



Office of the Executive Director, Chief of Staff
PHONE: (510) 987-9458
FAX: (510) 763-0309
E-MAIL: mbertero@ucop.edu

Assembly of the Academic Senate
Academic Council
1111 Franklin Street, 12th Floor
Oakland, CA 94607-5200

January 24, 2008

**SYSTEMWIDE SENATE COMMITTEE CHAIRS
DIVISION CHAIRS**

RE: Systemwide Senate Review of Proposed Transitional Leave Policy for Senior Management Group (SMG)

Dear Systemwide Senate Committee and Division Chairs:

On behalf of Chair Michael T. Brown, please find attached for Senate comments, a proposed “Transitional Leave policy for members of the Senior Management Group (SMG) with underlying academic appointments...” As you may have heard, the Office of the President (OP), at the request of The Regents is reviewing all policies as they related to members of the SMG. This proposed policy provides for three options. The first option would be to “Maintain current policy for SMG members with underlying academic appointments (APM 740 and APM 758):” the second option would, “Establish separate Transitional Leave policy (proposed draft developed during the SMG Policy Review Process): and the third option would be to “Apply standard faculty sabbatical leave policy;”

Please note that APM 758 was implemented without Senate review. In addition, members may wish to review the Academic Council’s most recent position on the issue of SMG leave policies – the [March 2003 memo on APM 740](#). I invite heightened attention to historical areas of concern for the Senate: how the sabbatical is being used/misused; the issue of sabbatical pay levels for academic administrators; return to service at the end of administrator sabbaticals/leaves; and appropriate duration of administrative leaves.

OP administrators are anticipating presenting this specific proposed policy to The Regents at their May meeting. In order to meet that deadline, we are requesting that both **Systemwide Senate Committees** and **Divisions submit responses by no later than March 14, 2008, for the March 26th meeting of Academic Council.**

Divisional chairs may wish to specifically alert their Committees on Academic Personnel about these policies.

As a reminder to Systemwide Senate Committee Chairs, please note that **requests for comments are sent out to all System-wide Senate Committees. Each committee may decide whether or not to opine.** Please notify the Senate Office either directly by emailing me or through your Committee Analyst, if your committee chooses not to participate in this review.

Cordially,



María Bertero-Barceló, Executive Director & Chief of Staff
Academic Senate

Encl: Proposed Policy on Transitional Leave Policy
Academic Council's Comments on APM 740

Copy: Academic Council Chair Michael T. Brown
Divisional Senate Directors
Academic Senate Committee Analysts



HUMAN RESOURCES AND BENEFITS

300 LAKESIDE DRIVE, 5TH FLOOR
OAKLAND, CALIFORNIA 94612-3556

January 23, 2008

Academic Council Chair Brown

Re: Request for Review and Comment by the Academic Senate on the Transitional Leave Policy for Senior Management Group

Transitional Leave policy for members of the Senior Management Group (SMG) with underlying academic appointments has been drafted as part of the SMG Policy Review Project. This policy is intended to become applicable when an SMG appointment ends, and the individual plans to return to a faculty position at UC. The purpose of the Transitional leave is to allow the eligible SMG members to refresh or enhance their professional expertise in preparation for resumption of teaching and/or research at the University.

In prior conversations, you have advised me that this policy is of particular interest to the Academic Senate. As a result of our discussions, this policy is being forwarded to you with the request that it undergo formal Academic Senate review and comment. During the drafting process for this policy, some fundamental questions regarding rate of pay during transitional leave, accrual and use of sabbatical credits have arisen. As a result of these discussions, three policy options are listed below for Academic Senate review and comment.

Policy Option 1

Maintain current policy for SMG members with underlying academic appointments (APM 740 and APM 758): Members accrue Sabbatical Leave credits while working in the SMG appointment. Accrued Sabbatical Leave credits are reduced when a Transitional Leave is taken. A maximum of one year of Transitional leave may be paid at the SMG member's administrative rate of pay throughout the leave period for those who have served a minimum of five years in an eligible SMG title. The return to service provision is the same as required under the Sabbatical Leave policy

Policy Option 2

Establish separate Transitional Leave policy (proposed draft developed during the SMG Policy Review Process): Transitional Leave is treated separately from Sabbatical Leave. SMG members with underlying academic appointments become eligible for six months of Transitional Leave after five years in an SMG position (eligible for 12 months after ten years in SMG). SMG members do not continue to accrue Sabbatical Leave credits while in SMG, nor are Sabbatical Leave credits reduced following a Transitional Leave. Transitional Leave is paid at the SMG member's administrative rate of pay throughout the leave period.

Policy Option 3

Apply standard faculty sabbatical leave policy: SMG members with underlying faculty appointments accrue Sabbatical Leave credits while working in the SMG appointment, and Sabbatical Leave credits are reduced following the leave. The faculty rate of pay is used during the leave.

In each policy option, the intent is that the transitional leave would only be available to SMG members with underlying academic appointments who will be returning to UC in a faculty appointment following the leave. As you know, the applicability of all SMG policies to Deans is being reviewed. Until separate policies and/ or procedures are developed for Deans, it is intended that this policy would apply to all SMG members with underlying academic appointments, including Deans.

I request that you direct the consolidated Academic Senate response to my attention. Thank you in advance for your engagement and counsel on this matter.

Sincerely,



Randolph R. Scott, SPHR
Executive Director
Policy and Program Design
Human Resources and Benefits

cc: Vice Chair Croughan
Chair Chalfant
Associate Vice President Boyette
Vice Provost Jewell
Executive Director Slocum
Director Simon
Coordinator Fox

Attachment

Transitional Leave

Draft for Discussion



<p>Policy Category Administrative Leaves</p> <p>Policy Number & Title Policy Number: To be determined Title: SMG Transitional Leave</p>	<p>Who Is Covered Senior Management Group, including individuals with underlying academic appointments (i.e., Deans).</p> <p><i>Note: A review of policies for SMG members with underlying academic appointments is underway.</i></p>
<p>Responsible Officer Associate Vice President – Human Resources and Benefits</p> <p>Responsible Office Human Resources and Benefits Policy and Program Design</p>	<p>Effective Date To be determined</p> <p>Next Review Date To be determined</p>

I. Policy Summary

This Policy applies to all University of California Senior Management Group (SMG) members who have underlying academic appointments. It is intended to:

- Provide guidance about who is eligible – and what the terms and conditions are – for transitional leave,
- Establish how to seek approval for and record the results of transitional leave, and
- Ensure that potential and actual conflicts of interest are avoided when SMG members engage in outside professional activities during transitional leave.

Note to reviewers: three policy options are presented for consideration:

Policy Option 1

Maintain current policy for SMG members with underlying academic appointments (APM 740 and APM 758): Members accrue Sabbatical Leave credits while working in the SMG appointment. Accrued Sabbatical Leave credits are reduced when a Transitional Leave is taken. A maximum of one year of Transitional leave may be paid at the SMG member’s administrative rate of pay throughout the leave period for those who have served a minimum of five years in an eligible SMG title. The return to service provision is the same as required under the Sabbatical Leave policy

Policy Option 2

Establish separate Transitional Leave policy (proposed draft developed during the SMG Policy Review Process): Transitional Leave is treated separately from Sabbatical Leave. SMG members

Transitional Leave

Draft for Discussion



with underlying academic appointments become eligible for six months of Transitional Leave after five years in an SMG position (eligible for 12 months after ten years in SMG). SMG members do not continue to accrue Sabbatical Leave credits while in SMG, nor are Sabbatical Leave credits reduced following a Transitional Leave. Transitional Leave is paid at the SMG member's administrative rate of pay throughout the leave period.

Policy Option 3

Apply standard faculty sabbatical leave policy: SMG members with underlying faculty appointments accrue Sabbatical Leave credits while working in the SMG appointment, and Sabbatical Leave credits are reduced following the leave. The faculty rate of pay is used during the leave.

The draft policy that follows is option 2.

II. Policy Text

A. Policy Objective

The University supports and recognizes the value of providing transitional leave to eligible SMG members who have interrupted their scholarly pursuits during their period of administrative service. Transitional leave allows eligible SMG members to refresh or enhance their professional expertise in preparation for resumption of teaching and/or research, and is intended to enhance their effectiveness as teachers, scholars and leaders, as well as their contributions to the University.

Transitional leave supplements – and is completely independent from – the University's other leave programs, such as Sabbatical Leave (which is addressed in APM policies), and other administrative leaves. Sabbatical leave credits are not earned during SMG service, nor are SMG members required to use accrued sabbatical leave credits toward transitional leave.

B. Eligibility

SMG members with underlying academic appointments are eligible to apply for transitional leave if they have served the University in this dual capacity in active pay status for at least five continuous years.

C. Duration and Timing of Leave

An SMG member is eligible to take up to six months of transitional leave for every five years of continuous dual capacity service (i.e., as an SMG member with an underlying academic appointment) that he/she has in active pay status. The maximum amount of transitional leave that may be granted is a total of 12 months.

Transitional leave must be taken all at once during the period between completion of an SMG member's administrative service and prior to resumption of academic responsibilities, immediately following completion of the administrative appointment.

Transitional Leave

Draft for Discussion



D. Rate of Pay and Benefits During Leave

Transitional leave is paid at the SMG member's administrative rate of pay throughout the leave period. While the SMG member is no longer eligible for SMG benefits, the SMG member's eligibility for regular career benefits remains the same. Vacation leave does not accrue during the leave period, because transitional leave is paid leave.

Sabbatical leave credits are not earned during SMG service. SMG members are not required to use accrued sabbatical leave credits during a period of Transitional Leave

E. General Terms and Conditions

1. Leave is Discretionary

Transitional leave is not an entitlement; it is granted solely at the discretion of the University. To be considered for transitional leave, an SMG member must meet specific eligibility criteria, which are set forth in Section B above.

2. Limits on Outside Compensated Activities

SMG members are not allowed to accept payment for outside employment or engage in professional practice or work for which they receive compensation during approved, paid transitional leave, with the exception of activities permitted by *APM - 025* and *APM - 670*.

3. Return-to-Service Requirement

Approval of transitional leave is contingent upon the SMG member's agreement to fulfill a period of post-leave service at least equal to the duration of their approved leave period.

If an SMG member fails to complete all or part of the applicable return-to-service requirement, the SMG member must repay the University the proportionate amount of the [salary/benefits?] the University paid to the SMG member's behalf during the leave period. [Payback provision needs to be reviewed by OGC.]

4. Leave Agreement Form

The specific terms and conditions of each individual leave will be established in writing and approved by the SMG member's approving authority in advance of the leave using the attached *Leave Agreement Form* [to be developed - .

The SMG member will document his/her leave request in Section One of the form, including:

- The duration and purpose of the leave,
- The scholarly/professional activities in which he/she plans to engage during the leave period,
- The scholarly and/or professional accomplishments he/she expects to achieve during the leave period, and
- A description of the associated benefits to the University.

Transitional Leave

Draft for Discussion



The SMG member's approving authority will review the SMG member's request and indicate whether or not it is endorsed.

If the request is endorsed, the SMG member's approving authority will complete Section Two and return a copy to the SMG member for signature. Section Two includes:

- The applicable rate of pay and benefits during the leave period,
- The details regarding any approved courses the SMG member will attend during the leave period,
- The applicable return-to-service requirement,
- The amount required to be repaid if the SMG member fails to fulfill the return-to-service requirement,
- Relevant compliance statements (e.g., Outside Professional Activities), and
- Any other relevant terms and conditions.

The SMG member's approving authority will then forward the original completed *Leave Agreement Form* to the SMG member's home campus [Chancellor] for review, approval and signature on behalf of the University. The form should then be returned to the SMG member for signature. The original, signed copy of the *Leave Agreement Form* should be retained by the [insert].

5. Reporting

Upon returning to University service, an SMG member must provide a summary of his/her scholarly/professional activities performed during the leave period. The campus SMG coordinator should attach a copy of this summary to the *Leave Agreement Form* for recordkeeping purposes.

III. Definitions

Active Pay Status includes any period of time for which an employee receives pay for time worked, including compensatory time off or for time on paid leave. Paid leave time includes sick leave, extended sick leave, vacations, administrative leave with pay, holidays, or military leave with pay.

Exceptions to Policy: Actions that exceed what is allowable under current policy or that are not expressly provided for under policy. Any such actions must be treated as exceptions.

Transitional Leave is leave that is offered by the University on a discretionary basis to eligible SMG members with underlying academic appointments whose scholarly pursuits were interrupted during a period of administrative service to the University.

IV. Approval Authority

A. *Implementation of the Policy*

Transitional Leave

Draft for Discussion



The Associate Vice President–Human Resources and Benefits is the Responsible Officer for this policy and has the authority to implement the policy.

B. Approval of Actions – Within Policy

Note: Before this policy becomes effective, The Regents will delineate the respective authority of The Regents, the President, and the chancellors in approving individual actions within policy limits. The Regents will also specify the extent to which approval authority may be delegated.

C. Approval of Actions – Exceptions to Policy

A proposed action that exceeds what is allowed under current policy or that is not expressly provided for under any policy is an exception to policy.

Note: Before this policy becomes effective, The Regents will delineate the respective authority of The Regents, the President, and the chancellors in approving exceptions to policy. The Regents will also specify the extent to which approval authority may be delegated.

D. Revisions to the Policy

The Responsible Officer has the authority to initiate revisions to the policy, consistent with approval authorities and applicable *Bylaws* and *Standing Orders* of The Regents.

The Executive Vice President of Business Operations has the authority to ensure that policies are regularly reviewed and updated, and are consistent with the *Guiding Principles for Compensation Policy* and other governance policies.

The Regents is the Policy Approver for this policy and has the authority to approve any policy revisions upon recommendation by the President.

V. Compliance

A. Compliance with the Policy

The Responsible Officer is accountable for monitoring compliance with the policy.

The following roles are designated at each location to implement compliance monitoring responsibility for this policy:

Local Resources are designated at each location by the Top Business Officer and/or the Executive Officer to be responsible for the ongoing reporting of policy compliance, including collecting all relevant compensation package activity, entering compensation package details into the Senior Leadership Information System (or relevant HRIS), and creating specified regular compliance reports (such as a monthly compensation compliance report) for review by the location's Top Business Officer.

The Top Business Officer establishes procedures to collect and report information, review the specified regular compliance reports (such as a monthly compensation compliance report) for accuracy, review policy exceptions and/or anomalies to

Transitional Leave

Draft for Discussion



ensure appropriate approval has been obtained, and submit a copy of the compliance report to the Executive Officer for signature.

The Executive Officer is accountable for monitoring and enforcing compliance mechanisms, ensuring monitoring procedures are in place, approving the specified regular compliance reports (such as a monthly compensation compliance report), and sending notice of final approval for the reports to the Senior Management Compensation Office, Top Business Officer, and Local Resources.

The Responsible Officer is accountable for reviewing the administration of this policy. The Senior Vice President and Chief Compliance and Audit Officer will periodically audit and monitor compliance to these policies, and results will be reported to senior management and The Regents.

B. Noncompliance with the Policy

Noncompliance with the policy is handled in accordance with The Regents' *Guidelines for Corrective Actions Related to Compensation Practices* and *Guidelines for Resolution of Compensation and Personnel Issues Resulting from the Findings of Audits and Management Reviews*.

Noncompliance is reported in the monthly compliance report from each location as approved by the Executive Officer and reviewed by the Senior Vice President and Chief Compliance and Audit Officer and The Regents at each Regents' meeting.

Additional References

(Links to other on-line documents and references to be completed)

Revision History

The history of the policy (inception through all revisions). This may include dates and material changes to content and links to an archive of former policy versions and other relevant material (e.g., applicable Presidential transmittal letters).

Implementation Procedures

Includes procedures for approval, payment, timing and reporting, etc. Includes actual steps in the process.

Required Documentation and Disclosure

Documents or disclosure processes required by the policy. Includes the individual who is responsible for submitting the documents, and the individual to whom the documents are submitted.

Forms

Links to any applicable forms for use under the policy.

Links to Related Policies

Federal laws, State laws, Regental policies, Presidential policies, Business & Finance Bulletins, etc.

Transitional Leave

Draft for Discussion



Frequently Asked Questions (FAQ)

Q: Can an individual take transitional leave and Sabbatical Leave one after the other (i.e., can they be “stacked”)?

A: Yes. An SMG member on transitional leave may take Sabbatical Leave immediately after the transitional leave if s/he has sufficient credits accrued and sabbatical leave is approved. The total time of Transitional Leave and Sabbatical Leave may not exceed one year.

Q: I’m in the Health Sciences Compensation Plan. Does it apply while I’m on an SMG transitional leave?

A: Yes.

Q: Can you provide some examples of how the repayment obligation works when an SMG member does not fulfill his/her entire return-to-service commitment?

A: An individual’s repayment obligation will be detailed in a Leave Agreement Form, so be assured that, should you decide to apply for leave, you will understand the nature of your obligation prior to taking leave.

*SMG members with underlying academic appointments generally must fulfill a post-leave service commitment at least equal to the duration of their approved leave period. If an SMG member fails to complete all or part of the applicable return-to-service requirement, the SMG member must repay the University the proportionate amount of the **salary** the University paid to the SMG member during the leave period. For purposes of illustration, the following example should help clarify how this works:*

Example A: An SMG member with an underlying academic appointment has served on active pay status in this dual capacity for more than 10 years. When she completes her SMG service, she is approved for and takes nine months of paid transitional leave. When she resumes her faculty appointment, she decides to retire after teaching for only six months. As a result, she must repay the University 33% of the compensation she received during her paid transitional leave (i.e., the monetary equivalent of the 3-month portion of the 9-month return-to-service requirement that she did not fulfill).



Office of the Chair
Telephone: (510) 987-9303
Fax: (510) 763-0309
Email: gayle.binion@ucop.edu

Assembly of the Academic Senate, Academic Council
University of California
1111 Franklin Street, 12th Floor
Oakland, California 94607-5200

March 17, 2003

**C. JUDSON KING
PROVOST AND SENIOR VICE PRESIDENT
ACADEMIC AFFAIRS**

Re: Proposed Revised Academic Personnel Policy 740 on Sabbatical Leave

Dear Jud:

In response to your October 28, 2002 letter, the Academic Senate has undertaken and completed a formal review of the proposed revised Academic Personnel Policy 740 on Sabbatical Leave. As is our standard practice, the Academic Council reviewed the reports from its constituent committees and divisions and reached the following conclusions with respect to the three major revisions to the policy on which we focused our attention:

▪ **“Topping-up” sabbatical pay—APM 740-18-c**

The Academic Senate strongly supports the proposed revision that would permit faculty who take sabbatical leave at less than 100% pay to “top-up” to (no more than) their full salary via a research grant from another institution. Because the purpose of sabbatical leave is to facilitate research productivity, this proposal is an excellent way to further that goal. However, there was equally strong concern that the proposal does not effectively accomplish the same goal for faculty in fields where such research grants are not commonplace, especially the Humanities, Arts and Social Sciences. We do, therefore, recommend that the policy on *sabbatical leave in residence* be revised to permit faculty to “top up” to full sabbatical pay by appropriate teaching activities at another institution. This would allow a faculty member from any discipline who wishes to conduct his or her research at another institution, while on partial-pay sabbatical leave, to have the financial ability to do so. Unlike the current policy on *sabbatical leave in residence* under which teaching a course at UC allows one to “top up” to full pay during the sabbatical period, *sabbatical leave in residence at another institution* would be of no cost to UC and would be especially beneficial to faculty who wish to utilize collections, or to collaborate with colleagues, at another institution. In sum, not only would the policy establish greater equity among scholars in different fields, it would also serve UC’s interest in promoting its research mission. The Academic Council requests that this revision be included in the APM.

- **Sabbatical in residence, *significant University service* 740-8-b**

While the Academic Senate favors the provision in that it would allow “significant University service” to substitute for the teaching required during a sabbatical in residence, it recommends that the “such as” clause be deleted. We do so because it is believed that the examples cited, Divisional Chair or member of CAP, not only set an excessively high standard, but are also forms of service that generally carry a reduced instructional load that may be greater than one course. We are confident that without the “such as” clause, the academic administrators on each campus, who already have an understanding of what constitutes *service* activity that roughly parallels the time and effort equivalent to teaching a course, will be able to implement the policy fairly.

- **Administrative rate of pay 740-18-a(3)**

The Academic Senate opposes “codifying” that the rate of pay for sabbaticals at the end of five or more years of administrative service would be at a faculty member’s administrative salary. We do so because we believe that it is not in conformity with the APM guidelines concerning sabbatical leaves. Not intended to “enrich the faculty,” sabbatical leaves are available for *only* the purpose of conducting research, and are available to only those faculty for whom research is an expected activity. The Academic Council concluded that because these are the foundations in the APM for sabbatical, and because there is no provision for an *administrative* sabbatical, it would be contrary to the purposes of APM 740 to make this change.

We take this position not with any critical spirit toward our administrative colleagues. Members of the Academic Senate, many of whom have themselves served as administrators, respect the hard work and valuable contributions of administrators and were this a question of granting an appropriate additional remuneration to these colleagues at the conclusion of their administrative service the Council may well have reached a very different conclusion. But the Council does not see the justification for altering the principles that underlay *sabbatical leaves* and in effect thereby creating an *administrative* sabbatical.

It should be noted that the justification that was offered for the proposed change was discussed at length in some of the Senate’s committees and at the Academic Council and we do not agree with the premise on which it seems to rest. As we understand the matter, this amendment to sabbatical leave policy is proposed to create equity between the (rare) administrator who takes sabbatical leave *during* his or her term in administration and those who do so at the conclusion of this service. Similarly, we understand that it is also meant to ensure equity between administrators who take sabbaticals at the end of their administrative service and are granted *an exception to policy* with respect to salary level during sabbatical and those who are not. While we believe that equity among such administrators is a very worthy goal, the Academic Council does not understand APM 740 as supporting sabbatical leaves at other than faculty rates of pay for even those taking sabbaticals within their terms of service as academic administrators. Given the very clearly limited purposes of and eligibility for sabbatical leaves, it may be more accurate to view the academic administrator who takes a leave within his or her term of service as having taken a “leave of absence” from administrative duties. With this as the understanding, those taking sabbaticals when leaving administrative positions would not be treated inequitably when paid at their faculty rate of pay during the term of the sabbatical.

As noted above, we have been advised that sabbaticals taken within administrative years of service are exceedingly rare and that perhaps the problem being addressed by the proposed change to APM 740 is with respect to equity among those taking sabbaticals when leaving administrative positions. The Senate would support pursuing other methods of effecting that goal but because we do not read the principles we see as embodied in APM 740 as the source of that problem, we do not support a revision to this section of the APM.

For your additional information, I have attached the letters from each of the Senate Committees that reviewed these proposals.

Cordially,

Gayle Binion, Chair
Academic Council

Encl.: 6
cc: Academic Council