Expanded Paid Administrative Leave[1] for Academic Appointees: Guidance for Supervisors
March 17, 2020 – Original Issuance
March 20, 2020 – Second Issuance
March 26, 2020 – Third Issuance
April 14, 2020 – Fourth Issuance
April 27, 2020 – Fifth Issuance
November 16, 2020 – Sixth Issuance
March 31, 2021 – Seventh Issuance

The guidance for COVID-19-related leave for academic appointees will be updated periodically to provide additional information and clarification. Please link to the Academic Personnel and Programs webpage for the most recent guidance.

The guidance below addresses special considerations for Expanded Paid Administrative Leave (EPAL) taken by academic appointees as a result of COVID-19. All academic appointees, policy-covered and represented and including students, are eligible for EPAL described below.

This remains a very fluid situation, and the guidance below may be updated at any time. Please provide as much flexibility as is operationally feasible to academic appointees needing to take leave or work remotely. The following guidance replaces the information that was provided in the March 9, 2020 letter from Vice Provost Carlson and Acting Vice President Lloyd as it related to academic appointees and supports former President Napolitano's Executive Order signed on March 16, 2020 and President Drake's Amended Executive Order signed on November 12, 2020.

A. <u>Expanded Paid Administrative Leave may be taken *only* when at least one of the following circumstances are met</u>

1. When an employee is unable to work due to the employee's own COVID-19-related illness or that of a family member; or

2. When an employee is unable to work because the employee has been directed not to come to the worksite for COVID-19-related reasons and/or the worksite has implemented a COVID-19-related remote-work program or is under a shelter in place order and it is not operationally feasible for the employee to work remotely; or

3. When an employee is unable to work because a COVID-19-related school or daycare closure requires the employee to be at home with a child or dependent, and it is not operationally feasible for the employee to work remotely or in conjunction with the childcare commitment.

B. <u>General provisions for Academic Appointees during the Executive Order</u>

1. EPAL for COVID-19-related incidents is available for up to 16 working days or 128 hours.

   a) EPAL is available for all academic appointees, policy-covered and represented, and is available as of March 1, 2020.

---

[1] The "COVID-19 Related Leave" is the UC Expanded Paid Administrative Leave (EPAL) provided for in President Napolitano's Executive Order signed on March 16, 2020 and President Drake's Amended Executive Order signed on November 12, 2020.

b) EPAL is not available for academic appointees with non-paid or without salary appointments.

c) Use of EPAL is at the request of the appointee in consultation with the supervisor. Approval processes are determined by each campus or location.

d) Use of EPAL must not adversely affect the delivery of essential university services. In addition to the clinical services delivered by UC Health, the **delivery of instruction is an essential university service**. Instructors are not eligible to take EPAL during their scheduled remote lectures/class sessions for criterion 3 above. Each campus has the discretion to determine the application of essential university services in individual cases. *Updated 3/26/20, 4/14/20*

e) For exempt academic employees, use of EPAL is in full-day increments; a day is defined as the regular time that an appointee would have worked on that day regardless of the actual number of hours worked per day. For such exempt employees, there will be up to 16 days on which the EPAL would occur.

f) For hourly appointees, the total number of hours available is prorated to reflect the appointment percentage.

g) EPAL can be taken intermittently, and for exempt academic employees is recorded in whole days.

h) EPAL must be used by June 30, 2021 – after that date, Paid Administrative Leave will no longer be available. *Updated 11/16/20*

i) EPAL is available for any new appointees hired during the duration of former President Napolitano's March 16, 2020 Executive Order.

j) An appointee who separates from the employment of the University before June 30, 2021 will lose eligibility for EPAL; there is no "cash-in" value connected to the leave. *Updated 11/16/20*

k) An appointee who separates from the employment of the University before June 30, 2021 and then returns prior to the expiration date of the Executive Order will have their EPAL eligibility reinstated. *Updated 11/16/20*

l) EPAL is calculated on the compensation for the appointee's regular appointment(s) that would have been paid at the time that the leave is taken, including base compensation, off-scale salary components, negotiated "Y" for members of the Health Sciences Compensation Plan (HSCP), negotiated component for participants in the Negotiated Salary Trial Program (NSTP), and stipends. The calculation does not include additional compensation for negotiated bonus payments (such as "Z" payments) and services beyond the appointee's regular duties that the appointee is unable to perform (for example, overload teaching or honoraria for engagements). *Updated 3/26/20*

m) Fund sources that would have been in place at the time that the leave is taken should be charged for EPAL unless directed otherwise. *Added 3/20/20*

2. Accrued leave or paid medical leave does not need to be taken prior to or in conjunction with the use of EPAL.

3. EPAL for COVID-19 can be applied retroactive to March 1, 2020, the effective date of former President Napolitano's March 16, 2020 Executive Order.

4. Members of the Health Sciences Compensation Plan (HSCP) and other faculty who deliver clinical services must follow the same general tenets as are presented in this guidance, with the exception that clinical services are considered essential university services. In addition, each campus has the discretion to further define essential and non-essential university services in line with former President Napolitano's Executive Order.   *Updated 3/26/20*

5. For academic appointees who are currently on leave, have by-agreement appointments, or for other questions, please consult with your local Academic Personnel Office.

6. Campuses retain the ability to provide leave with pay as outlined in the APM.

7. Postgraduate trainees, including Residents and Postdoctoral Scholars, are eligible for Paid Administrative Leave. Trainees that are paid directly by their sponsor (such as Postdoctoral Scholars-Paid Direct) are eligible for Paid Administrative Leave under the criteria and provisions listed above if their sponsor discontinues payments. In those cases, a paid direct-trainee must be entered into the payroll system on a trainee title (such as Postdoctoral Scholar-Employee) and will be subject to tax withholding and other deductions.   *Added 3/20/20*

8. Appointees paid on a variable-hours basis, such as Readers and Tutors, are eligible for COVID-19-related EPAL with the following provisions:
   a) The content of former President Napolitano's Executive Order signed on March 16, 2020 and President Drake's Amended Executive Order signed on November 12, 2020, including the criteria for use of EPAL, applies.   *Updated 11/16/20*
   b) If criteria for use of COVID-19-related EPAL is met, hours eligible for paid administrative leave are:
      - Hours that were scheduled before the appointee met the criteria for use; and/or
      - Hours that are offered to the appointee and the appointee is unable to work due to a COVID-related reason covered under former President Napolitano's Executive Order and President Drake's Amended Executive Order.   *Updated 11/16/20*
   c) Hours covered under EPAL must be recorded and submitted through the location's time and attendance system.   *Added 3/20/20*

9. For information on the eligibility of Work-Study awards for EPAL, contact your campus Career Center or Financial Aid Office.   *Added 3/20/20*

10. Appointees who are paid a by-agreement flat-rate amount for their work are eligible for COVID-19-related EPAL under the criteria and provisions listed above with the following conditions:
    - Any terms of an employment agreement that address the contingent nature of pay shall remain intact. This includes stipulations regarding cancellation of agreements, such as for lack of enrollment.
    - If pay is contingent on work to be rendered and the appointee is unable to provide that work due to COVID-19-related criteria covered under former President Napolitano's Executive Order and President Drake's Amended Executive Order, then Paid Administrative Leave may be provided for work not finished based on a daily or hourly rate not to exceed 128 hours (16 days) and not to exceed the pay amount established in the terms of the employment agreement. Locations should calculate an hourly or daily rate based on the dollar amount and duration of the employment agreement.*Added 3/20/20, Updated 11/16/20*

11. For appointees who do not report time, locations must keep a record of EPAL taken until central mechanisms can be established. Tracking is required for University, federal, and state audit purposes. For UCPath locations, Job Aids for submitting EPAL to UCPath for tracking are now available on UCPath Online HELP/FAQ. *Added 3/20/20, Updated 4/27/20*

12. EPAL is not provided for academic appointees when there is a lack of work (such as the cancellation of classes or events and there is no other appropriate alternative work). This is distinct from situations where an appointee is unable to work because it is not operationally feasible for the employee to work remotely. In cases of lack of work, the applicable provisions in the APM and respective collective bargaining agreements apply. *Added 3/26/20*

13. A form for requesting and tracking EPAL is available for academic appointees. It is not required that a location use this form. It is provided as a tool for requesting and tracking EPAL. Flexibility should be provided in how academic appointees request leave as long as the appropriate information is captured. *Added 4/27/20*