



UAW 5810 / UAW 2865

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Prof. Susan Carlson
Vice Provost for Academic Personnel and Programs
UC Office of the President
1111 Franklin St., 12th Floor
Oakland, CA 94607

Dear Vice Provost Carlson:

UAW Local 5810 and Local 2865 hereby submit comments on the proposed revisions to the 700 Series of the Academic Personnel Manual, including those proposed changes published on the Office of President's website and other proposed changes presented to the Union in a 12/2/20 meeting with Office of the President Labor Relations.

UAW strongly supports the overall goal of providing increased opportunities for leave and paid leave to academic appointees, including our more than 30,000 members working throughout the University of California as Postdoctoral Scholars, Academic Researchers (ARs), and Academic Student Employees (ASEs).

Many Postdoctoral Scholars, Academic Researchers, and Academic Student Employees are, in addition to building their academic careers through service to the University, starting – and growing – their families and taking care of elderly family members. Expanding leave opportunities can only help these academic appointees better balance their work and family responsibilities and contribute to improving gender equity in academia. The revisions provide a number of positive changes for our members who qualify for the program, including complete relief from all work responsibilities during family and medical leave (revised APM 715-0) and during childbearing and pregnancy disability leave (revised APM 760-25).

The major change proposed is a new Pay for Family Care and Bonding benefit, which would provide pay replacement of up to 70% for 8 weeks. While a step in the right direction, we are concerned that the revisions do not go nearly far enough in ensuring that all of our members will be able to use these new forms of leave in practice. Caring for family is not only time-consuming and energy intensive, it is also expensive, and often unpredictable. Many of our members may not be able to afford to take leave – even paid leave – if their pay is reduced by 30% for the duration of that leave. This is particularly acute for our members who can make as little as \$22,000 annually. Others may face challenges in finding adequate childcare or experience other difficulties with

scheduling and balancing their work and family responsibilities. Finally, for our members who work as Academic Student Employees or who are new to work for the University, leave will be simply unavailable.

As written, this benefit would only apply to those who have served in a UC academic title for at least twelve cumulative months and 1,250 hours during the twelve months immediately preceding the commencement date of the leave. This arbitrary threshold excludes nearly all ASEs, who will never reach the hour threshold due to the structure of their appointments. In addition, many Postdocs, ARs and other UC employees would be excluded in their first year of employment. We must ensure that the whole UC community can access paid family leave, therefore, action must be taken to ensure that UC's proposed paid family leave policy would apply to all employees.

In addition, the proposed duration of paid leave is too short for many academic appointees. A broad range of research publications from reputable journals on family leave policies supports a paid leave duration of at least twelve (12) weeks. This longer duration has been shown to increase the rate of return to work to 69% [1]. In addition, studies have found a drastic reduction in infant mortality rates and other health problems when parents were given a minimum of 12 weeks leave [2][3]. Furthermore, both the physical and mental health of all parents was improved. The assurance of financial security for disadvantaged groups, in connection with lowered stress of not losing income, was accompanied by substantial reductions in postpartum depression and other mental health issues. While it is easier to collect evidence of physical health benefits, it is also important to acknowledge the mental aspect. UC has become a big advocate for mental health in the recent months and it would be a disservice to UC's mission and values by not considering these aspects and consequences of the proposed policy.

The policy as currently proposed also requires the paid leave benefit to line up with pay periods, by starting on the first of the pay period and lasting at least one pay period for monthly-paid employees, or two pay periods for biweekly-paid employees. This lack of flexibility is burdensome and inappropriate to the nature of the events covered by FMLA/CFRA/MCA. Family member illnesses, childbirth, and adoption cannot be scheduled to align with pay periods, and employees may not have vacation or sick time available to cover out-of-pay-period care. For example, if an academic employee gives birth on the second of the month, they would have to wait 29 days to access the paid FMLA to which they are entitled (should they qualify). This restriction also raises implementation questions, as pay periods are not typically an even number of weeks. The requirement to take the leave in one-month increments is unnecessarily restrictive, as many instances of family care or military caregiver leave may not require so much time off.

Finally, we are alarmed at the proposed restriction that employees must return to work after leave or repay the salary they received. This is unjustly punitive; paid leave is a benefit of employment, not a promise to continue to work. The implicit fear that employees will "cut and run," costing the university money, is directly contradicted by

research showing that longer paid leave leads to higher employee retention and satisfaction. It is especially unjust considering the proposed 12-month service requirement to access the leave, but even without this requirement, it places an unfair burden on employees and their families. The nature of FMLA/CFRA/MCA leave means that there are many circumstances that could arise -- such as the permanent disability of a partner or the birth of a medically-fragile child -- that would lead to employees being unable to return to work as expected.

We therefore suggest, on behalf of our 30,000 members, the following changes before the revisions become final:

1. Permit academic appointees to take leave without regard to the length of their tenure, or reduce the eligibility requirement from twelve cumulative months and 1,250 to a threshold that ASEs and other academic appointees can meet (revised APM 715-14 and revised APM 760-27).
2. Permit academic appointees who are taking paid leave for family care and bonding at 70% of their approved base salary to simultaneously use a prorated portion of their accrued paid leave or contractual leave benefit to make up the remaining 30% of their pay during the leave, or otherwise increase the amount of pay from 70% to 100% (revised APM 715-20 and revised APM 760-27). In addition, there should be no cap on benefits allowed under this policy.
3. Increase the Pay for Family Care and Bonding benefit to twelve (12) weeks of paid leave, consistent with recommendations from published research cited here and that presented at the July 7, 2020 meeting of the UAW 5810-UC Joint Labor Management Meeting on Paid Family Leave.
4. Permit greater flexibility for academic appointees to use parental bonding leave in increments of less than two weeks (APM 715-16 and revised APM 760-27). Remove the requirement that leave begins on the first of the pay period and aligns with full pay periods.
5. Include no conditions on academic appointees' return to work after taking paid leave.

Without these changes, many academic appointees will find themselves unable to take advantage of the new leave opportunities provided in the revisions, either because the leave is not available to them, because of the lack of flexibility, or because the reduced pay during the leave would create a hardship.

Finally, should the University implement the proposed changes to the policy, UAW Locals 5810 and 2865 each reserve its right to bargain over these issues and/or the effects of any changes to University policies.

In the long run, we firmly believe that expanded and truly equitable paid-leave opportunities will not only help our members (along with all other academic appointees), but will help the University as a whole, and the surrounding communities.

Thank you for your attention to UAW's concerns and suggestions. We would welcome the opportunity to discuss this matter further, and can be contacted at the email addresses listed below.

Sincerely,



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[1] [Paid Parental Leave in the United States: What the data tell us about access, usage and economic and health benefits.](#)

[2] [Did California Paid Family Leave Impact Infant Health?](#)

[3] [Paid family leave's effect on hospital admissions for pediatric abusive head trauma](#)

CC:
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