

Leaves and Workload Modifications for Certain Senate Faculty Series

Ladder-rank faculty and Lecturers with Security of Employment have access to a number of leave and workload modification options to support them in attending to personal or family-related needs ranging from the birth or adoption of a child to medical conditions affecting the faculty member or someone in their family.

This document briefly summarizes the main options available to ladder-rank faculty and Lecturers with Security of Employment (henceforth, “faculty”) and sketches the associated request approval processes.

Note: this guidance does not cover workplace disability accommodations, which are described in a separate set of guidelines; see <https://ofew.berkeley.edu/equity/disability>.

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1 Documentation and approval requirements

Appropriate documentation must accompany all requests for leaves and workload modifications described in this document. 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**.

Why documentation? 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. Documentation also protects faculty and their departments against inadvertently violating policy by exceeding allowed limits.

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

Finding and understanding the required forms. The various forms referenced in this document are described (and linked) below:

- Forms for leaves (any kind)
 - **Sabbatical Leave/Special Leave of Absence UPAY573-1:** completed by the faculty member and the department, this general form is used for any leave of absence, including [Childbearing Leave](#), [Medical Leave](#), and [Parental Leave](#).
- Forms for workload modification during active service (any kind)
 - **Workload Plan:** Completed by the faculty member and the department chair or dean, a Workload Plan must provide a clear set of expectations during periods of modified active service. A Workload Plan is required in support of requests for [Active Service Modified Duties](#) and [Temporary Workload Modification](#) as well as for any partial or intermittent leave, including [Medical Leave](#) or [Caregiving Leave](#).
- Forms specific to pregnancy, childbirth, and/or adoption
 - **Certification of Health Care Provider for Employee's Pregnancy Disability:** completed by a medical provider, certifies that the employee is subject, in a particular timeframe, to a condition related to pregnancy or childbirth for a specific range of time. This form is required in support of a request for [Childbearing Leave](#).
 - **Childbearing/Childrearing-Reporting/Certification:** completed by the faculty member, this form certifies that the faculty member has a qualifying childbirth or adoption and is required in support of [Childbearing Leave](#), [Active Service Modified Duties](#), [Parental Leave](#), [tenure clock stoppage](#), and [delay of a review](#) for tenured faculty.
- Forms specific to medical conditions of the employee:
 - **Certification of Health Care Provider for Employee's Serious Health Condition:** completed by a medical provider, certifies that an employee is subject to a medical condition or disability for a specific range of time. This form is required in support of requests of [Medical Leave](#) or [Temporary Workload Modification](#).

Although the form mentions the word “leave,” it is also used in support of requests that do not involve leave.

- **Demands of the Faculty Job**: completed by the department/unit, this “PEM” form describes the physical, environmental, and mental (PEM) demands of the faculty position. The faculty member should make this form available to the medical provider. The medical provider will need this information in order to complete the Certification of Health Care Provider for Employee’s Serious Health Condition as well as the Return to Work form. The PEM form is required in support of Medical Leave or Temporary Workload Modification.
- **Return to Work**: completed by a medical provider, this form certifies that a faculty member who took personal medical leave is able to return to work.¹ The Return to Work form is required in support of Medical Leave.
- Forms specific to medical conditions of a member of the employee’s family:
 - **Certification of Health Care Provider for Family Member’s Serious Health Condition**: completed by a medical provider, this form certifies that a family member is subject to a medical condition or disability for a specific range of time. This form is required in support of requests for Caregiving Leave or Temporary Workload Modification. *Although the form mentions the word “leave,” it is also used in support of requests that do not involve leave.*
 - **Declaration of Relationship for Family and Medical Leave**: completed by the faculty member, this form certifies that a family member has a medical condition qualifying the faculty member for Caregiving Leave or Temporary Workload Modification.

When and where to submit documentation for approval of a request. 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, relevant forms should be completed as soon as possible.

In consultation with the Academic Personnel Office (APO), which tracks eligibility for leaves and duty modification, 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. Requests for longer than a month must be submitted through appropriate channels to APO, which will refer the request to the Vice Provost for the Faculty, who will review and decide whether to approve the request.

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

2 Leaves and Workload Modification

2.1 Medical Leave

Faculty members covered by [APM 710-11](#) are entitled to the equivalent of one semester of paid personal medical leave during the first ten years of paid service after appointment.² 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. Unused leave does not carry over into the next ten-year period; 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. In certain circumstances, a faculty member may request a partial (short-term) or an intermittent leave. Examples might include leave 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.

Short-term leaves are counted towards the total allocation of medical leave. APO tracks leave accumulation and eligibility.

2.1.1 *Required documentation for Medical Leave to be approved:*

- [Certification of Health Care Provider for Employee's Serious Health Condition](#)
- [Demands of the Faculty Job](#)
- [Sabbatical Leave/Special Leave of Absence UPAY573-1](#)
- For partial or intermittent leave, a [workload plan](#) describing how the faculty member will complete a percentage of the regularly assigned duties based on the percent time on active service.

2.1.2 *Required documentation to return from Medical Leave:*

- [Return to Work Certification](#)

In consultation with APO, Deans have the authority to approve a leave of less than one month, but must forward copies of the required documentation to APO. Requests for leaves that are longer than one month must be sent to APO and approved by the Vice Provost.

2.2 Active Service Modified Duties

Per [APM-760-28](#), faculty with a newborn or newly placed child for foster care or adoption are entitled to Active Service Modified Duties (ASMD). To be eligible for active service-modified duties, an academic appointee must be responsible for 50% or more of the care of a child. Birth mothers with full-time appointments are entitled to two semesters of ASMD. Non-birth parents

² Exceptions to this are faculty who accrue sick leave, faculty who participate in a Health Services Compensation Plan whose terms supersede [APM 710-11](#), and faculty whose appointments are not full-time.

are entitled to one semester. ASMD can be exercised as soon as three months prior to the expected birth or placement date; the latest end date of ASMD is twelve months following the birth or placement. ASMD must coincide with the academic calendar and may not be taken for a partial semester.

For ladder faculty, the modification of duties under ASMD 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. Faculty who take ASMD often elect to stop their tenure clock; see section 3.1. For LSOE, the modification of duties normally will be partial teaching relief or the assignment of additional resources such as teaching assistants or readers, as appropriate.

2.2.1 *Required documentation for Active Service Modified Duties*

- Childbearing/Childrearing-Reporting/Certification
- A workload plan describing the reduced teaching and service expectations while the faculty member is on ASMD.

2.3 **Childbearing leave**

Per APM 760-25, birth mothers are entitled to eight weeks of paid childbearing leave.³ While on childbearing leave, the birth mother is not responsible for completing any responsibilities as a faculty member.

Childbearing leave is concurrent with ASMD if taken during the academic year. If the childbearing leave occurs during the summer, ASMD will normally commence in the fall semester.

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), with the important proviso that *in the semester of a childbearing leave, there must be full relief from teaching duties*.

2.3.1 *Required documentation for Childbearing Leave:*

- Certification of Health Care Provider for Employee's Pregnancy Disability
- Childbearing/Childrearing-Reporting/Certification form
- Sabbatical Leave/Special Leave of Absence UPAY573-1

2.4 **Parental/family bonding leave**

Per APM 760-27, a faculty member may request up to a year of parental leave. In the past this was unpaid leave. As of July 1, 2021, a new Pay for Family Care and Bonding (PFCB) provision

³ Should there be a need for a longer disability leave as certified by a medical professional, the birth mother may take a medical leave (section 2.1) or caregiving leave (section 2.5).

provides for up to eight weeks of that leave to be taken, in minimum one-week increments, with pay (at 70% of salary).

2.4.1 Required documentation for Parental Leave:

- Childbearing/Childrearing-Reporting/Certification
- Sabbatical Leave/Special Leave of Absence UPAY573-1

2.5 Caregiving Leave

A faculty member may need a temporary family medical leave (FML) to care for a child, parent, spouse, or domestic partner with a serious health condition. Eligible faculty members are entitled to twelve weeks of caregiving leave in a calendar year per the federal Family Medical Leave Act. In the past, this leave was unpaid, though, Per APM 715-20, Chancellors had the discretion to grant caregiving leave with pay to faculty in certain circumstances. As of July 1, APM 715 was revised to include the new Pay for Family Care and Bonding (PFCB) provision, which provides up to eight weeks (taken in minimum one-week increments) of pay (at 70% of salary) per calendar year for family caregiving leave taken under the FMLA.

2.5.1 Required documentation for caregiving leave:

- Certification of Health Care Provider for Family Member's Serious Health Condition
- Declaration of Relationship for Family and Medical Leave
- Sabbatical Leave/Special Leave of Absence UPAY573-1

2.6 Temporary Workload Modification (TWM) for health-related caregiving

Specific to Berkeley is Temporary Workload Modification (TWM), which allows a faculty member to remain on full-time status and modify their workload while managing significant health-related caregiving responsibilities (a serious health condition of the faculty member's child, parent, spouse, or domestic partner). Modifications in workload might include replacing teaching with additional service to provide for a more flexible schedule, or allowing for remote teaching, office hours, committee meetings, or other service obligations.

TWM may be taken in small amounts of time, but the time taken may not add up to more than eighteen weeks (essentially a semester) per five-year period. TWM is not leave. If a faculty member needs to go on leave to care for a family member, they are entitled to up to twelve weeks of FML per year. Per the Pay for Family Care and Bonding (PFCB) provision of APM 715, up to eight weeks of this time may be paid at 70% for caregiving leave in a calendar year).

2.6.1 Required documentation for Temporary Workload Modification:

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

APO tracks the accumulation of and eligibility for TWM. In consultation with APO, Deans may approve TWM requests that are 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), and will forward copies of the required documentation to APO. TWM for longer than one month must be approved by APO.

2.7 Bereavement Leave

[Per APM 758-0-b](#), a leave of absence with pay of up to ten days may be granted in the event of the death of an appointee's child, parent, spouse, domestic partner, sibling, grandparent, or grandchild. In-laws or step relatives in the relationships listed, including relatives of the domestic partner who would be covered if the domestic partner were the appointee's spouse, are also covered. This provision also covers other persons residing in the appointee's household. 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. Faculty may request additional unpaid leave if needed, not to exceed a total of one month.

2.7.1 Required documentation for bereavement leave:

- [Sabbatical Leave/Special Leave of Absence UPAY573-1](#)

3 Considerations and options to be aware of

3.1 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](#). Clock stoppage requests can be made using the same form ([Childbearing/Childrearing-Reporting/Certification](#)) that is used to request ASMD, Childbearing Leave and/or Parental leave.

Stopping the clock prior to a midcareer appraisal affects both the scheduled time of the midcareer as well as the scheduled date for the final (tenure) appraisal. Accomplishments during a period lengthened by clock stoppage are judged as though they occurred in normative time. For more information, see <https://bmap.berkeley.edu/time-tenure-clock>.

3.2 Requesting a delayed review

A tenured faculty member who has taken leave or modified duties may wish to delay a subsequent merit or promotion case. This is not required, nor is it always in a faculty member's best financial interest to postpone the opportunity to advance even half a step, but it may be appropriate in some situations. Bear in mind that all faculty members must be reviewed at least once every five years.

3.3 Effect on Merit and Promotion Review

In merit and promotion cases, it can be appropriate to mention, especially in explaining a teaching or service record, that a candidate was on approved leave or duty modification for a period of time. *Confidential medical or other personal information need not, and should not, be disclosed in any material provided for a merit/promotion review.* However, there remains a minimum bar for research productivity depending on discipline norms, and that bar still must be met. The most appropriate way to accommodate reduced productivity in the merit and promotion process is through tenure clock stoppage (section 3.1) or, for tenured faculty, a request to delay a scheduled review (section 3.2).

3.4 Summer salary

Faculty members cannot earn additional compensation (summer salary) during a period of leave that occurs during the summer. For example, if a spring leave spans to the end of June, the faculty member is not eligible for summer salary during May and June. After the leave ends, and any necessary Return to Work form is submitted, summer salary may be requested.

3.5 Planning considerations; responsibility to students

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 paid or unpaid leave or a temporary workload modification for which they are eligible, even if it is difficult to cover their duties.

For further information and forms, please visit the Academic Personnel Office [website](#) or contact the [Office for Faculty Equity & Welfare](#).