*
- 2.Appointee directed not to come to worksite for COVID-19 related reasons and/or worksite has COVID-19 related remote work program or is under shelter in place order and it is not operationally feasible for employee to work remotely
- 3.COVID-19 related school or daycare closure requires appointee to be at home with child/dependent and it is not operationally feasible for appointee to work remotely or in conjunction with childcare commitment

The use of EPAL “shall not adversely affect the delivery of essential University services.”

Instruction is an essential service of the University. Instructors are not eligible to take EPAL during their scheduled remote lectures/class sessions for criterion 3 above.

*Pursuant to APM - 715-0(b), “family member” is defined as an appointee’s child, parent, spouse, or domestic partner (same sex or opposite sex)

Comparison: EPAL, EPSL, & EFML (3 of 4)

FFCRA Emergency Paid Sick Leave (EPSL)

Qualifying reason for use - unable to work or telework because of:

1. Quarantine or isolation order
2. Told by health care provider to self-quarantine
3. Experiencing COVID-19 symptoms and seeking diagnosis
4. Caring for individual subject to quarantine/isolation order or who was told by health care provider to self-quarantine
5. Caring for child whose school/place of care is closed or child care provider unavailable b/c of COVID-19
6. Other substantially similar condition specified by HHS Secretary Health care workers and emergency responders are not eligible to take EPSL for Reasons 4 or 5 above.

Comparison: EPAL, EPSL, & EFML (4 of 4)

FFCRA Expanded Family & Medical Leave (EFML)

Qualifying reason for use -unable to work or telework because of:

1. Caring for child whose school/place of care is closed or child care provider unavailable b/c of COVID-19 (same as reason #5 under EPSL)

Health care workers and emergency responders are not eligible for EFML.

Any prior use of Family & Medical Leave Act (FMLA) entitlement in 2020 reduces appointee's entitlement under EFML. Any use of EFML also reduces FMLA entitlement in 2020 assuming appointee is eligible for FMLA.

First two weeks of EFML are unpaid unless appointee elects to use other available paid leave. An employee's maximum potential paid entitlement under expanded family and medical leave is 10 workweeks

Impact on Merits and Promotions

- ▶ All levels of review should take the current challenges into account at review time (e.g., disruptions to lab work, completion of writing grants, teaching effectiveness), whether it's a few months from now or a couple of years from now. Faculty members should plan to mention challenges that will have arisen because of COVID-19 disruptions in their self-statements. Department chairs and review committee chairs also know to be more flexible at review time (they have already been instructed to do so). CAP is also “on board” with taking challenges into account.
- ▶ Assistant Professors may exclude from the case materials course evaluations for courses taught in Spring 2020 and Fall 2020. Please remind your school staff of this at review time. In the coming months, we will determine whether this needs to be extended into 2021.

Reminder (1 of 2): Stop the Clock, APM 133-17 h.

▶ Childbearing or Childrearing

- ▶ To care for any child who is or becomes part of the faculty member's family. To be eligible to stop the clock, a faculty member at the Assistant level must be responsible for fifty percent (50%) or more of the care of the child.

▶ Serious Health Condition Including Disability or Bereavement

- ▶ When the faculty member's ability to pursue University duties is significantly disrupted by a serious health condition or disability, by the need to care for a close family member who is seriously ill, or by the death of a close family member.

▶ Significant Circumstance or Event

- ▶ For reasons due to a significant circumstance or event beyond the faculty member's control that disrupts the faculty member's ability to pursue University duties. Examples of significant circumstances or events beyond the faculty member's control for which the faculty member may request to stop the clock include the effects of a natural disaster or the effects of significant delays in the provision of research space, facilities, or resources committed to the faculty member and necessary for the faculty member's research activities.

Reminder (2 of 2): Stop the Clock, APM 133-17 h.

- ▶ A faculty member may be granted no more than two (2) years of extension during the probationary period. A faculty member is eligible to stop the clock even if the faculty member does not take a formal leave or have a modification of duties. A request to stop the clock should be made as soon as the need becomes apparent.
- ▶ A third Stop the Clock may be requested on an exceptional basis and requires approval by the Office of the President. Given the frequency this exception may be required, the Office of the President developed a form for Academic Personnel to submit the exception to the Office of the President.
- ▶ A faculty member who has requested a Stop the Clock is not obligated to wait to pursue promotion to the Associate rank.

APM 710-20 Sick Leave Exception for Childcare

- ▶ Temporary exception to APM - 710-20 to allow academic appointees who accrue sick leave to use any such accrued sick leave if they are unable to work or telework because their children are not able to physically attend school or place of care because of COVID-19 precautions in the Fall 2020 semester/quarter.
- ▶ Note that we have side letters providing this exception to eligible academic appointees in the UAW-represented PX (postdocs) and RA (academic researchers: professional research, project scientists, and specialists) units and the AFT-represented LX (librarian) units.
- ▶ This exception is effective immediately and will remain in effect through December 31, 2020.
- ▶ All other provisions of APM - 710, including eligibility criteria, remain in effect.

APM 710-11 Paid Medical Leave Exception for Childcare

- ▶ Temporary exception to APM - 710-11 to allow faculty who do not accrue sick leave to use any available paid medical leave allotment in the Fall 2020 quarter/semester if they were unable to work (or telework) because their children were not able to physically attend their school or place of care because of COVID-19 precautions. Note that on October 7, 2020, Provost Brown approved the two semester-based campuses, Merced and Berkeley, to defer this policy exception to Spring Semester 2021, given that instruction began in August to avoid disruptions to teaching, and potentially be more useful to faculty seeking relief. This exception applies to Senate faculty only, and it may NOT be used during Fall 2020.
- ▶ Under this temporary APM - 710-11 exception, use of paid medical leave are permitted for up to one course reduction for childcare-related reasons.
- ▶ If any faculty member requests to use APM 710 for childcare in Spring semester, the Schools must work closely with APO to determine how much time this represents for the purposes of decrementing APM 710. This exception will be effective January 1, 2021, through May 18, 2021.

Process to Request APM 710 Sick Leave/Paid Medical Leave Exception for Childcare

- ▶ The temporary exceptions to APM - 710-20 and APM - 710-11 do not affect eligibility for Emergency Paid Sick Leave (EPSL) or Emergency Family and Medical Leave (EFML) granted under the Families First Coronavirus Relief Act (FFCRA) or Expanded Paid Administrative Leave (EPAL) provided by University policy. EPSL, EFML, and EPAL may be taken before or after any accrued sick leave or paid medical leave is used or exhausted.
- ▶ After consultation with the department chair and dean, the academic appointee works with the school to complete the new Leave of Absence Request form - Paid Medical Leave (APM 710) for Childcare (attached for your convenience and available on our website at (https://academicpersonnel.ucmerced.edu/sites/academicpersonnel.ucmerced.edu/files/documents/paid_med_leave_apm710_covid-child-care_leave_of_absence_request.pdf))
- ▶ School works with APO to determine percentage portion for decrementing APM 710 for Senate faculty
- ▶ School routes completed form to Esmeralda Martinez <emartinez35@ucmerced.edu> in APO for further processing
- ▶ APO will work on obtaining approval from Vice Provost for Academic Personnel
- ▶ APO will send email approval notification for paid medical leave for childcare

Interim COVID-Related Dependent Care Modified Duties

- ▶ Senate faculty under the purview of Academic Personnel Manual 760-28(a) and with dependent care responsibilities of 50% time or more will be eligible for up to two academic terms of Interim COVID-Related Dependent Care Modified Duties during academic years 2020-2021 and 2021-2022.
- ▶ Interim COVID-Related Dependent Care Modified Duties will cover dependents of all ages, including children and dependent adults and elders.
- ▶ Full-time Senate faculty members who are considered for Interim COVID-Related Dependent Care Modified Duties will remain full-time employees of UC Merced and continue to accumulate all benefits and sabbatical credits while serving the University.
- ▶ Furthermore, Interim COVID-Related Dependent Care Modified Duties will not be considered in assessing personnel cases or affect future requests for Active Service Modified Duties; it will not adversely affect how a candidate's dossier is considered by the department, the dean's office, or the Committee on Academic Personnel (CAP).
- ▶ With the exception of Fall 2020, such requests should be initiated no later than three (3) months prior to the beginning of the semester in which the modified duties will occur. Chairs, with input from deans, will work to accommodate requests on a case-by-case basis, considering the curriculum of the department, the need to offer required courses, availability of alternative instructors, and number of individuals requesting these modified duties in the same term.

Examples of COVID-Related Dependent Care Modified Duties

- ▶ Interim COVID-Related Dependent Care Modified Duties might include any of the measures, or a combination thereof, on the following list, which is not exhaustive:
 - ▶ Offer relief from service obligations and responsibilities for all or part of an academic term.
 - ▶ Allow flexibility in classroom instruction modality, for instance, synchronous versus asynchronous, remote versus in-person, and scheduling.
 - ▶ Provide flexibility in department course offerings, for instance, reducing the overall number of courses while increasing sections of or enrollments in courses that will indeed be offered.
 - ▶ Allow voluntary deferral of sabbatical leaves.
 - ▶ Offer flexibility with instructional roles, for instance, co-teaching with others (Senate faculty, Unit-18 lecturers, advanced graduate students or postdoctoral scholars).
 - ▶ Provide teaching release in return for temporary increase in course-load after dependent care can be secured.
- ▶ Faculty members who want to apply for Interim COVID-Related Dependent Care Modified Duties should fill out an Application Form. The application will be reviewed by the faculty member's department chair, dean, and the Academic Personnel Office.
- ▶ Note: Faculty are not eligible for Interim COVID-related Dependent Care Modified Duties in the same semester that they are receiving exceptional leave to use sick leave or paid medical leave (i.e. APM 710-11 or APM 710-20) because their children are not able to physically attend school or place of care because of COVID-19 precautions.

Questions?

