

PAY FOR FAMILY CARE AND BONDING

UC'S NEW PAY OPTION FOR FML ELIGIBLE EMPLOYEES TAKING A QUALIFIED LEAVE

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PAY FOR FAMILY CARE AND BONDING (PFCB)

PFCB is a *new pay option* for eligible employees taking a qualified leave. (**Not a new leave type.**)

- Pay at 70% of eligible earnings (base pay)
- Up to 8 weeks of pay per calendar year
- Effective July 1, 2021

ACRONYMS & TERMINOLOGY

Policy Leaves – the Leave types available under UC policy or collective bargaining agreements (Medical, Parental, etc.)

FML – *Family Medical Leave* refers to the legal leave entitlements under state and federal laws. Entitlements are applied on top of policy approved leaves, when applicable.

FMLA – *Family and Medical Leave Act* is the federal law that provides leave entitlements and job protections to qualified employees.

CFRA – *California Family Rights Act* is the state law that provides leave entitlements and job protections to qualified employees.

PDLL – *Pregnancy Disability Leave Law* is the state law that provides leave entitlements and job protections to employees on pregnancy/childbearing leave.

**Pay is not required under any of these legal leave entitlements. Pay while on leave is based on what options are available under policy.*

PFCB – *Pay for Family Care and Bonding* is a **new UC pay option** available to employees who:

- meet eligibility criteria (FMLA/CFRA eligible),
- are taking an applicable leave, and
- have the required FML designation(s) applied to their leave.

PFCB is NOT a new type of leave.

PFCB DOES NOT APPLY TO:

- Leaves for an employee's own serious health condition, including pregnancy/childbearing.
 - Employees may be eligible for other pay mechanisms under policy (e.g. use of accruals), or to apply for Disability Insurance Benefits.
- The following academic appointees are not eligible to participate in the Pay for Family Care and Bonding pay option because they already have more generous pay options available to them:
 - Academic Student Employees (BX) represented by the International Union, United Automobile, Aerospace and Agricultural Implement Workers of America (UAW)
 - Postdoctoral Scholars (PX) represented by the UAW
 - Graduate Student Researchers as they are provided more generous paid leave options that are the equivalent to the represented Academic Student Employees

PFCB ELIGIBILITY & CRITERIA

Qualified Family and Medical Leaves under FMLA and/or CFRA:

- One year of cumulative service with UC
- 1250 hours worked in previous 12 month period
- For allowable family members listed under the applicable entitlement

Taken for the purpose of:

- Caring for a family member with a serious health condition
- Bonding with a new child (birth/adoption/placement)
- Military Caregiver Leave
- Qualifying Exigency Leave

FML DESIGNATIONS MUST BE APPLIED

- Employees must provide the required FML paperwork* supporting the FMLA and/or CFRA request:
 - Parental Leaves (Baby Bonding) – *Declaration of Relationship*
 - Family Care Leaves – *Declaration of Relationship AND Medical Certification for a Family Member*
- The FMLA and/or CFRA designation must be in place for PFCB pay to be issued.

**FML required paperwork and instructions are provided to the employee by the AP Leave Administrator when the Leave Request is initiated in AP Folio. Departments are cc'd on all non-confidential FML communications.*

OTHER PARAMETERS

OP is developing FAQ's to address other questions around holidays, service buy back, etc. Stay tuned...

- Must be taken in blocks of at minimum one workweek.
 - Is the leave request for 7 days or more? (e.g. – could be 17 days: 2 weeks and 3 days).
 - Is the leave request intermittent or a reduced schedule? *If so, PFCB would not apply.*
- If PFCB is elected, the employee must:
 - continue to use PFCB until the 8 workweeks is exhausted, **or**
 - until the end of their need for leave, whichever comes first.

Example: employee taking 12 weeks of eligible leave wants to take 4 weeks PFCB, 4 weeks of accruals, and 4 weeks of PFCB – **not allowed.*

-- They could take 8 weeks of PFCB followed by accruals; or 4 weeks of accruals followed by PFCB.

OTHER CONSIDERATIONS

- Other existing pay options under policy may be more generous than PFCB:
 - Faculty have one paid quarter {100% pay} of medical leave to care for a qualified family member.
 - Accruing titles can receive 100% pay via accruals until they are exhausted.
- PFCB could be combined with other options over the course of the leave:
 - Accruing title on leave paid @ 100% via accruals for 2 weeks, followed by 70% pay via PFCB.
 - Cannot use accruals to supplement or “top off” PFCB, (cannot have PFCB at 70% plus Accruals at 30%).
- Represented employees are subject to CBU acceptance of PFCB – side letters will be posted as agreement is reached.
- If the leave ends prior to the use of the full eight workweeks of PFCB, the remainder may be used for a qualifying FML leave later in that same calendar year.
- PFCB “resets” each calendar year just like FMLA and CFRA allotments – eligibility criteria must be met.

LEAVE APPROVAL PROCESS:

Current

- FML entitlements are managed parallel to the leave approval process.
- Departments are cc'd on FML emails, but College/AVC are not typically “in the know” about FML eligibility & designation.
- Approvals do not include or reference FML designations.
- FML designations are not required to obtain policy approval; *this practice leaves the University open to future leave obligations.*

New

- College/AVC need to know FML eligibility & include PFCB language in approval memo:
 - If approvals are in place *prior to* final FML determination and formal designation, approval letter **must** address that if FML designations are not applied (*documentation does not support or is not received*), the approved leave will be unpaid or require revision if other pay options are available.
- PFCB requires FML designations to be in place to receive pay on an approved leave.

RECOMMENDED PFCB LANGUAGE FOR APPROVAL MEMO

Your request to receive pay under UC's Pay for Family Care and Bonding (PFCB) is approved from: ___ to: ___, so long as any required FML forms have been received by the AP Leave Administrator, final eligibility has been determined, and the FMLA and/or CFRA designations have been applied.

Note: if your leave is not designated under one of the required legal entitlements, the PFCB pay option will not be applied to your approved leave. Leave approvals will remain in effect, but the leave will be without pay. Please work with your department to submit a revised request, if needed.

**When Leave revisions are requested, departments should work with their College and the central AP Policy Analysts to approve and upload revised leave approvals into the existing AP Folio Leave parcel.*

LEAVE PROCESS IN AP FOLIO

- Employee initiates a Leave with PFCB pay option request in AP Folio.
- PFCB options added to Leave parcel in AP Folio.
 - Accruing titles – added to “Leave Type Requested” section under the drop down menu.
 - Non-Accruing titles – PFCB election section added.
- Both forms include the dates the employee is requesting PFCB.

Accruing Titles:

Leave Type Requested:

Please identify the dates associated with each Leave Type requested, and the type of Accruals Used, if applicable. To add more than one leave type to this request, click the + button. {e.g. Paid Medical (using accruals), followed by Unpaid Medical (after accruals are exhausted).}

Date From	Date To	Leave Type	Accruals Used
X 2021-07-01	2021-07-14	Medical with pay, for other (full/partial)	<input type="checkbox"/> Sick <input type="checkbox"/> Vacation <input type="checkbox"/> Postdoc PTO
X 2021-07-15	2021-07-31	Med with pay for other – PFCB*	N/A

+

*FML criteria must be met to qualify for Pay for Family Care and Bonding (PFCB); all necessary documentation must be received and the FML designation(s) applied to receive pay via PFCB on an approved policy leave. Please note that you may be eligible for [other paid leave options available under policy](#).

If you elect to apply for PFCB, the [AP Leave Administrator](#) will email the necessary FML forms and instructions once the Leave parcel is submitted in AP Folio.

Non-Accruing Titles:

Pay for Family Care and Bonding (PFCB)*

[PFCB](#) may be applied to **Medical Leave for other** and **Parental with Pay via PFCB** when Family and Medical Leave (FML) criteria are met and all necessary documentation is received in order to designate the leave under the appropriate FML entitlements. Please note that you may be eligible for [other paid leave options available under policy](#).

PFCB Request:

- Yes, apply PFCB to my eligible leave request for the following dates:

Dates:

YYYY-MM-DD — YYYY-MM-DD

- No/Not applicable

LEAVE PROCESS IN AP FOLIO

- Leave Administrator reviews the request to identify FML/PFCB eligibility:
 - Emails FML paperwork and instructions to the employee, & cc's the department.
 - If the employee does not meet FML criteria, the notice will inform the employee that they are not eligible for PFCB and to work with their department on any leave request modifications needed.
 - Certifies if FML criteria are met to support the PFCB request within the Leave parcel in AP Folio.

Eligibility criteria for FMLA/CFRA have been met to be eligible for PFCB? (Completed by AP Leave Administrator)

Yes

No

LEAVE PROCESS IN AP FOLIO

- Department reviews preliminary FML/PFCB eligibility provided by Leave Administrator.
 - If the email notice from the Leave Administrator identifies FML/PFCB eligibility criteria are **not met**, works with the employee on any revisions to the leave request, as needed (e.g. change to unpaid leave, etc.) prior to routing forward.
- College (or AP for central approvals):
 - Confirms FML eligibility as identified in the Leave parcel by the AP Leave Administrator,
 - Completes policy review (including if the request meets PFCB parameters) to address issues with department/employee prior to approval, and
 - Generates approval memo:
 - If FML/PFCB eligible, the recommended PFCB language is included in the approval memo.
 - If not FML/PFCB eligible, works with the department on any clarification/modifications needed to finalize the Leave parcel/approval without PFCB.

LEAVE PROCESS IN AP FOLIO

- The employee returns the required FML paperwork to the Leave Administrator.
- The Leave Administrator designates the leave (in process or approved), emailing the employee and department the formal FML *Designation Notice*:
 - If FML/PFCB eligible:
 - If policy approvals and AP post audit are complete, the leave is entered in UCPATH.
 - If policy approvals are **not** in place, UCPATH entry is held until policy approvals are received and AP post audit is complete.
 - If **NOT** FML/PFCB eligible (*including if the needed FML paperwork is not returned*), the department confirms if any leave revisions are necessary with the employee, and initiates as needed.

TIMEKEEPING & PFCB

- Exempt employee pay and FML/PFCB decrements are managed centrally via JED. No Timekeeping entry is required.
- Titles that report hours in Kronos as positive pay (hourly) will need to enter the Family Care and Bonding – 8 (or prorated by FTE) code to ensure:
 - Hours uploaded for non-exempt employees are properly coded to pay the employee at 70%.
 - FML/PFCB balances (8 weeks) are properly decremented in UCPath.
 - The Extended Absence transaction must be in place prior to Timekeeping uploads for successful interface transactions between Kronos and UCPath.

DEPARTMENT RESPONSIBILITIES POST LEAVE APPROVAL:

- Pay attention to timing of actions, and potential downstream impacts:
 - late approvals/late UCPath entry may result in overpayments, or cause Kronos coding/upload errors for non-exempt employees
- Use Leave Reports to track on Extended Absence transactions (see AP website for report instructions)
- Review Job Data for PFCB related leave attributes:
 - Payroll Status = Paid Leave of Absence
 - Earnings Distribution includes PFL (paid) & LPJ (unpaid) codes
- Manage Kronos Family Care & Bonding code entry for non-exempt employees.
- Review Paycheck Summary:
 - Reflect the 70% PFCB pay AND 30% unpaid portions during the dates of PFCB leave
 - Pay following PFCB is correct (reverts to all REG, unpaid, etc. based on Leave approvals)
- Work with BFS on Overpayments, if needed

PFCB RESOURCES

- UCOP Website
 - General Information <https://ucnet.universityofcalifornia.edu/compensation-and-benefits/other-benefits/pay-for-family-care-bonding.html>
 - UCOP FAQ's and CBU Side Letter Chart <https://www.ucop.edu/human-resources/staff/employee-relations-staff/pay-for-family-care-and-bonding-pfcb.html>
 - APM (Academic Personnel Manual):
 - [APM 715 Leaves of Absence/Family and Medical Leave](#)
 - [APM 760 Family Accommodations for Childbearing and Childrearing](#)
- AP Website- New UC PAY FOR FAMILY CARE AND BONDING section:
<https://ap.ucsb.edu/leave.of.absence/medical.pregnancy.leave.entitlements.protections.and.resources/>

QUESTIONS?

PFCB questions can be addressed to ap-leave@ucsb.edu