



# Time Away from Work (Excluding Academic and Bargaining Unit Staff)

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## POLICY STATEMENT

Cornell University provides time away from work to eligible employees for a variety of reasons. Time away from work must be approved and/ recorded in a manner that protects the interests of both the institution and its employees.

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## REASON FOR POLICY

The university appreciates the work of all employees, and wants employees to understand their rights to time away from work for personal, family, community, and other outside needs and obligations. At the same time, it is necessary to place reasonable limits on time away from work to ensure that each individual's job responsibilities are properly carried out, and that all employees are treated fairly and consistently in dealing with time away from work.

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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

- Division of Human Resources employees
- College, unit, and department administrators
- Eligible employees
- Human Resources Support Group representatives

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## MOST CURRENT VERSION OF THIS POLICY

- [policy.cornell.edu/policy-library/time-away-work](https://policy.cornell.edu/policy-library/time-away-work)

## POLICY 6.9

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## RELATED RESOURCES

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### University Policies and Documents

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

[University Policy 6.6.13. Flexibility in the Workplace](#)

[University Policy 6.9. Time Away from Work](#) – separate sections on:

Blood Donation Leave

Catastrophic Leave Donation

Family Leaves for Nonacademic Staff (Includes Parental Leave and Family Health Leave)

Health and Personal Leave (formerly Sick Leave, Health Care and Personal Leave)

Lactation Time Away from Work

Medical Leaves for Nonacademic Staff (Includes Short-term Disability, Workers' Compensation and Personal Medical Leave)

Military Leave Amendment

Vacation

Voting Time

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

[Administering Wages and Salaries Policies](#)

[Credited Service Information](#)

[Employment Policies](#)

Guide for Staff and Faculty

[Holiday Pay for Employees Regularly Scheduled to Work Weekends](#)

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### Other Documents

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Family Medical Leave Act

National Defense Authorization Act (NDAA)

New York State Disability Benefits Law

New York State Labor Law Article 7, Section 202-i

Uniformed Services Employment and Re-employment Rights Act (USERRA) of 1994

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## CONTACTS

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Direct any general questions about this policy to your unit's administrative office. If you have questions about specific issues, contact the following offices.

*Contacts, Ithaca-Based Locations and Cornell Tech*

| Subject   | Contact   | Telephone      | Email/Web Address  |
|---|---|----------------|--|
| <b>Policy Clarification, Exceptions, and Interpretation</b> | Local Human Resource representative                               |                | <a href="http://hr.cornell.edu/about-hr/hr-contacts-college-and-unit">hr.cornell.edu/about-hr/hr-contacts-college-and-unit</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 Colleges</b>              | Division of Human Resources, Benefit Services                     | (607) 255-3936 | <a href="mailto:benefits@cornell.edu">benefits@cornell.edu</a><br><a href="http://hr.cornell.edu/benefits-pay">hr.cornell.edu/benefits-pay</a>       |
| <b>Payroll</b>  | Payroll Office  | (607) 255-5194 | <a href="mailto:uco-payroll@cornell.edu">uco-payroll@cornell.edu</a><br><a href="http://www.dfa.cornell.edu/payroll">www.dfa.cornell.edu/payroll</a> |

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## DEFINITIONS

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

|   |  |
|---|--|
| <b>Benefits-eligible Temporary Employee</b>         | Temporary employee with at least 20 hours per week for 6 consecutive months or more of Cornell continuous service.   |
| <b>Casual Employee</b>                              | Staff member with an appointment of less than 20 hours per week.   |
| <b>Catastrophic Event</b>                           | Extremely severe health-related situation necessitating the staff member's absence from work for an extended period of time. These events are the staff member's own terminal, life threatening, or other grave illness/injury or a family member's terminal, life threatening, or other grave illness/injury. |
| <b>Continuous Service</b>                           | Uninterrupted time holding a regular position or a benefits-eligible temporary position.   |
| <b>Contract Colleges</b>                            | College of Agriculture and Life Sciences, College of Human Ecology, School of Industrial and Labor Relations, and College of Veterinary Medicine.  |
| <b>Cornell Children's Tuition Scholarship (CTS)</b> | Scholarships available to children of eligible university employees for study at Cornell and other accredited institutions.  |
| <b>Credited Service</b>                             | See <a href="#">Credited Service</a> information on the Human Resources website.   |
| <b>Faculty and Staff Assistance Program (FSAP)</b>  | Free, professional, confidential counseling agency, available by phone or in person to all eligible faculty, staff, retirees, and dependents of Cornell, regarding an employee with job-related or personal problems.  |
| <b>Regular Employee</b>                             | Staff member with an appointment of at least 20 hours per week with an expected duration of at least 6 months.   |
| <b>University Leave of Absence</b>                  | A leave of 1 year (the maximum allowable leave) but greater than 6 months, which is considered a voluntary resignation. During the leave period, the employees' positions are not held for their return.   |
| <b>Workers' Compensation</b>                        | Benefits provided to university employees for injuries or illnesses arising out of and in the course of employment.  |

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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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|--|--|
| <b>College or Unit</b>   | Communicate provisions the provisions of this policy to staff.<br>Establish appropriate review procedures to ensure compliance with this policy.<br>Keep accurate records of time away from work accruals and usages for both exempt and nonexempt employees.<br>Report all appropriate time away from work requests to the Division of Human Resources. |
| <b>Division of Human Resources</b>                                 | Final responsibility for reviewing all time away from work requests rests with the Division of Human Resources.  |
| <b>Staff Member (Excluding Academic and Bargaining Unit Staff)</b> | Read and understand this policy.   |

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## PRINCIPLES

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#### **Nonexempt Staff**

The relationship of work performed by a nonexempt staff member to the remuneration received is the payment of an hourly wage for completing one or more of a series of assigned tasks during a standard workweek. Nonexempt staff employment is covered by the record-keeping regulations and overtime pay protections of the Fair Labor Standards Act.

Therefore, within reasonable limits, the specific as well as total hours that a nonexempt staff member works are closely tracked. Nonexempt staff members submit their time worked information on Cornell's time collection system and each nonexempt staff member's biweekly paycheck calculations (including any overtime pay) are based upon the time collection data they submit.

The time collection data is maintained as a record of all the hours worked or not worked for which the nonexempt staff member is paid. Absences of an hour or more, where there are no available leave accruals, may result in a reduction in wages earned for that pay period when authorized by the local human resource officer. Flexible scheduling may be available to enable staff and management to balance personal and professional work-life responsibilities. Absences protected by the Family Medical Leave Act should be managed in accordance with that regulation. Absences that are a result of disciplinary suspension should be managed in accordance with [University Policy 6.11. 3, Employee Discipline \(Excluding Academic and Bargaining Unit Staff\)](#).

#### **Exempt Staff**

The relationship of work performed by an exempt staff member to the remuneration received is the payment of a salary for carrying out a particular function over a period of time rather than for completing one or more of a series of assigned tasks during a standard workweek. Exempt employment is not covered by the overtime pay protections of the Fair Labor Standards Act.

The expectation is that exempt employees will fulfill their position responsibilities and that their work performance will be evaluated by overall results. Therefore, within reasonable limits, the specific as well as total hours that an exempt staff member works are typically not closely tracked. Instead, exempt employees are responsible through consultation with their supervisors for ensuring that their schedules and work patterns meet the needs of the position. Flexible scheduling may be available to enable staff and management to balance personal and professional work-life responsibilities.



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#### PRINCIPLES, continued

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For these reasons, infrequent absences of less than a half-day by an exempt staff member that do not negatively impact expected work performance and productivity should not be tracked or covered through the use of leave accruals. However, when an exempt staff member has an absence of a half-day or more, such absence should be covered through the use of appropriate leave accruals. Absences of less than a full day in cases where there are no available accruals must not result in salary docking, and supervisors and exempt staff members should explore options available to meet productivity expectations, such as flexing a particular week's schedule. Absences of a full day or more, where there are no available leave accruals, may result in a reduction in salary earned for that pay period when authorized by the local human resource officer. Absences protected by the Family Medical Leave Act should be managed in accordance with that regulation. Absences that are a result of disciplinary suspension should be managed in accordance with [University Policy 6.11.3, Employee Discipline \(Excluding Academic and Bargaining Unit Staff\)](#). Improper deductions from an exempt staff member's salary are prohibited under the Fair Labor Standards Act. Exempt staff members who believe improper deductions have been made should contact their local Human Resource Representatives or Workforce Policy and Labor Relations (WPLR) in the Division of Human Resources.

#### **Academic and Bargaining Unit Staff**

This policy is not intended to cover academic and bargaining unit staff members.

For information on academic time away from work policies and procedures, see [University Policy 6.2.1, Leaves for Professors and Academic Staff](#).

Staff members belonging to bargaining units should refer to their union contracts or contact WPLR at [labor-l@cornell.edu](mailto:labor-l@cornell.edu) or (607) 255-4652.

#### **Maintenance of Time Records**

For all the leaves covered in this policy, units are responsible for maintaining the accuracy of accrued time records for exempt employees, and for ensuring that time is reported accurately by nonexempt employees in the time collection systems.

Cornell Policy Library  
Volume 6, Human Resources  
Chapter 9, Time Away from  
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Responsible Executive: Vice  
President and Chief Human  
Resources Officer  
Responsible Office: Human  
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## POLICY 6.9

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## VACATION

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### **Overview**

This section has been rewritten and is available separately. See the separate "[Vacation \(Excluding Academic and Bargaining-Unit Staff\)](#)" policy section.

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### Time Away from Work (Excluding Academic and Bargaining Unit Staff)

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## HOLIDAY TIME

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### Introduction

Each year, the Division of Human Resources announces the specific calendar days on which holidays will be observed. The university holidays are:

- Martin Luther King, Jr. Day
- Memorial Day
- Juneteenth (June 19)
- Independence Day
- Labor Day
- Thanksgiving Day
- Friday following Thanksgiving Day
- Winter Holidays (includes six paid days off from December 25 through January 1)

### Eligibility

All regular full- and part-time nonacademic staff members, and benefits-eligible temporary employees, are eligible to receive holiday pay.

### Holiday Pay

All regular full- and part-time, non-academic staff members and benefits-eligible temporary employees will receive holiday pay at their regular rate of pay equal to 1/5 (one-fifth) of their scheduled weekly hours (as defined in Workday) for each university holiday.

Employees who are absent from work either the day before a holiday, the day after a holiday, or both days, will receive holiday pay provided that the absence is due to a preapproved vacation, short-term disability leave, or health and personal leave.

Terminated employees do not receive holiday pay unless they work the day after the holiday.

### Working on a Holiday

Nonexempt employees who are required to work on a university holiday will be paid two-and-one-half times their regular rate of pay for all hours worked on the holiday and their regular rate of pay for the balance of the hours, if any, not worked on the university holiday.

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### Time Away from Work (Excluding Academic and Bargaining Unit Staff)

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#### **HOLIDAY TIME, continued**

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◆**Note:** Although university holidays are always designated Monday through Friday, when July 4, June 19, December 25, and/or January 1 fall on a Saturday or Sunday, nonexempt employees who are required to work will be paid one-and-one-half times their regular rate of pay for all hours worked on any of these dates.

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## SICK LEAVE

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### Overview

This section has been rewritten and combined with “Health Care and Personal Leaves”. See the separate [“Health and Personal Leave for Staff”](#) policy section.

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## HEALTH CARE AND PERSONAL LEAVE

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### Overview

This section has been rewritten and combined with “Sick Leave”. See the separate [“Health and Personal Leave for Staff”](#) policy section.

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## CATASTROPHIC LEAVE DONATION

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### Overview

This section has been rewritten and is available separately. See the separate [“Catastrophic Leave Donation”](#) section of this policy.

## POLICY 6.9

### Time Away from Work (Excluding Academic and Bargaining Unit Staff)

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## FUNERAL LEAVE

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### Procedures

A maximum of three days off with pay will be allowed when a death occurs in an employee's immediate family. The immediate family consists of a spouse, domestic partner, child, stepchild, sibling, parent, surrogate parent\*, stepparent, grandparent, grandchild, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, or sister-in-law.

*\*Surrogate parent is anyone whom the employee viewed as their primary caregiver, for example, aunt, uncle, cousin, or non-blood-related caregiver.*

For the funeral of other relatives, a fellow employee in the immediate work unit, or when serving as a pallbearer, a maximum of one-half day for a local funeral and one day for an out-of-town funeral may be granted with pay. In all other cases time may be taken, and charged to vacation or health and personal leave. All regular full- and part-time staff members, as well as benefits-eligible temporary employees, are eligible.

For time off related to the death of others not listed above, or, if additional time off is needed, the employee may request the use of health and personal leave, vacation, or leave without pay. Flexible work arrangements (e.g., flextime) may also be considered as outlined in [University Policy 6.6.13, Flexibility in the Workplace](#).

In some circumstances, if an employee does not feel ready to return to work, a medical leave should be considered, and the employee is encouraged to consult with their physician to determine the applicability of [University Policy 6.9, Time Away from Work: Medical Leaves for Nonacademic Staff](#).

### Other Resources

Free and confidential support for staff during periods of personal life challenges is available through the Faculty and Staff Assistance Program (FSAP) at 607-255-2673 (255-COPE). The FSAP can also connect staff members to appropriate community resources that provide support during periods of bereavement.

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## JURY DUTY/COURT APPEARANCE

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### Introduction

The university provides time away from work for employees to serve on jury duty. The specific details are outlined below.

### Regular Full- and Part-time Staff, and Benefits-Eligible Temporary Employees

#### Jury Duty

Time spent on jury duty by regular full- or part-time staff members or benefits-eligible temporary employees does not have to be made up. In addition, these individuals will be paid at their regular rates of pay for time spent serving on jury duty upon submission of the summons to the supervisor.

#### Other Appearance in Court

A regular full- or part-time staff member or benefits-eligible temporary employee who is subpoenaed by the university to appear in court as a witness, or subpoenaed for an employment-related matter, is paid the regular rate of pay upon submission of the summons or subpoena to the supervisor.

◆ **Caution:** A regular full- or part-time staff member or benefits-eligible temporary employee who appears in court on their own behalf or who is subpoenaed for a non-work related matter must use health and personal leave or vacation time.

### Non-Benefits-Eligible Temporary and Casual Employees

Non-benefits-eligible temporary and casual employees are covered under New York State law, which requires that they receive wage continuation of up to the first \$40.00 of their daily wage for each of the first three days of jury service in a New York State Court (and not in a court of any other jurisdiction). Units are responsible for ensuring that these wages are paid. Should a case arise in the college/unit, contact the local human resource representative.

### Procedures

1. Staff members must notify their supervisors immediately after receiving the summons for jury duty or the subpoena to appear in court.
2. Staff members must work during normal working hours when court is not in session.

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## VOTING TIME

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### **Overview**

This section has been rewritten and is available separately. See the separate "[Voting Time](#)" section of this policy.



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### Time Away from Work (Excluding Academic and Bargaining Unit Staff)

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## MILITARY LEAVES OF ABSENCE

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◆ **Note: In light of events of September 11, 2001, an amendment was made to the section on military leave. This amendment is in effect from January 1, 2002, until December 31, 2022, when it will expire. See [Military Leave Policy Amendment](#).**

#### Introduction

Military leaves of absence will be provided to regular full-time, regular part-time, and benefits-eligible Cornell employees in accordance with the federal Uniformed Services Employment and Re-employment Rights Act (USERRA) and applicable New York laws which protect individuals with military commitments from detrimental employment decisions based on such commitments. Military leaves of absence may be paid or unpaid leaves in accordance with the provisions of this policy.

#### Notification for Military Leaves of Absence

Unless giving notice is unreasonable or precluded by military necessity, employees requiring a military leave of absence should provide their supervisors with a written or verbal advance notice along with a copy of the military order, if available. It is recommended that the notice be given to the supervisor at least of two weeks before the military leave of absence date.

To affect the military leave, a copy of the military order should be kept on file at the department level and an HR/Payroll system transaction should be completed.

#### Military Leave of Absence for Reserve/Guard Training or Periodic Physical Fitness Examinations

##### Paid Leave

Military leaves of absence with pay are provided to eligible employees for Reserve/Guard training or periodic physical fitness for duty examinations of any duration up to 15 calendar days (two weeks) in a calendar year. To be eligible for paid training leave, employees must have the following:

- a regular full- or part-time position appointment
- at least 90 days of Cornell continuous service prior to the date the military training leave is to begin

##### Leave Pay

- will be based on the employee's normal rate of base pay and standard hours of appointment
- is the employing unit's funding responsibility
- is not deductible from any vacation or health and personal leave that the employee may have accrued

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## MILITARY LEAVES OF ABSENCE, *continued*

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#### **Military Leave of Absence for Active Duty**

Military leaves of absence for active duty (excluding reserve/guard training duty) are provided as unpaid leave to eligible employees.

#### **Supplementing Unpaid Leave**

Employees with *at least 90 days* of Cornell continuous service prior to the date the leave begins, may use accrued vacation or health and personal leave to supplement the unpaid military leave with the approval of their unit head or designee (see the separate "[Vacation \(Excluding Academic and Bargaining-Unit Staff\)](#)" policy section and the separate "[Health and Personal Leave for Staff](#)" policy section).

Employees with *fewer than 90 days* of Cornell continuous service prior to the date the leave begins generally are not eligible to use accrued vacation or health and personal leave to supplement unpaid military leave (see the separate "[Vacation \(Excluding Academic and Bargaining-Unit Staff\)](#)" policy section and the separate "[Health and Personal Leave for Staff](#)" policy section).

#### **Eligibility for Reemployment**

Under the USERRA, a person's cumulative length of absence and all previous absences from their position of employment (with the same employer) for service in the uniformed services is limited to five years. However, eight categories of service, exempt from the five-year limitation, can be grouped into three broad categories:

- Required drills and annual training, other training duty certified by the military to be necessary for professional development, or skill training/retraining
- Service performed during time of war or national emergency and when the individual is unable (through no fault of the individual) to obtain release from service
- Service in excess of five years to fulfill an initial period of obligated service, and voluntary service in support of critical mission/contingency/military requirement

To be eligible for reemployment, the individual:

1. Must have been a regular full- or part-time employee who left Cornell employment for the purpose of entering active military duty or training, inactive duty for training, or full-time National Guard duty

AND

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#### MILITARY LEAVES OF ABSENCE, *continued*

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2. Must still be qualified to perform the duties of such position and the employer's circumstances have not changed so as to make it unreasonable to reinstate the individual

◆ **Note:** Cornell acknowledges its responsibility as an employer to undertake reasonable efforts to qualify the individual for reemployment in the same or similar position. In case of disability incurred in, or aggravated during military training/service, Cornell will expend reasonable efforts to accommodate that disability.

AND

3. Must have been discharged or released from active duty "under honorable conditions"

AND

4. Must have provided Cornell with advance written or verbal notice of the military service, unless giving notice is precluded by military necessity and must notify their supervisor within the proper time frame of intent to return (see the "Exceptions in Accordance with New York Law" segment of this policy for additional information)

AND

5. Must comply with Cornell's requests for documentation to establish any of the above criteria

#### **Additional Information for Individuals Returning from Military Leave that Is Less than 31 Calendar Days**

Individuals on leave for less than 31 calendar days must report to work no later than the beginning of the first full regularly scheduled work period that starts at least eight hours, after the person has been safely transported from the place of uniformed service. If reporting at that time is impossible or unreasonable through no fault of the individual, the individual should report to work as soon as possible after the eight-hour period. The same rule applies to individuals required to report for examinations to determine their fitness to serve in the uniformed services.

◆ **Note:** Any individual who is restored to a position shall not be discharged from such position without cause, within one year after such restoration.

#### **Exceptions in Accordance with New York State Law**

1. Individuals on military leave for the purpose of military service, regardless of the duration of such service, may apply for reemployment within 90 calendar days of the date they are unconditionally released from military service.
2. Individuals on military leave for the purpose of initial full-time training duty or initial active duty will have up to 60 calendar days to apply for reemployment.

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## MILITARY LEAVES OF ABSENCE, continued

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- Individuals on military leave for the purpose of annual training amounts of fewer than 31 calendar days will have up to ten calendar days to apply for reemployment.

### Benefits

The table below outlines changes that are indicated by a military leave of absence.

**Table 5**

*Changes Indicated by a Military Leave of Absence*

|  |  |
|--|--|
| <p><b>Vacation and Health and Personal Leave Accrual</b></p> | <p>Eligible regular exempt and nonexempt employees' vacation and health and personal leave will accrue on paid hours/days as appropriate as if they had remained continuously employed (see the separate "<a href="#">Vacation (Excluding Academic and Bargaining-Unit Staff)</a>" policy section and the separate "<a href="#">Health and Personal Leave for Staff</a>" policy section.</p> <p>◆ <b>Note:</b> Nonexempt employees' accruals will be based on an overall, average of the total hours an employee would have worked if they had remained continuously employed.</p>               |
| <p><b>Life and Health Insurance Coverage</b></p>             | <p>For a period of up to 31 calendar days, life and health insurance will be continued on the same terms and conditions as if the individual were not on leave.</p> <p>Beyond 31 calendar days until the maximum period of coverage (which may be either the 18-month period beginning on the date the military leave begins, or the day after the date on which the individual fails to apply for or return to a Cornell position of employment), the individual will have the option of maintaining health insurance at the cost of not more than 102% of the full premium under the plan.</p> |

### Leave of Absence for Military Spouses

Under New York State Law, effective August 16, 2006, regular or temporary full- or part-time (20 hours/week or more) staff who are married to members of the armed forces may request up to 10 days of unpaid leave while their spouse is on leave from the armed forces during a period of military conflict. Supervisors must grant such leave to eligible staff members upon request. Staff members may elect to use vacation accruals in lieu of unpaid leave, and the supervisor may not deny the use of vacation accruals under these circumstances. "Members of the armed forces" also includes the national guard or reserves who have been deployed during a period of military conflict to a combat theater or combat zone of operations. "A period of military conflict" is defined as a period of war declared by the U.S. Congress, or in which a member of the reserve component of the armed forces is ordered to active duty. This leave is an entitlement for an eligible employee only when the employee's spouse is on leave from the armed forces during a period of military conflict. However, absent such circumstances, leave under other university policies such as Personal Leave of Absence may be granted at the discretion of the supervisor. For more information, see the [New York State Labor Law Article 7, Section 202-i](#) and the "Leave of Absence without Pay" section of this policy.

## POLICY 6.9

### Time Away from Work (Excluding Academic and Bargaining Unit Staff)

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## MILITARY LEAVES OF ABSENCE, continued

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### **Leave of Absence for Military Families**

In 2009, an amendment to the federal Family Medical Leave Act (FMLA) resulted from the enactment of the National Defense Authorization Act (NDAA), which called for the addition of two new categories of unpaid, job-protected leave for families of military personnel: Military Caregiver Leave and Military Exigency Leave. Details of these leaves are available in the the separate "[Family Leaves for Nonacademic Staff](#)" section of this policy.

## POLICY 6.9

### Time Away from Work (Excluding Academic and Bargaining Unit Staff)

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## VOLUNTEER FIREFIGHTER, EMERGENCY MEDICAL TECHNICIAN, AND EMERGENCY RESPONDER LEAVE

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#### **Volunteer Firefighters and Volunteer Ambulance Service Emergency Medical Technicians – Paid Leave**

Volunteer firefighters and emergency medical technicians affiliated with volunteer fire departments and volunteer ambulance corps are paid at their regular (straight time) rate of pay when responding to a working fire or emergency call during normal working hours. Supervisors are accountable for ensuring that appropriate staffing levels are maintained in order to accomplish the work of the units.

In the event that a volunteer firefighter and/or emergency medical technician is required to respond to a working fire or emergency during the eight hours immediately preceding the start of the employee's shift, the employee will receive paid leave during the upcoming shift equal to the actual time spent in resolving the emergency or fire.

◆ **Caution:** Employees do not receive paid leave that exceeds their scheduled work hours for that day.

1. Employees must notify their unit supervisors of their firefighting or emergency technician's status.
2. When called to a working fire or emergency, employees should immediately notify their supervisors.
3. When the employees are no longer needed at the fire or emergency, they should return to work to finish any remaining time on their shifts.
4. Upon request, employees must provide their supervisors with appropriate documentation from the volunteer organization with which they are affiliated, verifying the date and duration of deployment.

#### **Volunteer Firefighters and Volunteer Ambulance Service Members – Declared State of Emergency – Unpaid Leave**

Under New York State law, unpaid leave must be provided to employees who are members of volunteer fire departments and volunteer ambulance squads when those employees act as responders during a declared state of emergency. This occurs when either a "Local State of Emergency" is declared by a county executive, town supervisor, village or city mayor, or a "State Declaration of Disaster Emergency" is declared by the Governor. This leave is available only during the time that an emergency exists while the employee is engaged in the actual performance of their duties as a member of the volunteer service and such duties are related to the declared emergency. This leave is available to regular full- and part-time academic and non-academic employees.

## POLICY 6.9

### Time Away from Work (Excluding Academic and Bargaining Unit Staff)

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## VOLUNTEER FIREFIGHTER, EMERGENCY MEDICAL TECHNICIAN, AND EMERGENCY RESPONDER LEAVE, *continued*

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Employees granted leave who are covered under the [Health and Personal Leave for Staff](#) or [Vacation \(Excluding Academic and Bargaining-Unit Staff\)](#) accrual policies may choose to use such available accruals during all or part of the leave, or they may take the leave as unpaid.

◆ **Note:** To ensure compliance with the federal Fair Labor Standards Act, an exempt employee's salary may not be improperly reduced (i.e., docked). Colleges and units may not reduce an exempt employee's salary without prior review and approval by the college/unit human resources representative.

#### Notice and Documentation Requirements

- To be eligible for this leave, the employee must provide advance written documentation from the head of the fire department or volunteer ambulance service notifying the supervisor/manager of the employee's status as a volunteer firefighter or member of a volunteer ambulance service.
- Upon return from leave, and upon request from the supervisor/manager, the employee must provide a notarized statement from the head of the volunteer fire department or volunteer ambulance service, certifying the period of time the employee responded to the declared emergency.

#### Undue Hardship Exception

If a college/unit considers denying this leave to a staff member on the basis of an undue hardship, the college/unit human resources representative must conduct a timely and appropriate analysis, and consult with Workforce Policy and Labor Relations, before the leave is denied.

#### Emergency Responder Leave – Red Cross/Other Similar Organizations

Regular full- and part-time academic and nonacademic employees who are trained and registered as emergency responders with the Red Cross or other similar organizations may be granted up to five days of paid leave per calendar year for time away from work needed to provide volunteer services related to disaster relief. Guidelines for this paid leave are as follows:

- All time away will require the advance approval, in a manner consistent with the nature of the emergency, of the supervisor after consideration of business needs.
- Paid time is granted for official volunteer operations in connection with a local, regional, or national disaster.

## POLICY 6.9

### Time Away from Work (Excluding Academic and Bargaining Unit Staff)

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#### **VOLUNTEER FIREFIGHTER, EMERGENCY MEDICAL TECHNICIAN, AND EMERGENCY RESPONDER LEAVE, *continued***

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- Cornell employees who are trained and registered as emergency responders should provide their supervisors with appropriate documentation from the Red Cross or similar agency of such training and registration.
- When requesting paid leave, the employee will provide written documentation to their supervisor specifying specific dates and duration of deployment, whenever possible.
- If the supervisor approves more than five days of time away from work, the employee must use appropriate accruals to receive pay beyond five days, or the employee may elect to take leave without pay.



## POLICY 6.9

### Time Away from Work (Excluding Academic and Bargaining Unit Staff)

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## LEAVES OF ABSENCE WITHOUT PAY

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#### **Types of Leave of Absence Without Pay**

The following are types of leave of absence without pay:

- Family Leaves for Staff (includes Parental Leave and Family Health Leave) (formerly referred to as “Family Medical Leave” (FML))
- Personal Leave of Absence (formerly referred to as “department leave”)
- University Leave of Absence

#### **Guidelines for Nonacademic Family and Medical Leave (FML)**

This section is available separately. See the separate “[Family Leaves for Nonacademic Staff](#)” section of this policy.

#### **Guidelines for Personal Leave of Absence**

A leave for personal reasons is an unpaid leave that may be granted, at the reasonable discretion of the supervisor, for up to a total of 26 weeks during the fiscal year (July 1 - June 30). This leave may be granted for the following reasons:

- Extenuating personal circumstances
- Educational opportunities that promotes employee’s growth and development at the university
- Extended vacation (following five years of continuous university service)
- Government service (elective office)
- Other reasons deemed appropriate by the university

During the leave period, employees’ positions are held for their return.

#### **Eligibility**

All regular full-time and regular part-time nonacademic employees are eligible.

#### **Personal Leave of Absence Provisions**

*Faculty and Staff Assistance Program (FSAP):* Eligibility for the FSAP services will continue during leave.

*Leave Balances:* With the concurrence of the supervisor and consistent with specific leave policies, employees may use vacation and/or health and personal leaves for all

## POLICY 6.9

### Time Away from Work (Excluding Academic and Bargaining Unit Staff)

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## LEAVES OF ABSENCE WITHOUT PAY, continued

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or part of the leave. Paid leaves, e.g., health and personal leave or vacation, do not accrue during leave without pay.

*Continuation of Benefits Coverage:* Employees' existing health insurance coverage will be maintained during the leave period provided they continue to pay both their share and the university's share of premiums. Employees' eligibility to continue specific benefit coverage is based on those benefits in effect at the time the leave commences. Contact your benefits office for an appointment to discuss your individual elections--Benefit Services in the Division of Human Resources.

*Returning from Leave:* Requests to return from leave earlier than the agreed upon time must be approved by the supervisor. Failure to return when the leave expires will result in termination.

*Request/Approval:* The employee is required to submit a written request to the supervisor, including the length and reason for the leave. If approved, the supervisor should confirm the arrangement in writing before the start of the leave. A copy of the employee's request for leave and the supervisor's approval letter should be kept on file at the department level and an HR/Payroll system transaction should be completed.

*Acceptance of Employment:* Acceptance of any employment inconsistent with this leave may result in discipline, up to and including termination.

### Guidelines for University Leave of Absence

A university leave of absence may be granted for one year. Employees who voluntarily resign their positions may request this leave from their supervisors.

This leave is granted for the following reasons:

- Extenuating personal circumstances
- Educational opportunities that promotes employees' growth and development at the university
- Extended vacation (following five years of continuous university service)
- Government service (elective office)
- Other reasons deemed appropriate by the university

During the leave period, the position is not held for the employee's return.

#### Eligibility

All regular full- and part-time nonacademic employees with at least one year of continuous service prior to the starting date of the leave.

#### Leave Provisions

## POLICY 6.9

### Time Away from Work (Excluding Academic and Bargaining Unit Staff)

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#### LEAVES OF ABSENCE WITHOUT PAY, continued

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*Request/Procedure:* Employees must submit a written request to their supervisor, stating the length and reason for the leave. The supervisor must provide the employee with written acceptance of the resignation and approval or denial of the leave. A copy of the employee's request for leave and the supervisor's approval letter should be kept on file at the department level and an HR/Payroll system transaction should be completed.

*Leave Balances:* Vacation balance is paid in a lump sum at the time of resignation. Health and personal leave balance at the time of resignation will be restored to an employee who returns to active regular employment within one year.

*Continuation of Benefits Coverage:* Employees' existing health insurance coverage will be maintained during the leave period provided they continue to pay both their share and the university's share of the premiums. Employees' eligibility to continue specific benefit coverage is based on those benefits in effect at the time the leave commences. Contact your benefits office for an appointment to discuss your individual election: Benefit Services in the Division of Human Resources.

*Acceptance of Employment:* Employees may accept temporary employment within the university. Insurance benefits will continue throughout the period of the temporary appointment, provided these benefits had been maintained by the employee while on leave status. For contract college employees temporary employment will be at least one-half time for a three-month duration for reinstatement of health benefits. At the end of the temporary appointment, the leave status will be restored. The expiration date on the leave will remain unchanged (that is, one year from the date of the original approved leave).

Acceptance of any other regular employment (university or non-university) inconsistent with this leave will result in immediate termination of the leave.

**Disclaimer:** This description does not constitute a legal document. The university reserves the right to alter these leave provisions.

## POLICY 6.9

### Time Away from Work (Excluding Academic and Bargaining Unit Staff)

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## WORKERS' COMPENSATION

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### Overview

This section is available separately. See the separate "[Medical Leaves for Nonacademic Staff](#)" section of this policy.

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## SHORT-TERM DISABILITY

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### Overview

This section is available separately. See the separate "[Medical Leaves for Nonacademic Staff](#)" section of this policy.

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## LACTATION TIME AWAY FROM WORK

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### Overview

This section is available separately. See the separate "[Lactation Time Away from Work](#)" section of this policy.

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## BLOOD DONATION LEAVE

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### Overview

This section is available separately. See the separate "[Blood Donation Leave](#)" section of this policy.

## POLICY 6.9

### Time Away from Work (Excluding Academic and Bargaining Unit Staff)

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## FORMS

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The following forms are used in conjunction with this policy.

| Form  | Use  |
|---|--|
| <a href="#">Catastrophic Leave Donation Form (PDF)</a>                      | To request and document donation of leave time in accordance with this policy.                               |
| <a href="#">Catastrophic Leave Call for Donations Letter – Sample (DOC)</a> |  |
| <a href="#">Cornell University Accident Report</a>                          | To report, within 24 hours, any injury or illness arising out of and in the course of university employment. |
| <a href="#">Exit Procedures and Survey (PDF)</a>                            |  |
| <a href="#">Family Health Leave Request</a>                                 | To document Family and Medical Leave   |
| <a href="#">Health Care Provider - Family</a>                               | To confirm need for Family and Medical Leave   |
| <a href="#">Health Care Provider - Personal</a>                             |  |
| <a href="#">Parental Leave Request</a>                                      |  |
| <a href="#">Personal Medical Leave Request</a>                              |  |
| <a href="#">Workday</a>   |  |