



OFFICE OF THE VICE PROVOST --
ACADEMIC PERSONNEL

OFFICE OF THE PRESIDENT
1111 Franklin Street, 11th Floor
Oakland, California 94607-5200

October 7, 2021

CHANCELLORS
ACADEMIC COUNCIL CHAIR ROBERT HOROWITZ
LABORATORY DIRECTOR MICHAEL WITHERELL
ANR VICE PRESIDENT GLENDA HUMISTON

**Re: Systemwide Review of Proposed Revisions to Academic Personnel Manual (APM)
Section 759, Leaves of Absence/Other Leaves Without Pay (APM - 759)**

Dear Colleagues:

Enclosed for systemwide review are proposed revisions to APM - 759, Leaves of Absence/Other Leaves Without Pay. The proposed revisions to APM - 759 are responsive to a recent recommendation from the Regents described in more detail below.

In 2019-2020, Academic Personnel and Programs initiated a comprehensive review of the leave-related policies of the APM - 700 series, including APM - 759, Leaves of Absence/Other Leaves Without Pay. Proposed revisions to APM - 759 were distributed in 2020 for both management consultation and systemwide review as part of the larger package of leave-related policy revisions. During the systemwide review period, my office learned about a forthcoming recommendation from the Regents Working Group on Innovation Transfer and Entrepreneurship (“Regents Working Group”) regarding changes to APM - 759 concerning leaves without pay for innovation and entrepreneurial pursuits. Because of the forthcoming recommendation, we placed the pending revisions to APM - 759 on hold while the remainder of the leave-related policies were finalized and issued.

In May 2021, the Regents Working Group issued its [final recommendation report](#). We are now re-circulating revised APM - 759 for another systemwide review to address the recommendation from the Regents Working Group that APM - 759 be revised to explicitly state that a leave without pay can be used for innovation and entrepreneurship pursuits. To address this recommendation, language has been added to APM - 759-0 to state that “good cause” for a leave without pay may include, but is not limited to, leaves for innovation and entrepreneurship activities, among other things. In addition, existing language in APM - 759-12 has been revised to clarify that a leave of without pay shall not exceed one year in length, but may be renewed in increments of one year or less in the interests of the University (but not indefinitely).

Systemwide Review

Systemwide review is a public review distributed to the Chancellors, the Chair of the Academic Council, the Director of the Lawrence Berkeley National Laboratory, and the Vice President of Agriculture and Natural Resources requesting that they inform the general University community, especially affected employees, about policy proposals. Systemwide review also includes a mandatory, 90-day full Senate review.

Employees should be afforded the opportunity to review and comment on the draft policies, available on the [Academic Personnel and Programs website](#). Attached is a Model Communication which may be used to inform non-exclusively represented employees about these proposals. The Labor Relations Office at the Office of the President is responsible for informing the bargaining units representing union membership about policy proposals.

We would appreciate receiving your comments no later than **January 26, 2022**. Please submit your comments to ADV-VPCARLSON-SA@ucop.edu. If you have any questions, please contact Kimberly Grant at Kimberly.Grant@ucop.edu.

Sincerely,



Susan Carlson
Vice Provost
Academic Personnel and Programs

Enclosures:

- 1) APM - 759, Leaves of Absence/Other Leaves Without Pay (clean copy)
- 2) APM - 759, Leaves of Absence/Other Leaves Without Pay (redline copy)
- 3) Model Communication

cc: President Drake

Provost and Executive Vice President Brown
Executive Vice Chancellors/Provosts
Executive Vice President and Chief Operating Officer Nava
Secretary and Chief of Staff Shaw
Senior Vice President and Chief Compliance Officer Bustamante
Vice President Lloyd
Vice President Maldonado
Vice Provosts/Vice Chancellors for Academic Affairs/Personnel
Assistant Vice Provosts/Vice Chancellors/Directors - Academic Personnel
Associate Vice Provost Lee
Deputy General Counsel Woodall
Executive Director Baxter
Executive Director Silas

Chief of Staff Kao
Chief of Staff and Executive Director Henderson
Chief of Staff Levintov
Chief of Staff Peterson
Chief Policy Advisor McAuliffe
Senior Counsel Mastro
Director Grant
Director Roller
Director Sykes
Associate Director DiCaprio
Associate Director Woolston
Assistant Director LaBriola
Labor Relations Manager Donnelly
Labor Relations Manager Smith
HR Manager Crosson
Policy Analyst Wilson
Policy Analyst Durrin

Benefits and Privileges: APM - 759 - Leaves of Absence/Other Leaves Without Pay

759-0 Policy

In addition to the special types of leaves listed in APM - 700 through 752, leaves of absence without pay for other good cause may be granted to academic appointees.¹ Good cause in this section may, in appropriate circumstances, include, but is not limited to, leaves for: innovation and entrepreneurship activities, a visiting appointment at another institution, professional development, or medical reasons under [APM - 710-11](#) when an appointee's paid medical leave has been exhausted.

For a leave without pay to engage in outside professional activities, appointees remain subject to conflict of commitment and outside professional activities requirements (such as disclosure and prior approval, annual reporting, and earnings provisions under APM - 671, but not limits on time spent). See [APM - 025](#), Conflict of Commitment and Outside Activities of Faculty Members, or [APM - 671](#), Conflict of Commitment and Outside Activities of Health Sciences Compensation Plan (HSCP) Participants and local HSCP School Implementing Procedures.

759-12 Leaves of Absence Without Pay for More Than One Year

A leave of absence without pay shall not exceed one year in length and shall not extend beyond June 30 of the academic year in which the leave is granted, except as may otherwise be required by law. However, in the interests of the University, such a leave may be renewed in increments of one year or less (but not indefinitely) as follows:

a. Professors, Associate Professors or equivalent academic ranks

Leaves without pay for more than one year are normally granted only to Professors, Associate Professors or equivalent ranks.

b. Persons of other ranks

In exceptional cases, department chairs may recommend persons of ranks other than Professor, Associate Professor, or equivalent ranks for leave without pay for more than one year when it is certain that the department wishes to retain the applicant's services, and the purpose of the leave is one which will enhance the applicant's value to the University. In such cases, no assurance may be given, either directly or by implication, that the applicant will be retained beyond the period of service normally applicable to the applicant's rank, or that the applicant will be promoted when

¹ For discussion about leaves provided as a reasonable accommodation for a disability, see [APM - 711](#), Reasonable Accommodation for Academic Appointees with Disabilities. For discussion about possible initiation of a medical separation review if an academic appointee is unable to return to work and/or perform the essential functions of the academic position after an interactive process has been exhausted, see [APM - 080](#), Medical Separation.

that period is over. Reappointment at the termination of leave is dependent upon availability of funds.

759-21 Employment of Substitute

If a replacement is necessary during the period of leave, the person employed as a replacement shall be notified in writing by the department chair that the appointment is limited to the period for which leave has been granted to the replaced individual.

759-24 Authority

Chancellors and the Vice President-Agriculture and Natural Resources are authorized to approve all leaves of absence without pay for appointees under their respective jurisdictions, subject to the provisions of APM - 759-0.

Revision History

Month XX, 2021:

- Substantive revisions to address the 2021 recommendation of the Regents Working Group on Innovation Transfer and Entrepreneurship.
- Technical revisions to correct minor grammatical errors and readability.

For details on prior revisions, please visit the [Academic Personnel and Programs website](#).

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For a leave without pay to engage in outside professional activities, appointees remain subject to conflict of commitment and outside professional activities requirements (such as disclosure and prior approval, annual reporting, and earnings provisions under APM - 671, but not limits on time spent). See APM - 025, Conflict of Commitment and Outside Activities of Faculty Members, or APM - 671, Conflict of Commitment and Outside Activities of Health Sciences Compensation Plan (HSCP) Participants and local HSCP School Implementing Procedures.

759-12 ~~Exceptions~~ Leaves of Absence Without Pay for More Than One Year

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Leaves of Absence/Other Leaves Without Pay

is one which will enhance the applicant's value to the University. In such cases, no assurance may be given, either directly or by implication, that the applicant will be retained beyond the period of service normally applicable to the applicant's rank, or that the applicant will be promoted when that period is over. Reappointment at the termination of leave is dependent upon availability of funds.

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If a replacement is necessary during the period of leave, the person employed as a replacement shall be notified in writing by the department chair that the appointment is limited to the period for which leave has been granted to the replaced individual.

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Chancellors and the Vice President-Agriculture and Natural Resources are authorized to approve all leaves of absence without pay for appointees under their respective jurisdictions, subject to the provisions of APM - 759-0.

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MODEL COMMUNICATION

The University invites comments on proposed revisions to Section 759 of the Academic Personnel Manual:

- APM - 759, Leaves of Absence/Other Leaves Without Pay

In May 2021, the Regents Working Group on Innovation Transfer and Entrepreneurship (“Regents Working Group”) recommended in its final report that APM - 759 be revised to explicitly state that a leave without pay can be used for innovation and entrepreneurship pursuits. The proposed revisions to APM - 759 are responsive to the Regents Working Group recommendation.

The proposed revisions to APM - 759 are posted to the [Academic Personnel and Programs website](#) under the “Systemwide Review” tab. It may also be viewed at _____ [*e.g., the campus Academic Personnel Office or Human Resources Office*].

If you have any questions or if you wish to comment, please contact _____ at _____, no later than _____, 2021.