

PAY FOR FAMILY CARE AND BONDING

Side Letter Agreement

- A. The parties to this Side Letter Agreement are the University of California and University Council – American Federation of Teachers (UC-AFT).
- B. This Side Letter Agreement will be in effect from the July 1, 2021 until June 30, 2022.
- C. The terms of this Side Letter Agreement modify Article 12 - Leaves of Absence and Active Service Modified Duties in the Instructional (IX) bargaining unit for Unit 18.
- D. GENERAL
 - 1. In order to support academic appointees' need to take leave to care for their family members, the University offers eligible appointees Pay for Family Care and Bonding (PFCB), which is a partial income replacement option for up to eight workweeks per calendar year that may be available to academic appointees taking Family and Medical Leave (FML) as set forth below. Although Article 12 - Leaves of Absence and Active Service Modified Duties states that FML is unpaid except for those situations where the Article authorizes and/or requires the use of specified paid leave accruals during FML, this Side Letter Agreement modifies the Article to give appointees the option to be paid during FML using PFCB in accordance with the terms below.
 - 2. In order to be eligible for PFCB, an academic appointee must be on an approved block Family and Medical Leave (FML) taken for one of the qualifying reasons below, and the appointee must be taking that leave in a block of a minimum of one workweek.
 - 3. Family and Medical Leaves that qualify for the PFCB option are those leaves taken under the FMLA and/or CFRA for parental bonding, to care for a family member with a serious health condition, for Military Caregiver Leave, or for Qualifying Exigency Leave. Article 12 - Leaves of Absence and Active Service Modified Duties outlines the eligibility requirements for Family and Medical Leave. PFCB is not an option available during any other type of leave.
 - 4. If an academic appointee elects to use PFCB for a particular qualifying FML block leave rather than using paid leave accruals, other available pay options, or taking the leave without pay, the appointee must continue to use PFCB until they either exhaust their full eight workweeks of PFCB for the calendar year or that qualifying FML block leave ends. If their leave ends before they have used the full eight workweeks of PFCB for

the calendar year, the remainder is available to use during a qualifying FML block leave later in the calendar year. For an academic appointee holding an appointment with a definite end date, FML may not be approved beyond the end date of the appointment; therefore, the PFCB option is not available beyond the end date of that appointment.

5. An academic appointee may not use any paid leave accruals (e.g., vacation, sick leave, as applicable), or any other available pay option while receiving PFCB.

E. PFCB CALCULATION

The PFCB option provides pay calculated at seventy percent (70%) of an academic appointee's eligible earnings.

1. Eligible Earnings

Eligible earnings include an appointee's base salary payable through the University. Base salary includes on-scale, off-scale, and above-scale, where applicable. Eligible earnings do not include pay that is received in addition to the appointee's regular appointment such as "by agreement" payments, administrative stipends, honoraria, compensation for extension teaching, summer session teaching, and any other compensation received that exceeds 100% of the base salary of the full-time equivalent of the appointee's eligible appointment(s). However, if the appointee's only appointment is for extension or summer session teaching or is a "by agreement" appointment, and the appointee meets all other PFCB eligibility criteria, those earnings are considered eligible earnings.

2. Appointments Established at a Fixed Percentage

If the academic appointee has an appointment established at a fixed percentage, PFCB is based on the salary rate in effect during the appointee's leave.

3. Appointees Reporting Time on a Variable Basis

If the academic appointee reports time on a variable basis, eligible earnings are an average of the appointee's eligible earnings for the three calendar months (for an appointee paid on a monthly basis) or six pay periods (for an appointee paid on a bi-weekly basis) immediately prior to the period in which the leave begins, excluding periods with approved leave without pay. This average is calculated as follows:

- 1) For an appointee paid on a bi-weekly basis, the sum of hours paid in the six pay periods immediately prior to the period in which the leave begins is divided by 12 to determine the average hours worked per week. The average hours worked per week is then multiplied by 0.7 to determine the number of hours per week the appointee is to be paid at

70%.

- 2) For an appointee paid on a monthly basis, the sum of the time paid in the three calendar months immediately prior to the period in which the leave begins is divided by 3 to determine the average time worked per month. The average time worked per month is then multiplied by 0.7 to determine the time per month the appointee is to be paid at 70%.

If the consecutive three months or six bi-weekly pay periods immediately preceding the beginning of the leave cannot be used due to approved leave without pay, the look-back period may be extended up to, but no longer than, one year prior to the beginning of the leave, using the most recent applicable pay periods not to exceed the term of the appointment.

F. PAY AND BENEFIT CONSIDERATIONS

i. Accruals and Service Credit

Because an academic appointee is paid 70 percent of eligible earnings when receiving PFCB, vacation and sick leave accruals, employment service credit, and retirement service credit are calculated as if the appointee is on pay status for 70 percent of their normal work effort.

ii. Taxability and Deductions

PFCB is considered taxable wages. An appointee's normal deductions are taken from PFCB.

iii. Benefits

Health and welfare benefits deductions will be taken from PFCB in accordance with the academic appointee's benefit elections. Receiving PFCB does not, in itself, affect benefits status or eligibility. However, benefits regulations affecting return to pay status after a leave without pay will apply if an appointee returns to pay status by receiving PFCB.

FOR THE UNIVERSITY



Nadine Baron Fishel
Associate Director-Labor Relations
Office of the President

June 2, 2021

Date

FOR THE UNION



Mia McIver
President
UC-AFT

June 2nd, 2021

Date