



# Health and Personal Leave for Staff\*

(Excluding Academic and Bargaining Unit Staff)

*\*Formerly Sick Leave, Health Care Leave, and Personal Leave*

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## POLICY STATEMENT

Cornell University provides paid health and personal leave to eligible staff members for a variety of reasons. Health and personal leave must be approved and recorded in a manner that protects the interests of both the institution and its staff members.

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## REASON FOR POLICY

The university appreciates and values staff members as they carry out their job responsibilities in support of the university's missions of teaching, research, and public service. The university also recognizes that staff members need time away from work for a variety of reasons including their own medical needs, the medical needs of family, or to attend to personal matters. To that end, paid health and personal leave benefits are available to eligible staff members. This policy assists staff members in understanding their eligibility for paid health and personal leave time away from work and the principles and procedures surrounding its use.

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## ENTITIES AFFECTED BY THIS POLICY

- Ithaca-based locations
- Cornell Tech campus
- Weill Cornell Medicine campuses

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## WHO SHOULD READ THIS POLICY

- Eligible nonacademic, non-bargaining unit staff members
- College and unit human resource representatives
- Managers and supervisors of eligible staff
- College, unit, department, payroll and service center representatives with a role in administering time away from work

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## MOST CURRENT VERSION OF THIS POLICY

- [www.dfa.cornell.edu/policy/policies/health-and-personal-leave-staff](http://www.dfa.cornell.edu/policy/policies/health-and-personal-leave-staff)

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# Health and Personal Leave (Excluding Academic and Bargaining Unit Staff)

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## RELATED RESOURCES

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### University Policies and Information

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[University Policy 6.2.1, Leaves for Professors and Academic Staff](#)

[University Policy 6.9, Time Away From Work](#) (All relevant sections, including Sick Leave (New York State), Family Leaves for Staff, Medical Leaves for Staff, Military Family Leave, Vacation, Volunteer Firefighters, Emergency Medical Technician, and Emergency Responder Leave, etc.)

[University Policy 6.11.3, Employee Discipline \(Excluding Academic and Bargaining Unit Staff\)](#)

[University Policy 6.12, Separations, Voluntary and Involuntary \(Including Layoff\)](#)

[Human Resources Policy 6.7.5, Temporary and Casual Appointments](#)

[Human Resources Policy 6.7.12, Overtime](#)

[Human Resources Policy 6.7.11, Time Collection](#)

[Credited Service Information](#)

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### External Documentation

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Fair Labor Standards Act

Family and Medical Leave Act

New York State Disability Benefits Law

New York State Workers' Compensation Law

[New York State Paid Sick Leave, Article 6, NYS Labor Law](#)

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### University Forms and Systems

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[Workday](#)

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## CONTACTS

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Direct any general questions about this policy to your college or unit administrative office or your local business service center. If you have questions about specific issues, contact the following offices.

Subject	Contact	Telephone	E-mail/Web Address
<b>Policy Clarification and Interpretation</b>	College/Unit Human Resource Representative	Unit-specific	<a href="http://hr.cornell.edu/find-your-hr-representative">hr.cornell.edu/find-your-hr-representative</a>
	Division of Human Resources, Workforce Policy and Labor Relations	(607) 255-4652	<a href="mailto:hrpolicy@cornell.edu">hrpolicy@cornell.edu</a>
<b>Benefits, Endowed and Contract College</b>	Division of Human Resources, Benefits Services	(607)-255-3936	<a href="mailto:benefits@cornell.edu">benefits@cornell.edu</a>
<b>Medical Leaves Administration, Endowed and Contract College (for Disability, Workers' Compensation, and Family and Medical Leaves for Staff)</b>	Division of Human Resources, Benefits Services	(607) 255-1177	<a href="mailto:benefits@cornell.edu">benefits@cornell.edu</a>
<b>Time Collection</b>	University Payroll	(607) 255-5194	<a href="mailto:uco-payroll@cornell.edu">uco-payroll@cornell.edu</a> <a href="http://www.payroll.cornell.edu">www.payroll.cornell.edu</a>

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## DEFINITIONS

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These definitions apply to terms as they are used in this policy.

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<b>Benefits-Eligible Temporary Employee</b>	A temporary employee whose anticipated or actual time on the job meets or exceeds the requirements to become eligible for coverage under certain benefits programs sponsored by the university. Various coverage and effective dates must be approved by Benefits Services and are determined by a number of factors, including, but not limited to, the length of the temporary appointment (i.e., a minimum of six months for endowed; minimum of three months for contract college) and the total hours worked in a year. For information about which benefit programs apply to eligible temporary staff, contact Benefits Services.
<b>Family Member</b>	<p>A spouse, partner (same-sex and opposite-sex), parent, child, sibling, grandparent, grandchild, child or parent of an employee's spouse or domestic partner, or any person who is dependent upon the staff member for care.</p> <p>A "parent" is a biological, foster, step- or adoptive parent, or a legal guardian of an employee, or a person who stood in loco parentis when the employee was a minor child.</p> <p>A "child" is a biological, adopted or foster child, a legal ward, or a child of an employee standing in loco parentis.</p>
<b>Regular Employee</b>	An employee who is appointed to a non-temporary position of at least 20 hours per week with an expected duration of at least six months.
<b>Temporary Employee</b>	An employee who is appointed to a temporary position of at least 20 hours per week with an expected duration of less than six months. Temporary employees who are not eligible for Health and Personal Leave may be eligible to accrue sick leave per <a href="#">University Policy 6.9, Sick Leave (New York State)</a> .

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# Health and Personal Leave (Excluding Academic and Bargaining Unit Staff)

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## RESPONSIBILITIES

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The major responsibilities each party has in connection with this policy are as follows:

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### Staff Member

In foreseeable circumstances, obtain approval from the supervisor for the use of health and personal leave in accordance with unit practice and as much in advance as possible.

In unforeseen circumstances, such as in the case of illness or emergencies, notify the supervisor in accordance with unit practice — ideally before the start of the workday or as soon thereafter as possible.

Properly record the use of health and personal leave accruals in the appropriate time collection system.

Be aware of their health and personal leave balance, and review and verify the accuracy of accrual balances with the supervisor periodically and as necessary.

Respond to reasonable requests from the supervisor for information about the reason for the use of health and personal leave, so that the supervisor may properly and compliantly manage time away from work.

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### Supervisor

Communicate expectations to staff members regarding how health and personal leave accruals should be requested in accordance with unit practice, in both foreseeable and unforeseeable situations.

Review and respond to requests in a timely manner from staff members for the use of health and personal leave.

Communicate expectations to staff members regarding properly recording health and personal leave in the time collection system, including expectations for following unit-specific procedures, if any.

Make reasonable inquiries of the staff member as to their reason for using health and personal leave, as necessary to comply with policies. If supervisors are unclear about what constitutes a reasonable inquiry, they should consult with their college/unit human resources representative or with Medical Leaves Administration with regard to medical information.

◆ **Note:** Supervisors may not ask staff members for a medical diagnosis or for any specific medical information.

Be aware of staff members' health and personal leave balances and periodically review and verify the accuracy of accrued balances with staff members.

Consult with the unit human resource representative regarding disciplinary measures to be taken in accordance with this policy, and discuss any disciplinary action to be taken with the staff member.

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### Health and Personal Leave (Excluding Academic and Bargaining Unit Staff)

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## PRINCIPLES

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#### **Purpose**

Cornell University provides paid health and personal leave, with supervisory approval, to eligible staff members when they are unable to work for the following reasons:

- To tend to their own medical needs such as mental or physical illness or injury, including medical or dental appointments
- To give their full attention to the health-related care of family members (see Definitions)
- To tend to personal matters such as personal business that cannot otherwise be accomplished outside of the workday. Examples include, but are not limited to, legal or financial appointments, house closings, municipal office visits, and home maintenance appointments. Other examples of when health and personal leave is appropriate include school conferences, community volunteerism, inclement weather, and personal family needs, including unforeseen child or eldercare needs.
- To avail themselves or a family member of services or assistance including, but not limited to:
  - Obtaining services from a domestic violence shelter, rape crisis center, or other shelter or services program for relief from a family offense matter, sexual offense, stalking, or human trafficking;
  - Participating in safety planning, temporarily or permanently relocating, or taking other actions to increase the safety of the employee or employee's family members from future family offense matters, sexual offenses, stalking, or human trafficking;
  - Meeting with a civil attorney or other social services provider to obtain information and advice on, and to prepare for or participate in any criminal or civil proceeding, including, but not limited to, matters related to a family offense matter, sexual offense, stalking, human trafficking, custody, visitation, matrimonial issues, orders of protection, immigration, housing, discrimination in employment, housing, or consumer credit;
  - Filing a domestic violence complaint or domestic incident report with law enforcement;
  - Meeting with a district attorney's office about domestic violence, family offense, sexual offense, stalking, or human trafficking;
  - Enrolling children in a new school because of domestic violence, a family offense, sexual offense, stalking, or human trafficking; or

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#### PRINCIPLES, continued

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- Taking other actions necessary to maintain, improve, or restore the physical, psychological, or economic health or safety of the employee or the employee's family member to protect those who associate or work with the employee.

The primary purpose of health and personal leave is to provide paid time off due to a staff member's own medical needs. To that end, one very important perspective on the purpose of health and personal leave is that it is "insurance" for the staff member in the event they are unable to work for an extended period of time due to their own medical problem. If, for example, a staff member is on short-term disability pursuant to [University Policy 6.9, Time Away from Work: Medical Leaves for Staff](#), health and personal leave can be used as a supplement to the half-pay, short-term disability benefit. Therefore, it is crucial that staff members use health and personal leave wisely. Staff members are accountable to exercise good stewardship over the use of their leave accruals and to work with their supervisors to proactively balance time away from work with the business needs of the unit.

When a staff member requests health or personal leave, supervisors are responsible for managing absenteeism to properly apply appropriate leave policies during the staff member's absence. This includes, but is not limited to, proper management of absences that may be covered under New York Paid Family Leave, the Family and Medical Leave Act, short-term disability, and workers' compensation laws. As part of the approval process, it is appropriate and, in some cases, expected that supervisors make reasonable inquiries as to the reasons for requesting health and personal leave. Supervisors may not ask staff members for a medical diagnosis or for any specific medical information. If supervisors are unclear about what constitutes a reasonable inquiry relative to managing medically related absenteeism, they should consult with their college/unit human resource representatives or with Medical Leaves Administration.

◆ **Note:** Health and personal leave is not intended to be used as vacation. For example, time off greater than one day in a calendar week due to scheduled local school district closures are expected to be covered through the use of vacation.

#### Eligibility

All regular full-time, regular part-time, and benefits-eligible temporary staff are eligible to accrue health and personal leave.

#### Medical and Family Leaves for Staff

Health and personal leave is also used in conjunction with various medical and family leaves, including but not limited to, short-term disability, parental leave, family health leave, and military family leave. Refer to the "Medical Leaves for Staff" and the "Family Leaves for Staff" sections of [University Policy 6.9, Time Away from Work](#), for a full description of such leaves.



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## PRINCIPLES, continued

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#### Health and Personal Leave Accrual Calculations

##### Nonexempt Staff

For nonexempt staff, health and personal leave accruals are based upon the total number of hours paid (to a maximum of 80 hours during a biweekly pay period, but no more than 40 hours per week) multiplied by the health and personal leave accrual factor.

To determine the health and personal leave hours accrued for a payroll period, multiply the total hours paid (up to 80 hours) during a biweekly period by the constant health and personal leave accrual factor of .04615. For example, if a full-time staff member is paid for 80 hours during a payroll period, they will earn 3.7 hours of health and personal leave for that particular payroll period. If a part-time staff member is paid for 45 hours during a payroll period, they will earn 2.08 hours of health and personal leave for that particular payroll period.

##### Exempt Staff

Exempt full-time staff members accrue 1.0 days of health and personal leave a month. Exempt part-time staff members accrue a pro rata of the 1.0 days, based on the part-time staff member's standard part-time appointment.

#### Maximum Accrual

##### Endowed

Endowed nonexempt and exempt staff members are permitted to accrue a maximum of 702.0 hours (90 working days) of health and personal leave. For nonexempt staff in positions that have been approved for a 40-hour workweek, the maximum accumulation is 720 hours.

##### Contract College

Contract college nonexempt and exempt staff members are permitted to accrue a maximum of 90 days of regular health and personal leave, and an additional 110 days of banked health and personal leave (up to a maximum of 200 days).

For nonexempt staff in positions that have been approved for a 40-hour workweek, the maximum accumulation is 720 regular hours, plus 880 banked hours for a total of 1600 hours, or 200 days.

◆ **Note:** In the case of a staff member employed in both endowed and contract college units, maximum accrual is prorated for benefits-eligible part-time employees.

#### Non-Accrual

For staff members on paid leave (other than vacation), health and personal leave ceases to accrue on the first day of the leave after any required waiting periods.

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#### PRINCIPLES, continued

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Accruals will begin again on the first day of return from the leave. Health and personal leave does not accrue during unpaid leave.

#### Repurchasing Accruals

Staff members involved in any accident for which they are compensated by an insurance company for loss of wages may use this compensation to repurchase their health and personal leave accruals used during their absence.

#### Transfers and Changes in Status

##### Nonacademic Staff

Nonacademic staff members transferring to new units retain their accumulated health and personal leave if they are transferring into another benefits-eligible position and/or remain benefits-eligible. The new unit is responsible for providing funds to cover the transferred health and personal leave up to the allowable maximum accumulation.

##### Academic Staff

When an employee in an academic position that accrues health and personal leave transfers to a staff position that accrues health and personal leave, the balance that had accrued in the academic position is transferred to the staff position. The new unit is responsible for amending the records accordingly.

When an employee in an academic position that accrues sick leave (per [University Policy 6.9, Sick Leave \(New York State\)](#)) transfers to a staff position that accrues health and personal leave, the sick leave balance that had accrued in the academic position is transferred to the staff position, up to the health and personal leave maximum. (See Maximum Accrual section). The new unit is responsible for amending the records accordingly.

When a nonacademic staff member transfers to an academic position, they should refer to [University Policy 6.2.1, Leaves for Professors and Academic Staff](#), for information on academic leaves.

##### Temporary Staff

When a temporary employee becomes benefits-eligible, the sick leave balance (per [University Policy 6.9, Sick Leave \(New York State\)](#)) that had accrued prior to the change in status is transferred to the benefits-eligible position, up to the health and personal leave maximum. (See Maximum Accrual section.) Upon becoming benefits-eligible, the employee will begin to accrue health and personal leave.

#### Terminations

Upon termination of employment, health and personal leave balances are cancelled. Health and personal leave may not be taken after the last day worked. For more

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#### PRINCIPLES, continued

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information, refer to [University Policy 6.12, Separations, Voluntary and Involuntary \(Including Layoff\)](#).

#### **Terminations – Employment Outside of New York State**

Cornell may have different legal obligations under different state laws related to health and personal leave balances at the time of employment termination. Human Resources representatives who process an employment termination for an out-of-state employee should first obtain guidance from Workforce Policy and Labor Relations to understand whether state law alters the standard cancellation of the employee's health and personal leave balance at the time of separation.

#### **Required Procedures for Health and Personal Leave**

Units and departments may implement reasonable procedures concerning notice and use of health and personal leave, and failure to comply with these procedures may be cause for disciplinary action. Such disciplinary action should be discussed with the staff member and might include the requirement of a certification from a health care provider or other certification as verification of a staff member's absence for an authorized purpose before health and personal leave is paid. Continued failure to comply with the reasonable procedures may result in disciplinary action including suspension or dismissal. For more information, refer to [University Policy 6.11.3, Employee Discipline \(Excluding Academic and Bargaining Unit Staff\)](#).

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## PROCEDURES

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#### **Requesting Health and Personal Leave**

Health and personal leave accruals begin immediately upon employment. Health and personal leave cannot be taken before it is accrued. Nonexempt staff members may use health and personal leave by the hour; exempt staff members should normally use it in increments of half-days.

Employees must follow the procedures for the use of health and personal leave. Therefore, in foreseeable circumstances, such as for routine medical and dental appointments, it is expected that staff members request approval from the supervisor with as much advance notice as possible and in accordance with unit practice, to allow the supervisor to plan accordingly. In cases such as unforeseen illness or emergency, the staff member should notify the supervisor in accordance with unit practice.

#### **Retaliation**

Employees will not be subject to retaliation or discriminatory treatment for their use of health and personal leave.

#### **Recordkeeping**

The payroll system is the official accrual record for exempt and nonexempt staff.

Unit management (e.g., supervisors, payroll representatives, human resource representatives) should inform exempt and nonexempt staff members as to how to record the use of accruals and how to access their leave balance information. Management and staff members are both responsible to be aware of the health and personal leave balance and for periodically reviewing it as needed to verify that balances are accurate.

To officially correct a staff member's health and personal leave balance, the correction must be made in accordance with the university payroll system/time collection requirements.