



SYSTEMWIDE ACADEMIC PERSONNEL
FACULTY AFFAIRS AND ACADEMIC PROGRAMS

OFFICE OF THE PRESIDENT
1111 Franklin Street, 10th Floor
Oakland, California 94607-5200

September 18, 2025

CHANCELLORS
ACADEMIC COUNCIL CHAIR PALAZOGLU
LABORATORY DIRECTOR WITHERELL
ANR VICE PRESIDENT HUMISTON

**Re: Systemwide Review of Proposed Revisions to the Academic Personnel Manual
(APM) Section 036, General University Policy Regarding Academic
Appointees/Employment**

Dear Colleagues:

Enclosed for systemwide review are updated proposed revisions to Academic Personnel Manual (APM) as follows:

- Section 036, General University Policy Regarding Academic Appointees/Employment (APM - 036).

The revisions are intended to address the following two important issues:

- To address changes to the California Education Code – Specifically, the recent addition of [Section 66284](#), which requires institutions to adopt a written policy regarding Official Letters of Recommendation (second systemwide review).
- To address a gap in the current APM – Specifically, clarifications regarding the classification of academic employees under the federal Fair Labor Standards Act and the incorporation of related compensation standards (first systemwide review).

To support implementation, the Office of the President will provide a toolkit and guidance documents when the final policy is issued, to help faculty, administrators, and staff understand and apply the revisions consistently across campuses.

Background

Previously proposed revisions to add the Letters of Recommendation sections of the policy were considered during the first systemwide review period from January 22, 2025, to March 24, 2025. Based on feedback received, further revisions have been incorporated for this second systemwide review. These proposed revisions respond to the addition of California Education Code Section 66284, effective January 1, 2025 (reference AB 1905 “Public postsecondary education:

employment: settlements, informal resolutions, and retreat rights”), which requires public postsecondary educational institutions to adopt a written policy on Official Letters of Recommendation. This law mandates that University supervisors and administrators take certain steps to ensure the requesting employee is not a respondent in a sexual harassment complaint before providing an official letter of recommendation

This review also addresses a gap in the current Academic Personnel Manual (APM) regarding the federal Fair Labor Standards Act (FLSA). The FLSA establishes minimum wage, overtime, recordkeeping, and other requirements. Under the FLSA, employees are classified as either exempt or non-exempt based on their duties and method of compensation. Exempt employees (e.g., faculty) are not required to report hours worked and are not eligible to receive premium overtime pay, while non-exempt employees (e.g., non-instructional titles that fall below a minimum salary threshold) are compensated hourly, must record and report hours worked, and may be eligible for premium overtime pay. Exempt employees are paid a set salary and are expected to fulfill the duties of their positions regardless of the hours worked. Historically, the University has referred to the [Personnel Policies for Staff Members \(PPSM\) 30: Compensation](#) for guidance on FLSA compliance for academic appointees, but those provisions are now being incorporated into the APM, as the APM includes the policies pertaining to the employment relationship between an academic appointee and the University of California.

This review further addresses a gap in the current APM regarding lactation accommodation by incorporating lactation accommodation provisions into the APM. Historically, the University has referred to the [Personnel Policies for Staff Members \(PPSM\) 84: Lactation Accommodation](#) for guidance on lactation accommodation for academic appointees.

Key Policy Revisions in response to Changes to California Education Code

The following summary of proposed revisions includes changes based on comments received during the initial systemwide review and clarification from UC Legal regarding compliance with California Education Code Section 66284.

Overall, feedback from the first systemwide review raised concerns about the need for more clarity with respect to what kinds of letters of recommendation are subject to California Education Code Section 66284, the distinction between official and personal letters, who the “appropriate entity” is for academic administrators and supervisors to seek verification from, and the application of the policy to different faculty roles. These revisions provide clearer definitions and guidance to address those issues. New revisions are indicated below with **bold** and underlined text to distinguish from revisions included in the first systemwide review:

- Revise title of policy to “Academic Employment” to clarify that the policy applies to academic employment and to remove the interim status of the policy.
- Add section APM - 036-6 Obligations; b. Official Letters of Recommendation
 - This section prohibits academic administrators and supervisors from providing Official Letters of Recommendation prior to consulting with the appropriate campus entities to determine if the employee is a respondent in a sexual harassment complaint filed with the University and any of the following has occurred: (1) the employee is determined in a final administrative decision to have

committed sexual harassment; (2) before a final administrative decision is made, and while an investigation is pending, the employee resigns from their current position; or (3) the employee enters into a settlement with the public postsecondary educational institution based on the allegations arising from the sexual harassment complaint. **Language has been added to this policy that these requirements are in accordance with California Education Code 66284.**

- This section clarifies that APM - 036 does not apply to letters of recommendation provided to individuals who are not employees or do not speak to the individual's qualities as an employee.
 - **Language has been added to clarify that "appropriate entities" for the purposes of consultation on providing Official Letters of Recommendation must be defined in local campus procedures.**
 - Official Letter of Recommendation is defined in the policy and excludes other forms of recommendations, such as surveys and phone calls, from the definition of Official Letters of Recommendation. **Additional language has been added to define an Official Letter of Recommendation.**
 - Administrator or Supervisor is defined in this section.
 - **In the first systemwide review, proposed revisions included required language for personal letters of reference or recommendation to confirm whether the letter was written in a personal rather than "official" capacity. To address feedback received during the first systemwide review, the required language is a requirement for an Official Letter of Recommendation only.**
- Add section APM - 036-6 Obligations; c. Personal References and Personal Letters of Recommendation
 - **In the first systemwide review, proposed revisions included guidelines and required language for personal letters of reference or recommendation to confirm whether the letter was written in a personal rather than "official" capacity. To address feedback received during the first systemwide review, the required language has been moved as a requirement for an Official Letter of Recommendation only.**
 - **Revisions in this review include clarification that letters of reference or recommendation not meeting the requirements noted for Official Letters of Recommendation in APM - 036-6 c. should be considered personal letters of reference or recommendation, even when written by an administrator or supervisor on University of California letterhead or issued via a University issued email address.**
 - This section clarifies that letters solicited for academic review files, letters written for current and former students regarding academic performance, and other letters used for a purpose other than employment, e.g., grant applications and award

nominations, are not Official Letters of Recommendation and are not subject to prior verification with “appropriate entities” before providing the letter.

To support implementation following this systemwide review and issuance of the policy, a toolkit will also be issued that will include model statement language, a consultation flowchart, and FAQs.

Key Policy Revisions in response to Addressing a Gap in the Current APM

Additionally, the proposed revisions include explanations of current procedures and practices in place at the campuses, in compliance with state and federal law. To ensure consistency in application for academic appointees, the following information has been included in the proposed revisions:

- Fair Labor Standards Act (FLSA) guidelines as established in the FLSA regulations. These clarifications are important because the FLSA distinguishes between exempt employees, who are paid a set salary and are expected to fulfill the duties of their positions regardless of hours worked, and non-exempt employees, who are paid hourly, are eligible for premium overtime pay, and must report time worked. While faculty are exempt employees, faculty may supervise a mix of exempt and non-exempt employees.
- Service obligations as established in Regents Policy 7303, Service Obligations and Leaves of Absence.
- Explanations of when academic appointees will be afforded meal, rest, and lactation breaks, as established by state and federal law.
- Clarification of working and non-working time and expectations to ensure accurate leave recording. These revisions do not introduce any new requirements for faculty to report time worked through time and attendance systems. Rather, it affirms existing practices and ensures consistency across campuses, while respecting areas where faculty already follow local timekeeping processes.

Following this systemwide review and issuance of the policy, an implementation toolkit will include a quick guide on exempt versus non-exempt roles, a summary of meal and rest break provisions for non-exempt academic appointees, and guidance on leave and time documentation that will assist academic supervisors with compliance with the FLSA.

Additionally, technical revisions have been made to APM - 036-0 a. Recruitment and APM - 036-0 b. Selection to be inclusive of State contractor obligations and anti-discrimination efforts and to remove references associated with specific Federal compliance obligations that no longer apply.

Systemwide Review

Systemwide review is a public review distributed to the Chancellors, the Chair of the Academic Council, the Director of the Lawrence Berkeley National Laboratory, and the Vice President of Agriculture and Natural Resources requesting that they inform the general University community, especially affected employees, about policy proposals. Systemwide review also includes a mandatory, 90-day full Academic Senate review.

Employees should be afforded the opportunity to review and comment on the draft policies, available on the [Systemwide Academic Personnel website](#). Attached is a Model Communication

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which may be used to inform non-exclusively represented employees about these proposals. The Systemwide Labor Relations at the Office of the President is responsible for informing the bargaining units representing union membership about policy proposals.

We would appreciate receiving your comments no later than **December 19, 2025**. Please submit your comments to SystemwideAP-PolicyReviewComments@ucop.edu. Please indicate "APM - 036" in the subject line. If you have any questions, please contact Kelly Anders at kelly.anders@ucop.edu.

Sincerely,



Amy K. Lee
Deputy Provost
Systemwide Academic Personnel



Monica Varsanyi
Vice Provost
Faculty Affairs and Academic Programs

Enclosures:

- 1) APM - 036, Academic Employment (clean copy)
 - 2) APM - 036, Academic Employment (tracked changes copy)
 - 3) Model Communication
- cc: President Milliken
Provost and Executive Vice President Newman
Executive Vice Chancellors/Provosts
Executive Vice President and Chief Operating Officer Nava
Executive Vice President Rubin
Senior Vice President and Chief Compliance Officer Bustamante
Vice President Brown
Vice President and Chief of Staff Kao
Vice President Gullatt
Vice President Lloyd
Vice President Maldonado
Academic Council Vice Chair Scott
Vice Provosts/Vice Chancellors for Academic Affairs/Personnel
Deputy General Counsel Woodall
Assistant Vice Provosts/Assistant Vice Chancellors for Academic Personnel
Associate Vice President Matella
Associate Vice President McRae
Chief Policy Advisor McAuliffe
Executive Director Anders
Executive Director Lin
Executive Director Spear
Chief of Staff Beechem

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Deputy Chief HR Officer and Chief of Staff Henderson

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Director Chin

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