

1. Why is it so important to place faculty members, including AAUP-represented, on a Leave of Absence?

It is important to place faculty members, including AAUP-represented, on a Leave of Absence for a number of reasons including:

- The Leave action and reason you enter into UC Flex initiates certain FMLA, pay and benefit consequences for the faculty member. For instance, when you enter an FMLA – Medical Leave of Absence with Pay (Employee) PCR for a faculty member, a “benefit clock” starts that alerts UC Benefits to provide paperwork and assistance for faculty members who may eventually transition to a disability status. If the PCR has not been entered, the faculty member will not receive timely information on important status and benefit changes – including information about timely filing of Long Term Disability and Life Insurance Premium Waiver claims.
- Additionally, only the first 160 hours of sick time should be charged to the organizational unit’s budget. Sick time over 160 hours is charged to a central budget. If the faculty member is not placed on a Leave in a timely manner and pay is not coded correctly, the organizational unit’s budget will not be correctly charged.

Important Note: Leaves of absences for 12-month appointed (12/12) faculty members, including AAUP-represented, are handled in the same manner as they are for staff employees (the faculty member is returned from Leave when medical certification ends. The questions and answers below specifically address Leaves of Absence for two-semester appointed (9/12), including AAUP-represented faculty members.

As a reminder, for faculty members, Leaves of Absence and the use of time from the Faculty Sick Bank for AAUP-represented faculty members must be approved by the Provost Office.

2. When do I report time off for two-semester appointed faculty members, including AAUP-represented?

Two-semester appointed faculty time off is reported for absences on week days (excluding University holidays) during a semester (while classes are in session and during examination week) regardless of a faculty member’s classroom teaching schedule (for example: fall semester absences are reported week days beginning the first day of class and ending the last day of the semester per the academic calendar. University holidays do not count as FMLA or sick days for two-semester faculty.

3. **What effective date should I use for a two-semester appointed faculty member, including AAUP represented, who has requested a Medical Leave of Absence (Employee) for a full semester and whose medical certification begins before the first day of classes? For example, a faculty member has a baby on July 25, 201x. Is the Leave of Absence effective on 7/25/201x (the date of birth), 8/15/201x (the first day of the academic year appointment) OR the first day of classes? How does the FMLA notification process fit with this scenario? How are FMLA and sick time counted?**

In this case, TWO (2) Leaves of Absence must be initiated. The first Leave is effective on 7/25/201x, the day of birth. You should process a Leave of Absence with Pay PCR effective 7/25/201x. The Leave action will be Med/sick - Emp (whether or not the faculty member is eligible for FMLA; FMLA and sick time are not counted until the first day of classes – see below). Regular time is reported from 7/25/201x to the first day of classes for fall semester.

Effective the first day of classes, you should initiate a PCR for Leave of Absence with or without pay as appropriate and change the Leave reason to **FMLA**-Med/sck – Emp (assuming the faculty member is eligible for FMLA; if not, don't change the Leave reason), but begin reporting sick time, if appropriate. If FMLA eligible, you should begin tracking FMLA time when reporting sick pay on the first day of classes for fall semester per the academic calendar in CAT2.

You should follow standard FMLA notification protocol which includes sending the WH-382 form within five (5) business days of the first FMLA day of classes for fall semester of the academic calendar. FMLA time begins on the first day of classes. You would not enter sick time off work or track FMLA time off on University holidays, since they are not counted as FMLA or sick days.

Example A:

Date of birth:	7/25/201x
Medical Leave (Employee) begins:	7/25/201x
FMLA Medical Leave (Employee) effective:	First day of classes for fall semester on the academic calendar

The faculty member should be charged for sick and FMLA days each week day of absence (excluding University holidays) during the fall semester while classes are in session based on the academic calendar.

A faculty member returning to work *without restrictions* **must** provide a return to work (RTW) physician's statement to their Academic Unit Head (AUH) for their review prior to returning to their position. A faculty member returning to work *with restrictions* **must** make an appointment with UHS and provide a RTW physician's statement outlining the restrictions for their review prior to

returning to their position. UHS in conjunction with the AUH will make a determination if the faculty member may return to work with the restrictions based on their job duties.

- 4. How is an FMLA-Medical Leave of Absence (Employee) handled for a two-semester appointed faculty member, including AAUP-represented, whose unexpected, unplanned medical absence begins during the middle of the spring semester and who is not expected to return until the following fall semester (i.e., the faculty member does not teach during summer semester)? How is FMLA time counted? Should I process a PCR returning the faculty member from Leave when his medical certification ends? Should I process a different type of Leave for the summer semester so as not to use sick pay or reduce FMLA days during this period?**

Because the Leave began mid-spring semester, you should initiate a PCR placing the faculty member on a Leave With or Without Pay, as appropriate, for the reason FMLA-Med/sick - Emp (assuming the faculty member is eligible for FMLA) effective the first date on the medical certification. Time should be reported as both FMLA and sick time through the last day of the spring semester based on the academic calendar. Because the faculty member is not expected to return until the fall semester, based on the medical certification, a PCR changing the reason to Medical Leave of Absence with Pay should be initiated for the faculty member beginning on the day after spring semester ends. – Assuming summer semester is not a primary semester; no sick time should be reported for the faculty member. If the faculty member’s Leave reason is not changed, as indicated, his HR record incorrectly reflects his employment status.

Example B:

FMLA-Med/sck - Emp begins:	First date on the medical certification
Medical certification ends:	Last date on the medical certification (assumed to be last day of spring semester in this example)
FMLA –Med/sck – Emp ends:	Last day of spring semester per the academic calendar
Initiate PCR to return faculty member:	First date after the last day of spring semester

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5. **How is an FMLA-Medical Leave of Absence (Employee) handled for a two-semester appointed faculty member, including AAUP-represented, whose absence is for spring semester? The faculty member is not expected to return until the following fall semester (i.e., the faculty member did not teach during summer semester). Should I initiate a PCR returning the faculty member from leave over the summer semester?**

Example C:

Medical Leave (Employee) begins:	01/01/201x
FMLA-Med/sck - Emp begins:	(first day of classes spring semester per academic calendar)
Medical certification ends:	last day of spring semester per academic calendar
FMLA –Med/sck - Emp ends:	last day of spring semester
Initiate PCR to return faculty member:	first day after spring semester ends per the academic calendar

A faculty member returning to work *without restrictions* **must** provide a return to work (RTW) physician’s statement to their Academic Unit Head (AUH) for their review prior to returning to their position. A faculty member returning to work *with restrictions* **must** make an appointment with UHS and provide a RTW physician’s statement outlining the restrictions for their review prior to returning to their position. UHS in conjunction with the AUH will make a determination if the faculty member may return to work with the restrictions based on job duties.

6. **How is an FMLA-Medical Leave of Absence (Employee) handled for a two-semester appointed faculty member, including AAUP-represented, whose absence begins the first day of classes spring semester and who is not expected to return until the following Fall semester (i.e., the faculty member did not teach during spring but does teach one class over the summer)? This faculty member has multiple assignments. Should I initiate a PCR returning the faculty member from Leave over the summer?**

Initiate the PCR to process the Leave as indicated above in Example C. The answer whether or not to initiate a PCR returning the faculty member from Leave depends upon if the faculty member's medical certification extends over the summer. If the medical certification extends over the summer, the faculty member should not teach during the summer on any of his/her assignments. If the medical certification ends, then you should initiate a PCR returning the faculty member from leave as described in the above example. The faculty member is not on Leave over the summer. If a new certification is provided for the fall semester, you will initiate a PCR placing the faculty member on a new Leave as described above in Example A

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7. **A two-semester appointed faculty member, including AAUP-represented, begins an FMLA – Med/sck - Emp Leave of Absence mid-term fall semester on 10/23/201x. Her return date is November 14, 201x (mid-term) and she is released by her physician on this date. On 12/14/201x, she submits a notice tendering her resignation effective 12/31/201x (the last day of her appointment). How should I process the PCR's?**

Example D:

LOA With or Without Pay as appropriate (for the period of medical leave).

REASONS:

FMLA-Med/sck – Emp:

October 23, 201x (medical certification begin this date)

Medical certification ends:	November 13, 201x
FMLA –Med/sck – Emp Leave ends:	November 13, 201x
Initiate PCR to return faculty member:	November 14, 201x
Effective date of separation:	January 1, 201x

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AAUP – represented Faculty Sick Bank (Article 17.2 of the UC/AAUP CBA)

- 8. An AAUP-represented faculty member has exhausted his/her sick bank and has been approved by the Provost Office to begin using sick days from the Faculty Sick Bank. How is this time reported? Does the faculty member continue to accrue sick time while using days from the Faculty Sick Bank?**

AAUP-represented faculty must request time from the Faculty Sick Bank through their AUH. The request is ultimately received by the Provost Office who makes a determination if the request is approved. If approved, the sick time is reported in CAT2 as Faculty Sick Bank use (SKBK) after **ALL** regular sick time (SCK) is used. Sick time will accrue when the faculty member is using SKBK time; the accrued time (SCK) should be utilized **each pay period prior to the SKBK being utilized**. The faculty member should have a *zero sick hour balance at the end of each month* with the entry of SCK and SKBK in CAT2. If the absence is FMLA-certified, the FMLA time must be tracked in the CAT system.

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Faculty and Long Term Disability Benefits

- 9. An AAUP-represented faculty member has been approved for LTD benefits and he is still receiving sick pay. Will his LTD benefit be offset by sick pay? What happens when his sick pay is Exhausted and he begins to receive sick time from the Faculty Sick Bank as approved by the Provost Office?**

The LTD benefit will be offset by the amount of sick time and Faculty Sick Bank time pay each month; the minimum monthly LTD benefit due to the offset will be \$50. When the faculty member's sick time is exhausted and sick time from the Faculty Sick Bank is approved by the Provost Office and begins, the LTD benefit will still be offset because the faculty member remains in pay status. The offset would discontinue once payment of accrued sick time and time from the Faculty Sick Bank ceases.