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*Chair of the Assembly of the Academic Senate
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June 28, 2016

**DWAINE DUCKETT, VICE PRESIDENT
HUMAN RESOURCES**

Re: Proposed Revisions to Elective Disability Insurance Program

Dear Dwaine,

At its June 22, 2016 meeting, the Academic Council endorsed the attached letter from the University Committee on Faculty Welfare (UCFW) expressing concerns about a proposal from the Office of Human Resources to change the Elective Disability Insurance Program policy from an “own occupation” standard to an “any occupation” standard.

UCFW notes that under this stricter definition of disability, employees would no longer qualify for continued benefits after two years if they could perform “any” occupation, rather than their particular occupation. Although we presume that the “any” standard would be based more narrowly on one’s education, experience, age, and mental capacity, rather than “any possible” occupation, we share UCFW’s concern that this policy should not be used to deny benefits to a faculty member who is unable to perform teaching and scholarship as a result of a mental disability, even if the faculty member is able to perform less mentally demanding work.

Council joins UCFW in requesting that your office clarify the extent to which the provisions of the policy would apply to faculty suffering a long-term disability.

Thank you for the opportunity to opine. Please do not hesitate to contact me if you have further questions.

Sincerely,

A handwritten signature in blue ink that reads "J. Daniel Hare".

J. Daniel Hare, Chair
Academic Council

Cc: Executive Director Schlimgen
Academic Council
Executive Director Baxter



UNIVERSITY COMMITTEE ON FACULTY WELFARE (UCFW)
Calvin Moore, Chair
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June ##, 2016

**DAN HARE, CHAIR
ACADEMIC COUNCIL**

RE: Proposed Revisions to Elective Disability Insurance Program

Dear Dan,

The University Committee on Faculty Welfare has heard with some alarm the proposed revisions to UC's elective disability insurance program. Human Resources has explained that the goals of the proposed changes are 1) to expand eligibility to part-time employees, 2) to ensure that the program remains solvent, and 3) to ensure that the program offers incentives for employees to return to work. In order to accomplish the latter two goals, Human Resources proposes to lower the amount of salary eligible for replacement from 70 to 60 percent, and to eliminate the various waiting periods in favor of a single 14-day waiting period. Further, after two years of disability, the standard changes from being able to return to one's own occupation, to "any occupation".

Some members of UCFW expressed concerns that change in the policy to disqualify an employee from the long-term disability benefit after two years if he or she could perform "any occupation" might be interpreted to deny a faculty member who is disabled from teaching and scholarship as a result of a mental or psychological disability the disability benefit because the faculty member could perform less mentally demanding work. The Committee wanted to follow up to ensure there is no misunderstanding on this important point.

As we understand it, the current policy has an "any occupation" rule that is interpreted not to deny disability benefits to a faculty member who is disabled from teaching and scholarship as a result of a mental or psychological disability even though the faculty member could perform less mentally demanding work, i.e., "any occupation" does not include all possible occupations. This practice is to continue under the "any occupation" rule in the new policy, which was meant to provide a better benefit by making the test for long-term disability during the first two years whether an employee could perform his or her "own occupation." Under the new policy "any occupation" becomes the test for disability only after two years.

Thus, under the new policy, a faculty member who cannot continue to teach and do scholarship as a result of a mental or psychological disability obviously cannot continue to perform his or her "own occupation," and so qualifies for the benefit in the first two years under the "own occupation" rule. Further, even if the faculty member could perform less mentally demanding work, this will not be considered being able to perform "any occupation" under the new policy, and so the faculty member will continue to be entitled to the benefit after two years under the "any occupation" rule. In this

regard it is worth noting that under the new rule “any occupation” is defined in light of a faculty member’s “age, education, training, experience, station in life, and physical and mental capacity.” The underscored language is consistent with HR’s explanation of “any occupation.”

We urge you to ensure that clarity on this important point is conveyed widely.

Sincerely,

Calvin Moore, UCFW Chair

Copy: UCFW
Hilary Baxter, Executive Director, Academic Senate
Dwayne Duckett, Vice President, Human Resources