

Dear Colleagues:

This memorandum seeks to provide guidance and answer questions pertaining to the consequences of the ongoing COVID-19 (coronavirus) pandemic for academic researcher personnel matters in the near and intermediate term. Academic researchers include appointees in the Professional Researcher, Project Scientist, and Specialist series. These guidelines are also applicable to other series that include research duties. As this remains a fluid situation, it is possible that some details may change, but, for now, this reflects our current planning and knowledge. Updates will be posted on the Academic Personnel Office (APO) website: [apo.berkeley.edu](http://apo.berkeley.edu).

At the outset, allow me to reassure everyone that we understand that COVID-19 is likely to have effects on academic researchers' performance during this period. That will be taken into account in future reviews; in particular, we will treat the consequences of this crisis compassionately. The Berkeley tradition is and remains that we want to see our academic appointees succeed.

This memorandum covers the following topics:

1. Research Productivity and Merit Reviews
2. Possible Extension of the Eight-Year Limit for Assistant Researchers
3. Ongoing Reviews
4. Recruitment and New Appointments
5. Administrative Leave
6. Working Remotely from Outside California

### **Research Productivity and Merit Reviews**

It is understandable that academic researchers may be concerned about the possible negative effects of the COVID-19 situation on scholarly activity. Certainly, for some appointees, the disruptions of shelter-in-place ordinances, both direct (*e.g.*, an inability to access laboratories, go on research-related travel, etc.) and indirect (*e.g.*, childcare issues, a need to devote time to adjust to remote work), will have a short-term effect on research productivity. It also remains possible that disruptions to research will extend some ways into the future.

To reiterate, long-standing campus practice is to take context into account in all personnel reviews. To this end, we recommend that, in future cases, academic researchers explain how their research was negatively affected during this period in their self-statements. As is always true in self-statements, appointees need not reveal personal or private information (*e.g.*, one does not need to detail underlying medical conditions that made them at risk; one can simply state, "due to the COVID-19 outbreak, I was unable to access facilities for *N* weeks"). When updating their CVs, appointees are encouraged to make note of conferences, talks at other universities, and the like to which they were invited, but unable to attend due to COVID-19. As in all merit and promotion cases, units (departments, schools, centers, and institutes) should provide the context for any periods of reduced activity. In the case of COVID-19-related ramp-down in research, reduction in professional activities, or any similar delays, units should indicate that the anomalies in the record were due to the COVID-19 measures implemented by the University and others. Appointees can be confident that Deans, Directors, the Budget Committee, and administrators will take all of these factors into consideration when reviewing cases that cover this time period.

### **Possible Extension of the Eight-Year Limit for Assistant Researchers**

An Assistant Researcher may request an extension of the eight-year limit clock when circumstances beyond the control of the researcher in question significantly interfere with that individual's research. For instance, interference due to serious and prolonged illness (theirs or that of someone in their care) or frustration of research efforts (*e.g.*, cannot access the lab to run crucial experiments; data collection is impossible due to travel restrictions; and so forth). Extensions may be granted for one year for COVID-19-related interference in research. Any

such request must be made within two years of the onset of the relevant circumstances and cannot be made in the year in which the promotion review is required to occur.

A request for an extension to the eight-year limit must be submitted electronically, via one's unit head (chair and dean or director and Vice Chancellor for Research), to the Vice Provost for the Faculty care of APO. The request must specify the year being identified to not count towards the eight-year limit. Approval of requests will be evaluated individually.

### **Ongoing Reviews**

Cases for academic researchers currently in progress for a July 1, 2020 effective date will continue to be processed. It is possible that decisions may be delayed due to the COVID-19 crisis, but every effort will continue to be made to have cases decided in a timely manner. In this regard, the Budget Committee continues to meet, albeit not in person; APO is still functioning; and relevant administrators are still reviewing and deciding on cases.

Many academic units have already completed the bulk of academic personnel actions for the academic year (*i.e.*, with July 1, 2020 effective dates). For units that still have cases that require ad hoc committee meetings and deliberation, those can be done remotely (*e.g.*, via Zoom); in particular, there is no need to wait until in-person meetings can be held in order to proceed with such cases—indeed, waiting is strongly discouraged: every effort should be made to be as timely as possible on academic personnel cases. To the extent possible, the remote process should follow a unit's normal procedures for such meetings and deliberations. In addition, units are kindly instructed to abide by the following:

1. As has always been true, committee members are to delete immediately any files or materials that they may have once the meeting is over. Committee members should not be retaining academic personnel materials electronically or in hard copy for which they do not have an ongoing need as part of the personnel action in question.
2. Reviewers and committee members who are using shared computers (*e.g.*, with family members) are expected to take all necessary precautions to preserve confidentiality of academic case material.
3. The person chairing any remote meeting must take attendance or otherwise determine who is participating.
4. All individuals who speak during any such meeting must be identifiable to the other participants when speaking (this is perhaps most readily achieved by having video switched on when speaking).
5. Participants, including staff who may be (virtually) attending for purposes of note taking, etc., must be sure that others who are at their physical location (*e.g.*, family members) cannot hear the meeting (the use of headphones may thus be necessary).
6. Participants cannot record the meeting.

### **Recruitments and New Appointments**

Academic units may continue searches for extramurally-funded positions, provided (1) the new hire can successfully perform the duties of their role remotely, during periods of reduced on-campus building access, or the PI has secured exceptional approval for on-campus access from the Vice Chancellor of Research or cognizant executive; and (2) the funding sponsor allows remote work and/or paid leave in lieu of remote work.

At this juncture, it seems impractical to postpone candidate (finalist) visits to a time when people are willing to travel and in-person meetings can occur; hence, units need to devise means of conducting interviews, job talks, etc. via Zoom or similar remote means.

Every effort should be made to make the remote process as similar as possible to what would occur during an on-campus visit (this is especially important, for fairness reasons, if some candidates had in-person visits prior to the current restrictions). So, for example, if finalists give a certain number of talks, then they should give the same number and types of talks remotely; if finalists meet with certain groups of faculty and students, they should hold such

meetings virtually; and so forth. Efforts should be made to have the remote experience be similar to an in-person experience (so, *e.g.*, if people would ask questions during an in-person job talk, things should be set up to permit them to ask questions during a remote job talk).

Please be aware that the US Department of State has suspended its visa services. Especially without premium processing of H-1B visas, there could be delays of many months in the processing of visas for those new appointees who require them. It is additionally possible that even new appointees with visas could be adversely affected by various travel bans now in place.

### **Administrative Leave**

President Napolitano has issued an executive order providing up to 16 days or 128 hours of administrative leave for all employees for the following purposes:

1. When an employee is unable to work due to the employee's own COVID-19-related illness or that of a family member;
2. When an employee is unable to work because the employee has been directed not to come to the worksite for COVID-19-related reasons and/or the work site has implemented a COVID-19-related remote-work program or is under a shelter in place order and it is not operationally feasible for the employee to work remotely;
3. When an employee is unable to work because a COVID-19 related school or daycare closure requires the employee to be home with a child or dependent, and it is not operationally feasible for the employee to work remotely or in conjunction with the childcare commitment.

The 16 days or 128 hours is inclusive of the 14 days of administrative leave previously announced. Further detailed guidance regarding application for and use of administrative leave has already been sent to deans and chairs. If employees or departments have immediate questions about the executive order or have an employee who wishes to apply for leave, please contact APO. Please keep in mind that the use of this paid administrative leave must **not** adversely affect the delivery of essential University services.

### **Working Remotely from Outside California**

Although neither I nor the University can offer tax advice, please be aware that the Office of the President has determined that working remotely for the University while in another state might make one liable for income tax in that state. If you are fulfilling your duties to the University remotely from outside of California, you may wish to consult with a tax advisor or review the tax laws of the state from which you are working.

If you have any questions, please contact the Academic Personnel Office.

Sincerely,



Benjamin E. Hermalin  
Vice Provost for the Faculty