

Leaves and Workload Modifications for Ladder-Rank Faculty

Faculty may find, on occasion, that they need to attend to their own serious health condition or care for a close family member with a serious health condition. For personal health conditions, faculty are entitled to request a **leave**, during which time the faculty member is relieved of all workload expectations. For caregiving circumstances, there are two main options: a **temporary workload modification**, during which time duties are modified but the faculty member remains on full-time active service, or a **leave**. This document provides an overview of applicable policies for ladder-rank and security of employment (SOE) faculty, and specifies the conditions under which leaves are determined to be paid or unpaid.

Unwritten or informal agreements between a faculty member and a Chair or Dean are not allowed.

Overview

Documentation: Appropriate documentation, including a certification by a health care provider, must accompany all leaves and temporary workload modifications (see below). Documentation helps to ensure that faculty members are treated equitably across units; moreover, it helps to ensure they are not inadvertently penalized in their merit or promotion reviews. The forms should be submitted for approval prior to the start of the leave or temporary workload modification. In cases of emergency, such as sudden hospitalization, the forms should be completed as soon as possible. The department/dean should submit the request and forms through appropriate channels to the Academic Personnel Office (APO) for approval by the Vice Provost for the Faculty. Deans are delegated authority to approve personal medical leaves or temporary workload modifications for less than one month, but these must also be appropriately documented and copies forwarded to APO.

Demands of the Job: The [Demands of the Job form](#) describes the physical, environmental, and mental demands of the faculty position. This form should be completed by the department/unit to specify the nature of the faculty member's work. The faculty member should make this form available to the medical provider so that they can assess the medical condition relative to the job responsibilities. The medical provider will need this information in making a recommendation for a personal medical leave and in completing the Return to Work form. Note that a faculty member out on a personal medical leave may not return to work without certification from a medical provider.¹

Workload Plan: A Workload Plan is required for a partial or intermittent leave and for a temporary modification of duties. A plan must provide a clear set of expectations during periods of active service. For example, a faculty member who took five weeks of leave would

¹ Such certification might include restrictions requiring an accommodation so that the faculty member can complete his or her responsibilities. The disability accommodation process is described [here](#).

only be expected to complete ten weeks of full-time contributions for a 15-week semester, a reduction by one-third of the usual expectations.²

Covering teaching/student needs: Faculty members have a professional responsibility to students. In arranging for leaves or a temporary workload modification, it is important to take student needs into consideration to the extent possible. If the leave is the result of an emergency, the chair/dean is responsible for finding a substitute to cover the classes and other responsibilities assigned to the faculty member. When the leave is planned ahead of time (e.g., for a surgery), or the need is for a non-emergency temporary workload modification, the faculty member should assist the chair/dean in making sure student needs are met (e.g., critical coursework required for timely graduation, completion of graduate student oral exams and theses, etc.). However, faculty members should never be prevented from taking a needed paid or unpaid leave or a temporary workload modification for the circumstances described further below, even if it is difficult to cover their duties.

Stopping the Tenure Clock: Assistant professors may request to stop the tenure clock for the time associated with a birth or newly placed child, family or personal medical leave, or temporary workload modification, for a total time off the clock that does not exceed two years. That is, any clock stoppage must be in accordance with [APM 133](#).

Effect on Merit and Promotion Review: In merit and promotion cases, departments or schools should take into consideration the length of time of the approved leave or period of modified duties, and adjust expectations downward as appropriate. *Confidential medical information should not be disclosed in any material provided for a merit/promotion review.* It is sufficient to indicate that the candidate has been on an approved leave or had modified duties for a stated period of time during the review period. If the leave or modified duties had a negative effect on research productivity and accomplishment during the review period, this can be recognized in reducing expectations as appropriate to the length of leave. However, there remains a minimum bar for research productivity depending on discipline norms, and that bar still must be met. A documented leave does not require delaying a review past the normative time for such a review,³ but a faculty member may choose to delay a review as a consequence of the leave (however, all faculty members must be reviewed at least once every five years).

Summer salary: Faculty members cannot earn additional compensation (e.g., summer salary) during a period of leave if it occurs during the summer. For example, if the leave spans to the end of June, the faculty member is not eligible for summer salary during May and June. After the leave ends, summer salary may be requested. Return to work documentation must be submitted prior to requesting summer salary.

² Active service modified duties (ASMD) to care for a newborn or newly placed child for foster care or adoption is an exception. When on ASMD, the faculty member is expected to perform only a portion of the normal duties.

³ For the purpose of this document, normative time is two years for those at the Assistant Professor rank or the Associate Professor rank not beyond Step III; it is three years for Associate Professors Step IV or V and for Professors up to Step IX; and it is four years for those at or going to Professor Above Scale.

Overview of Leaves and Temporary Workload Modification

A. Medical Leave

Per [APM 710-11](#): Ladder-rank faculty members are entitled to the equivalent of one semester of paid personal medical leave during the first ten years of paid service after appointment. Faculty members with more than ten years of paid service are entitled to the equivalent of two semesters of paid medical leave in each subsequent ten-year period. The leaves do not accumulate; the total of two semesters resets every ten years of paid service.

There are several options for administering medical leave. The standard option is to take a leave for the entire semester. By exception, a faculty member may take a partial or an intermittent leave (e.g., for specific medical treatments). In such cases, evidence must be provided as to the need for a partial or an intermittent leave. The dean can approve a leave of less than one month (e.g., for an injury that requires short-term care or for a scheduled minor surgery that needs to be conducted while the faculty member is teaching).⁴

Required documentation:

- [Demands of the Faculty Job](#) form should be completed by the department/unit and made available to the medical provider so that they can assess the medical condition relative to the job responsibilities.
- [Certification of Health Care Provider for Employee's Serious Health Condition](#) signed by a medical provider.
- [Sabbatical Leave/Special Leave of Absence UPAY573-1](#) form.
- A [workload plan](#) for a partial or intermittent leave describing how the faculty member will complete a percentage of the regularly assigned teaching and service based on the percent time on active service.
- [Return to Work Certification](#) to certify that the faculty member is able to resume full-time work at the end of the leave.

B. Active Service Modified Duties and Childbearing Leave

Per [APM 760-25](#): Ladder-rank faculty members with a newborn or newly placed child for foster care or adoption are entitled to receive Active Service Modified Duties (ASMD) within one year of the birth or placement. Birth mothers are entitled to two semesters of ASMD and non-birth parents providing 50% or more of the care of the child are entitled to one semester. Assistant professors with caregiving responsibilities are also entitled to one year off the tenure clock per event for up to two years total for any caregiving reason. 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.

⁴ The dean should retain documentation for the need for a short-term medical leave of four weeks or less, and forward copies to APO. Such short-term leaves are counted towards the allocation for medical leave.

Birth mothers are entitled to six weeks of paid childbearing leave,⁵ concurrent with ASMD if the leave occurs during the academic year. For this period of time, the birth mother is not responsible for completing her responsibilities as a faculty member. After the childbearing leave, the faculty member is expected to carry out the modified duties agreed to by the faculty member and chair/dean during the balance of the approved ASMD (if during the academic year).

ASMD must coincide with the academic calendar and may not be taken for a partial semester. If the childbearing leave occurs during the summer, ASMD will commence in the fall semester.

Per [APM 760-27](#), a faculty member may also request up to a year of unpaid parental leave.

Required documentation:

- [Childbearing/Childrearing-Reporting/Certification Form](#), which must be submitted within one year of the birth of the child or adoption to be eligible for ASMD and time off the tenure clock.
- [Certification of Health Care Provider for Employee's Pregnancy Disability \(pdf\)](#) signed by a medical provider.
- A [workload plan](#) describing the reduced teaching and service expectations while the faculty member is on ASMD.

C. Caregiving Leave

A faculty member may need a temporary family medical leave (FML) to care for a child, parent, spouse, or domestic partner (same sex or opposite-sex) with a serious health condition. Eligible faculty members are entitled to twelve weeks of unpaid leave in a calendar year per the federal [Family Medical Leave Act](#). The leave may be granted when the faculty member needs to provide full-time or intermittent care.

Per [APM 715-20](#), Chancellors have the discretion to grant FML with pay in certain circumstances. In order to create an equitable approach to requests for FML with pay at UC Berkeley, the Chancellor will approve requests for up to six weeks of paid FML (concurrent with FMLA leave) once in a five-year period with appropriate documentation for the need.⁶ Leave may also be taken on an intermittent basis.

Required documentation:

- [Sabbatical Leave/Special Leave of Absence UPAY573-1](#) form.
- [Certification of Health Care Provider for Family Member's Serious Health Condition](#) form.

⁵ Should there be a need for a longer disability leave as certified by a medical professional, the birth mother may take a medical leave (see Part A) or FML (see Part C).

⁶ Many UC Berkeley employees accrue twelve weeks of sick leave in a five-year period to provide full or partial pay for personal medical leave and family caregiving responsibilities. Faculty members already receive one semester (for faculty with less than ten years of paid service) or two semesters of paid medical leave for personal illness in a ten-year period. The decision to allow faculty six weeks of paid family leave in a five-year period takes into account equity relative to other UC Berkeley employees.

- [Declaration of Relationship for Family and Medical Leave](#) form.
- A [workload plan](#) for a partial or intermittent leave describing how the faculty member will complete a percentage of the regularly assigned teaching and service based on the percent time on active service.

D. Temporary Workload Modification (TWM)

Temporary Workload Modification (TWM) is a Berkeley-specific policy that allows a faculty member to remain on full-time status and modify his/her workload while managing significant caregiving responsibilities (a serious health condition of the faculty member's child, parent, spouse, or domestic partner). Modifications in workload might be to replace teaching with additional service to provide for a more flexible schedule, or to allow for remote teaching, office hours, committee meetings, or other service obligations.

TWM may not extend beyond the equivalent of one semester once in a five-year period. If a faculty member needs additional time, they are entitled to up to twelve weeks of FML per year (as per above, up to six weeks of this time would be paid for caregiving leave once in a five-year period).

As an additional option, the dean may provide a modification of duties for less than one month (e.g., a child undergoes a short-term hospitalization and teaching duties must be taken over during the caregiving period).⁷

Required documentation:

- [Certification of Health Care Provider for Family Member's Serious Health Condition](#) form.
- [Declaration of Relationship for Family and Medical Leave](#) form.
- A [workload plan](#) for the temporary modification of duties that meets the responsibilities equivalent full-time active service.

E. Bereavement Leave

A leave of absence with pay of up to ten days may be granted in the event of the death of a family member or person residing in the household of the faculty member. A leave of absence of up to five days in a calendar year may be granted for the death of an individual who is not a family member.⁸ Faculty may request additional unpaid leave if needed, not to exceed a total of one month.

Additional information, leave forms, and resources can be found at this [link](#).

⁷ The dean should retain documentation for the need for a temporary workload modification of four weeks or less and forward copies to the Academic Personnel Office. Such temporary modifications will be counted towards the allocated TWM.

⁸ This is consistent with the UC staff personnel policy.