March 13, 2015

COUNCIL OF VICE CHANCELLORS
LABORATORY DIRECTOR ALIVISATOS
ACADEMIC COUNCIL CHAIR GILLY
ANR VICE PRESIDENT ALLEN-DIAZ

Re: Final Review of Proposed Revised Academic Personnel Policy Section 080 (APM - 080), Medical Separation

Dear Colleagues:

Enclosed for Final Review are proposed revisions to Academic Personnel Policy Section 080 (APM - 080), Medical Separation. Academic Personnel and Programs has been in consultation for two years with the Provost and Executive Vice President for Academic Affairs, the Academic Senate, the Office of General Counsel, and campus administration regarding proposed changes to APM - 080, Medical Separation.

Following distribution of proposed revised language amending this policy, Academic Personnel and Programs received a broad set of comments during both Management Consultation (April 17, 2014 to June 19, 2014) and Systemwide review (September 19, 2014 to December 19, 2014) from campus administration and Academic Council. The proposed changes in this Final Review version result from the new input identified in Systemwide Review; the most substantive matters are discussed below.

The purpose of APM - 080 is to provide a non-disciplinary method to medically separate a faculty member or other academic appointee who has exhausted eligible leave and who remains unable to perform the essential functions of his/her position or another vacant position for which the appointee is qualified, due to a disability or medical condition. Proposed revisions in this review as well as in the prior reviews are intended to 1) bring APM - 080 into conformance with Regents Standing Order 101.1(b), Employment Status, 2) clarify authority to medically separate faculty with and without tenure or security of employment and appointees who are not members of the Academic Senate, and 3) revise language so that it is congruent with the requirements of the Americans with Disabilities Act (ADA). Summarized below are some of the recommendations from Systemwide Review (September 2014 through December 2014) that have been incorporated in the Final Review draft and responses to some of the questions asked by reviewers:

- New language clarifies that all elements of the interactive process must be exhausted before the medical separation process is initiated. Medical separation procedures cannot be initiated when reasonable accommodations might resolve the problem.

- If vested, the academic appointee may opt to retire rather than be medically separated and to receive disability income from the University of California Retirement Plan.
March 13, 2015
Page 2

• As part of the interactive process, the Disability Management Officer (or equivalent) will
determine whether there is an alternative vacant position for which the employee is qualified and
in which s/he can perform the essential functions, with or without reasonable accommodation.
"Another vacant position" could refer to another faculty position or any other
vacant position for which the employee is qualified. However, the policy does not circumvent the
normal academic review process to determine if the appointee is qualified. The term "without
reasonable accommodation" does not mean "regardless of" or "despite" reasonable
accommodation; it recognizes that the employee might be able to do some jobs in the University
for which the disability does not need to be accommodated. In other words, the term is used in
connection with a person whose qualifying disability does not require accommodation in order to
perform the duties of an alternative vacant position.

• Some reviewers were concerned about the application of leave policies. Leave policies are not
changing. APM - 080 may be applied only after all leaves are exhausted.

• Some reviewers suggested language that is appropriate for campus policy and procedures and/or
the Medical Separation Toolkit, which Academic Personnel and Programs will issue once the
policy is final. For example, details about the content of a medical separation review file will be
included in the Toolkit.

• The process and timelines for tenured and untenured faculty are different. For cases involving
faculty with tenure or security of employment, there are additional steps. Prior to making a
determination of medical separation for faculty with tenure or security of employment, the
Chancellor must consult with the Chair of the Committee on Privilege and Tenure, in accordance
with Regents Standing Order 101.1(b). If the Chancellor recommends separation for faculty with
tenure or security of employment, the President and the Regents must approve the action. The
Chancellor holds authority to separate faculty who do not have tenure or security of employment.

Final Review is intended to advise the results of the Systemwide Review and how language has been
refined. We do not anticipate substantive revisions during Final Review. This stage of consultation is
intended to resolve prior discussions and to answer remaining questions.

This letter and enclosures anticipate that you will submit comments, should there be any, no later than
April 17, 2015. Please submit your comments to ADV-VPCARLSON-SA@ucop.edu. If you have any
questions, please contact Janet Lockwood at janet.lockwood@ucop.edu or (510) 987-9499.

Sincerely,

[Signature]
Susan Carlson
Vice Provost
Academic Personnel and Programs

Enclosures:  Proposed Revised APM - 080 (redline and clean copy)

cc:  President Napolitano
    Provost and Executive Vice President Dorr
    Chancellors
    Secretary Shaw
Senior Vice President Vacca
Vice President Duckett
Vice Provosts of Academic Personnel/Academic Affairs
Chief of Staff Grossman
Deputy/UCOP Compliance Officer Lane
Deputy to the Chief of Staff Riley
Academic Personnel Directors
Deputy General Counsel Woodall
Senior Counsel Leider
Senior Counsel Van Houten
Executive Director Baxter
Executive Director Fox
Executive Director Tanaka
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