

This checklist explains how your benefits are affected by an approved family and medical leave under UC policy, the amended California Family Rights Act of 1991, and the Federal Family and Medical Leave Act of 1993 (FMLA). This checklist does not apply to Supplemental Family and Medical Leave under UC policy. The family and medical leave rights of employees covered by a Memorandum of Understanding are governed by the terms and conditions of the applicable collective bargaining agreement.

To find out if you are eligible for a family and medical leave, contact your Human Resources Office. It is important to discuss your family and medical leave with your supervisor, Human Resources Office, and Benefits Office to make sure you have taken all the necessary actions.

If you end UC employment while on leave, see the *Termination of Employment Benefits Checklist*.

## Need Help?

General information, UC publications and forms, detailed plan booklets, as well as answers to frequently asked questions, are available on UC's Human Resources website ([atyourservice.ucop.edu](http://atyourservice.ucop.edu)); for your plan enrollments, select "Sign in to My Accounts," log on, and then select "Current Enrollments."

You can also get answers to your questions, detailed plan booklets, forms, and UC publications from the person in your department who handles benefits and from your Benefits Office.

# Family and Medical Leave

## Benefits Checklist

### While on FMLA Leave

Federal law provides for up to 12 weeks of unpaid leave in a calendar year for any of the following reasons:

- the employee's own serious health condition
- the birth of a child or to care for a newborn, newly adopted child, or a newborn in foster care
- the care of a spouse, child or parent with a serious health condition

Any employee who has at least 12 months of University service and has worked at least 1250 hours during the 12 months immediately preceding the commencement of the leave is eligible.

Talk to your supervisor about taking a Family and Medical Leave.

Leaves taken under FMLA are generally unpaid. However, depending on the reason for your leave, you may be able to use accrued vacation leave or sick leave for all or a portion of the leave. In some situations, UC can require you to use paid leave.

A family and medical leave may, in certain circumstances, overlap or be combined with other types of leaves allowed under UC policies. If the need for leave continues beyond the 12 workweeks allowed under FMLA, you may request additional leave as allowed under UC policy. If you are on leave because of disability or pregnancy disability, see the special factsheets for those events. If you take leave without pay after your FMLA leave, see the *Leave Without Pay Benefits Checklist*.

When you are on an approved unpaid FMLA leave, you may be eligible to

continue some of your UC-sponsored benefits. The chart on page 2 explains your benefits options in detail.

UC contributions continue for some plans. For others, you must arrange in advance to pay any required premium(s)—*when applicable, both the employee and UC portions*—directly to your Benefits or Payroll Office. If you choose not to continue your UC-sponsored coverage, or if you do not pay your premium(s) on time, your coverage will end on the last day of the last month for which premiums or contributions are paid. See page 3 for your COBRA continuation options.

If your UC-sponsored coverage lapses, you may re-enroll when you return to work at UC with an eligible appointment.

**Pregnancy Disability:** You may take up to four months of medically necessary pregnancy disability leave under California State law and (if eligible and you have not exhausted your entitlement) an additional 12 workweeks for non-pregnancy disability-related family or medical leave under the California Family Rights Act (CFRA). The first 12 workweeks of pregnancy disability run concurrently with the federal FMLA. See the *Pregnancy and Newborn Child Factsheet* for more information.

**403(b) Plan Loan Program:** If you have an outstanding loan when you go off pay status, you must arrange one of the following options with Fidelity Retirement Services (1-866-682-7787) within 90 days of your last day on pay status:

- Direct monthly payments,
- Full payment in advance for the period you will be off pay status, or

(continued on page 3)

# While on FMLA Leave

Benefit Plan	Benefits Options While on Unpaid FMLA Leave
<b>Health and Welfare Plans</b>	
Medical Dental Vision	Your health coverage (medical, dental, and vision) continues for up to 12 workweeks in a 12-month period at the same level and under the same conditions as if you were still working. You must arrange in advance to pay your medical plan contributions directly to your local Benefits or Payroll Office. If you do not pay your portion, your coverage may end. Also see “Moving Out of a Plan Service Area” on page 3 and “Health & Welfare Plan Continuation and Conversion” on page 3.
Basic Life	Your coverage continues (at no cost to you) for up to four months after the month your leave begins.
Accidental Death & Dismemberment (AD&D) Supplemental Life Legal	You may continue coverage for the duration of your leave (up to two years if you continue on leave without pay). You must arrange in advance to pay any required premiums directly to your local Benefits or Payroll Office.
Basic Dependent Life Expanded Dependent Life	If you are enrolled in Basic Life only, you may continue Basic Dependent Life for up to four months. If you are enrolled in and continue Supplemental Life, you may continue Basic Dependent Life or Expanded Dependent Life for the duration of your leave (up to two years if you continue on leave without pay).
Short-Term Disability Supplemental Disability	You may continue coverage, as long as you are on paid leave and premiums are paid. If your FMLA leave is unpaid, your coverage ends. You must be disabled while actively employed in order to receive benefits from these plans. If you qualify, you may receive disability benefits from the Short-Term and Supplemental Disability plans during a family and medical leave for your own serious health condition. Please note that approval of family and medical leave does not automatically constitute a valid and approved disability claim.
Business Travel Accident Workers’ Compensation	Coverage stops your last day actively at work before your FMLA leave begins.
<b>UC Retirement Plan, Retirement Savings Program and Other Savings Options</b>	
University of California Retirement Plan (UCRP)	You stop accruing service credit when you go off pay status. Your UCRP contributions and any Capital Accumulation Payment (CAP) balance remain on deposit and you may not withdraw them. You remain eligible for any UCRP benefits for which you were eligible when your FMLA leave began. You do not earn UCRP retirement service credit while you are on an unpaid FMLA leave. You may be able to establish service credit for this period when you return (see “Establishing UCRP Service Credit” on page 1).
Retirement Savings Program (DC Plan, 403(b) Plan, 457(b) Plan)	Contributions stop with your last paycheck. Contact Fidelity Retirement Services at 1-866-682-7787 for your options. See “403(b) Plan Loan Program” on page 3.
Social Security Other Retirement Plans	If your retirement benefits are coordinated with Social Security, contributions stop while you are on FMLA leave if you are off pay status and not receiving Short-Term Disability benefits. If you are a member of another retirement plan—such as CalPERS—contact that plan directly for information.
<b>Other Benefits</b>	
Vacation Leave Sick Leave	You do not accrue vacation or sick leave during your FMLA leave if you are off pay status. For details, see the personnel policy or collective bargaining agreement that applies to you.
Dependent Care Flexible Spending Account (DepCare FSA)	Contributions stop when you go off pay status. Eligible expenses incurred through the end of the pay period in which you made the last contribution are eligible for reimbursement. You must file your claims by the filing deadline of the following year; you forfeit funds left in your account after that date.
Health Flexible Spending Account (Health FSA)	<p>You may continue your eligibility for the Health FSA during FMLA. Before your FMLA begins, you must complete the <i>Health FSA/DepCare FSA/Enrollment, Change, or Cancellation Salary Reduction Agreement</i> (UPAY 919) and elect to continue or cancel coverage. See your Benefits Office for details. If you continue coverage, eligible expenses incurred during your leave are reimbursable.</p> <p>If you cancel participation while on leave, contributions stop when you go off pay status. Eligible expenses incurred through the end of the pay period in which you made the last contribution are eligible for reimbursement. You must file your claims by the filing deadline of the following year; you forfeit funds left in your account after that date.</p>
Tax Savings on Insurance Premiums (TIP)	Pretax contributions to your health plans stop when you go off pay status. Monthly health premium payments to continue coverage during your FMLA leave are made on an after-tax basis.
Automobile and Homeowner/Renter	You may continue coverage to the end of the contract year by paying premiums directly to the insurance company or you may cancel your coverage. Call the insurance company for information.

# While on FMLA Leave

Benefit Plan	Benefits Options While on Unpaid FMLA Leave
<b>Other Benefits (continued)</b>	
California Unemployment Insurance Program	UC coverage stops on the last day you are actively at work.
Payroll Deductions such as Scholarshare, homeowners insurance, etc.	Deductions stop with your last paycheck.

- Repayment of the outstanding amount in full.

If you do not elect one of these options within the 90-day period, the outstanding amount will be reported as a taxable distribution. In addition, if you leave UC employment, you must either repay your loan in full or arrange to make monthly electronic funds transfers (EFTs) to Fidelity. If you do not take any action within 90 days of your last day on pay status, the outstanding amount will be reported as a taxable distribution. It may also be subject to federal and state early distribution penalties.

**Service Credit Buyback:** If you have a UCRP service credit buyback in progress, your payroll deductions will stop when you go off pay status. You do not make payments during your leave. To be sure your payments resume, talk with your local Payroll Office when you return to work.

**Address Changes:** While on FMLA leave, please keep UC advised of your correct *permanent* address. Changes in your permanent address may affect your eligibility for health plans. In addition, UC needs a correct, current address to keep you informed about your benefits. You can update your address online ([atyourservice.ucop.edu](http://atyourservice.ucop.edu)) and notify your local Benefits or Payroll Office or the appropriate person in your department of any address changes.

**Moving Out of a Plan Service Area:** If you continue UC-sponsored medical or dental coverage during your FMLA leave and you move out of your plan's service area for more

than two months, UC regulations require you to transfer to a UC-sponsored plan that provides service in your new location. You must transfer within 31 days of the date you leave the service area. Contact your local Benefits Office.

You and/or your eligible family members may also need to select a new primary care physician(s). Contact your medical plan carrier.

**Enrolling and De-enrolling Family Members:** If you continue UC-sponsored coverage while on

## Health & Welfare Plan Continuation and Conversion

In addition to the options for continuing your UC health & welfare plan coverage listed in the chart on page 2, there may be additional options for continuing coverage during your family medical leave or if you do not return to work. Note that these options are generally more costly. Conversion policies may also provide fewer benefits than UC's group plans. For more details on all of these options, see the UC Human Resources website ([atyourservice.ucop.edu](http://atyourservice.ucop.edu)) or your benefit plan booklets.

**COBRA and CalCOBRA Continuation:** If you are enrolled in medical, wellness, dental or vision insurance, once your continuation through UC is over and if you do not return to UC employment, you and/or your eligible family members may be eligible to continue UC-sponsored group health coverage, as well as eligibility for your location's Employee Assistance Program, under COBRA (the Consolidated Omnibus Budget Reconciliation Act of 1985) and CalCOBRA (AB1401). If you are enrolled in the Health Flexible Spending Account (Health FSA), you may continue your participation under COBRA, but only through the end of the current plan year (December 31) by making after-tax payments to your account. You have 60 days from the date you receive notice of your continuation rights to apply for COBRA continuation.

**Conversion:** If you are enrolled in medical, legal, AD&D or life (including Basic Life, Supplemental, Basic Dependent, Expanded Dependent and Senior Management) and you apply within 31 days after UC-sponsored coverage ends, you can convert your group insurance coverage to individual policies without the need for individual underwriting by the insurance plan. For medical coverage, you have 31 days after your UC-sponsored or COBRA continuation coverage ends to apply for conversion.

**Portability:** If you are enrolled in Supplemental Life insurance and you apply within 31 days after your UC-sponsored coverage ends, you may be eligible for the Prudential Portability benefit which allows you to purchase a Prudential group term-life policy for similar amounts carried in Supplemental Life, Basic Dependent Life or Expanded Dependent Life.

FMLA leave, you may enroll newly eligible family members within 31 days of the date they become eligible to enroll. For other opportunities to enroll in UC-sponsored plans, see *Your Group Insurance Plans*.

You are also responsible for de-enrolling family members who lose eligibility to participate in UC-sponsored plans. Failure to do so within required deadlines may affect continuation rights and/or result in liability for any expenses incurred by UC or the plan due to the ineligible enrollment.

If you do not continue UC-sponsored coverage during your FMLA leave, you may enroll newly eligible family members in your plans during your new 31-day period of initial eligibility (PIE) that begins on the date you return from leave. Upon request, you will need to provide documentation to verify the relationship of your enrolled family members.

**IMPORTANT:** If you are on family and medical leave because of pregnancy or to assist with the care of your newborn child, please note that your newborn child is not automatically enrolled as an eligible family member. **To ensure continued coverage through UC-sponsored plans,**

### Period of Initial Eligibility (PIE)

This is a time during which you or your eligible family members may enroll in UC-sponsored plans. The PIE starts on the first day of eligibility (for example, the day you return to work or pay status). For internet transactions, it ends 31 days later. For paper transactions, it ends 31 days later or on the last working day of the 31-day period, whichever comes first. UC defines a working day as a normal business day—Monday through Friday, excluding holidays—for your local Benefits or Payroll Office.

### you must enroll your newborn child within the 31-day period of initial eligibility (PIE) that begins with the child's day of birth.

You may also be eligible for family and medical leave when adopting a child. The PIE to enroll your adopted child will begin either on the date the child is placed in your physical custody or the date you or your spouse/domestic partner has the legal right to control the child's health care, whichever is earlier. If you do not enroll your child during the first PIE, a second PIE begins with the date the adoption decree is final. Coverage begins on the first day of the PIE in which you enroll the child.

See the *Family Changes Benefits Checklist* for more information.

## When You Return to Work

When you return to work, records must be updated, benefits must be activated, and forms must be processed. If you continued coverage during your FMLA leave, at some locations coverage continues automatically. At other locations you must re-enroll. **Because procedures vary by location, it is very important that you review your benefits with your local Benefits or Payroll Office soon after you return to work.**

The chart on page 5 explains your benefits options when you return to work at UC with an eligible appointment. For some plans, you have a new PIE in which to enroll, re-enroll, or make changes. If you miss the PIE, some plans allow you to enroll during Open Enrollment, usually held in November. Other plans may require you to submit a statement of health to the insurance company; doing so, however, is no guarantee that you will be accepted. To be sure you get the coverage you want, sign up during your PIE.

In addition, you must meet all eligibility requirements when you return to work. If your appointment changes when you return to work, your new appointment will determine the benefits in which you may enroll.

### Returning to a Plan Service Area:

If you are returning to your previous medical or dental plan service area, you may transfer back to your previous plan within 31 days of your return to the plan's service area. You and/or your eligible family members may also need to select a primary care physician(s) or a Delta Care USA® dentist. Contact your Benefits Office to transfer plans and your medical carrier or Delta Dental to change providers.

### Establishing UCRP Service Credit:

When you return to work at UC with an eligible appointment you may be able to establish (buy back) retirement service credit for your FMLA leave.

Note that if you wish to buy back service credit for your FMLA leave, generally the sooner you begin, the less it will cost you.

If you have a previous UCRP service credit buyback in progress, tell your Payroll Office to resume payments. Your payment period will be extended, but your monthly payroll deduction amount will not change.

For more information, see *The UCRP Buyback Booklet*.

*(continued on back page)*

### Benefits Transactions and

**Deadlines:** When making benefits changes, it is your responsibility to complete your transactions within UC deadlines.

Although UC makes every effort to ensure your enrollment transactions are completed accurately, you should review your paycheck stub carefully to be sure it matches your benefits choices. *It is your responsibility to promptly notify your local Benefits or Payroll Office of any errors.*

## When You Return to Work

Benefit Plan	New PIE	Benefits Options
<b>Health and Welfare Plans</b>		
Medical* Dental* Vision* Legal Supplemental Life Basic Dependent Life Expanded Dependent Life	YES	<i>If you continued coverage during your leave:</i> Your coverage continues.  <i>If you did not continue coverage:</i> You may re-enroll in the same plans with the same level of coverage you were enrolled in before you left. If you combined FMLA leave with other types of leave and you were on leave for <i>120 days or more</i> , you are treated as a newly eligible employee and you may enroll in the UC-sponsored plans for which you are eligible. See “Returning to a Plan Service Area” on page 4.
Basic Life	N/A	Your coverage, based on your appointment, resumes automatically when you return to pay status.
Accidental Death & Dismemberment (AD&D)	N/A	<i>If you continued coverage during your leave:</i> Your coverage continues.  <i>If you did not continue coverage or if you were not previously enrolled:</i> You may enroll at any time.
Supplemental Disability	YES	You must re-enroll during your new 31-day PIE. If you were previously enrolled, you must keep the same waiting period you had before your leave. If you combined FMLA leave with other types of leave and you are on leave for <i>120 days or more</i> , you may enroll for the first time or re-enroll; you may select any of the waiting periods. <i>Depending on the length of your leave, you may be subject to pre-existing condition exclusions.</i>
Short-Term Disability	N/A	Coverage resumes automatically on your first full day actively at work. If your FMLA leave was for your own health condition, coverage resumes on the day after your first full day actively at work.
Business Travel Accident Workers’ Compensation	N/A	Coverage resumes automatically on your first day actively at work.
<b>UC Retirement Plan, Retirement Savings Program and Other Savings Options</b>		
Retirement plan contributions and retirement savings deductions resume automatically when you return to pay status. At some locations, deductions for a 403(b) Plan loan or a UCRP service credit buyback in progress resume automatically. At other locations you must reactivate them. For a limited time you may be eligible to establish service credit for your leave. See “Establishing UCRP Service Credit” on page 4.		
<b>Other Benefits</b>		
Vacation Leave Sick Leave	N/A	When you return to pay status, you start accruing vacation and sick leave, if eligible. For details, see the personnel policy or collective bargaining agreement that applies to you.
Dependent Care Flexible Spending Account (DepCare FSA)	YES	You may re-enroll during your new PIE. <i>If you are on leave less than 120 days:</i> you may re-enroll for the remainder of the plan year; your monthly contribution must be the same as before you were on leave. <i>If you are on leave for 120 days or more:</i> you may enroll for the remainder of the plan year; you may elect a new monthly contribution.
Health Flexible Spending Account (Health FSA)	YES	<i>If you continued participation:</i> Contributions for the remainder of the plan year will be adjusted according to the continuation option elected prior to FMLA leave. See your local Benefits Office for more information.  <i>If you cancelled participation:</i> You may re-enroll during your new PIE. <i>If you are on leave less than 120 days:</i> you may re-enroll for the remainder of the plan year; your annual contribution must be the same as before you were on leave. <i>If you are on leave for 120 days or more:</i> you may enroll for the remainder of the plan year; you may elect a new annual contribution.
Tax Savings on Insurance Premiums (TIP)	YES	TIP contributions resume automatically when you return to pay status. You may opt out of TIP during your new PIE or Open Enrollment period. See the <i>TIP Summary Plan Description</i> for details.
Automobile and Homeowner/Renter	N/A	<i>If you continued coverage during your leave:</i> You may resume payroll deductions when you return to pay status.  <i>If your coverage lapsed:</i> You may re-enroll at any time. Call the insurance company directly.
California Unemployment Insurance Program	N/A	Coverage resumes automatically when you return to pay status.

\* For other opportunities to enroll in UC-sponsored plans, see *Your Group Insurance Plans*.

## If You Do Not Return to UC Employment

Contact your local Benefits Office if you end UC employment while on FMLA leave, and read the *Termination of Employment Benefits Checklist*. Ask your Benefits Office for more information about continuing group coverage.

If you decide to retire while on FMLA leave, see the *Retirement Handbook* for information. Because a FMLA leave may affect your retirement benefits, be sure you discuss your options with your local Benefits Office *before* you elect to retire.

### Medical, Dental, and Vision

**Contributions Repayment:** If you do not return to work at the conclusion of your family and medical leave, you may be liable for repayment of the health plan premiums (medical, dental, and/or vision) paid by UC during any unpaid portion of your leave. UC may recover its share of

health plan premiums to the extent permitted by law from your unpaid wages or vacation pay (if any), or other pay due you, or by initiating legal action.

You will be considered to have returned to work if you work for at least 30 calendar days beginning with your scheduled return date.

You will *not* be liable for the premiums, however, if your failure to return to work is due to continuation of your own serious health condition or other reasons beyond your control.

### Service Credit Buyback in Progress:

If you do not return to UC employment and have completed 12 or more monthly payments on a service credit buyback, you may make a lump sum payment within 60 days after your separation from UC employment.

### California Unemployment

**Insurance Program:** UC coverage stops the last day you are actively at work. Depending upon your circum-

stances, you may be eligible for Unemployment Insurance benefits. You can get details and apply for benefits at your local office of the California State Employment Development Department (EDD). If you work outside California, contact the comparable state agency for your location.

### Distributions from UC Retirement Savings Program:

If you leave UC employment and have at least \$2,000 in the DC Plan, in the 403(b) Plan or in the 457(b) Plan, see the Fidelity Retirement Services website ([www.netbenefits.com](http://www.netbenefits.com)) for information about your options. If you have less than \$2,000 in any plan, you must request a total distribution from that Plan. Plan balances may not be combined to meet the \$2,000 minimum balance requirement. You can take a distribution online or by phone (1-866-682-7787).

By authority of the Regents, University of California Human Resources, located in Oakland, administers all benefit plans in accordance with applicable plan documents and regulations, custodial agreements, University of California Group Insurance Regulations, group insurance contracts, and state and federal laws. No person is authorized to provide benefits information not contained in these source documents, and information not contained in these source documents cannot be relied upon as having been authorized by the Regents. Source documents are available for inspection upon request (1-800-888-8267). What is written here does not constitute a guarantee of plan coverage or benefits—particular rules and eligibility requirements must be met before benefits can be received. The University of California intends to continue the benefits described here indefinitely; however, the benefits of all employees, retirees, and plan beneficiaries are subject to change or termination at the time of contract renewal or at any other time by the University or other governing authorities. The University also reserves the right to determine new premiums, employer contributions and monthly costs at any time. Health and welfare benefits are not accrued or vested benefit entitlements. UC's contribution toward the monthly cost of the coverage is determined by UC and may change or stop altogether, and may be affected by the state of California's annual budget appropriation. If you belong to an exclusively represented bargaining unit, some of your benefits may differ from the ones described here. Contact your Human Resources Office for more information.

The Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) provides for continued coverage for a certain period of time at applicable monthly COBRA rates if you, your spouse, or your dependents lose group medical, dental, or vision coverage because you terminate employment (for reasons other than gross misconduct); your work hours are reduced below the eligible status for these benefits; you die, divorce, or are legally separated; or a child ceases to be an eligible dependent. Note: The continuation period is calculated from the earliest of these qualifying events and runs concurrently with any other UC options for continued coverage. See your Benefits Representative for more information.

In conformance with applicable law and University policy, the University is an affirmative action/equal opportunity employer. Please send inquiries regarding the University's affirmative action and equal opportunity policies for staff to Director of Diversity and Employee Programs, University of California Office of the President, 300 Lakeside Drive, Oakland, CA 94612 and for faculty to Director of Academic Affirmative Action, University of California Office of the President, 1111 Franklin Street, Oakland, CA 94607.



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