



Policy 6.9 Time Away from Work: Sick Leave (New York State)

Responsible Executive: Vice President and Chief Human Resources Officer

Responsible Office(s): Division of Human Resources, Workforce Policy and Labor Relations

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Table of Contents

1. Policy Statement and Requirements.....	1
1.1 Policy Statement.....	1
1.2 Scope.....	1
1.3 Policy Requirements.....	2
1.4 Collection and Retention of Information.....	4
1.5 Compliance.....	4
1.6 Resources.....	4
2. To Whom This Policy Applies.....	5
3. Definitions.....	5
4. Policy Administration.....	6
5. Appendix.....	6
6. Revision History.....	7

1. Policy Statement and Requirements

1.1 Policy Statement

Article 6, section 196-b of the New York State Labor Law requires Cornell University to provide paid sick leave to certain groups who have not received paid sick leave previously. This policy assists these groups in understanding their eligibility for paid sick leave by defining eligibility and other criteria associated with its use.

1.2 Scope

Individuals who receive an IRS Form W-2 from the University and who are not otherwise covered under the Health and Personal Leave section of [University Policy 6.9, Time Away From Work, University Policy 6.2.1, Leaves for Professors and Academic Staff](#), or a collective bargaining agreement are eligible to accrue paid sick leave under this policy. Article 6, Section 196-b of the New York State Labor Law applies to temporary, casual, and academic employees. Students, undergraduate and graduate, who receive a W-2 from the University are subject to this statute.

Note: Sick leave accrues only on hours worked in New York State.

1.3 Policy Requirements

1.3.1. Purpose: Paid sick leave may be used for the following reasons:

- For a mental or physical illness, injury, or health condition of the individual or the individual's family member, regardless of whether the illness, injury, or health condition has been diagnosed or requires medical care at the time that the individual requests such leave;
- For the diagnosis, care, or treatment of a mental or physical illness, injury, or health condition of, or need for medical diagnosis of, or preventive care for, the individual or the individual's family member;
- When the individual or the individual's family member has been the victim of domestic violence, a family offense, sexual offense, stalking, or human trafficking, for the individual 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 individual or individual'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
 - Taking other actions necessary to maintain, improve, or restore the physical, psychological, or economic health or safety of the individual or the individual's family member to protect those who associate or work with the individual.

Note: Sick leave is intended to be used in the place of hours that would otherwise have been scheduled as part of the individual's appointment and will be limited to hours of the appointment. Sick leave is not permitted to extend the term of appointment.

1.3.2. Accrual Rate: Individuals on the bi-weekly payroll (non-exempt; paid hourly) accrue sick leave at a rate of 1 hour earned per every 30 hours worked, effective September 30, 2020. Individuals on the semi-monthly payroll (exempt) accrue 0.2917 days per pay period, effective September 30, 2020.

Note: Sick leave accrues on each eligible position.

1.3.3. Service Requirement: There is no minimum service requirement to be eligible to start accruing sick leave.

1.3.4. Maximum Usage: The maximum usage is up to 56 hours or 7 days of paid sick leave each calendar year, and only paid sick leave accrued may be used.

1.3.5. Maximum Accrual: There is no maximum number of paid sick leave hours that can be accrued. Usage per calendar year is capped pursuant to 1.3.4, Maximum Usage.

1.3.6. Accrual Carry-over: All paid sick leave hours not used in the previous calendar year may be carried into the next calendar year. Usage per calendar year is capped pursuant to 1.3.4, Maximum Usage.

1.3.7. Requesting Paid Sick Leave: Individuals must follow the procedures for the use of paid sick leave. Therefore, in foreseeable circumstances, such as for routine medical and dental appointments, individuals are expected to request approval from their supervisor with as much advance notice as possible and in accordance with unit practice, to allow their supervisor to plan accordingly. In cases such as unforeseen illness or emergency, the individual should notify their supervisor in accordance with unit practice. 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 paid sick leave. Supervisors may not ask 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.

1.3.8. Documenting Paid Sick Leave Usage: Units and departments may implement reasonable procedures concerning notice and use of paid sick leave, and failure to comply with these procedures may result in disciplinary action. Such disciplinary action should be discussed with the individual and might include the requirement of certification from a health care provider or other certification, after three consecutive days of absence, as verification of the individual's absence for an authorized purpose before paid sick leave is paid.

1.3.9. Non-Discrimination/Retaliation: Individuals will not be subject to retaliation or discriminatory treatment for their use of paid sick leave under this policy.

1.3.10. Coordination with Other Leaves: Paid sick leave may also be used in conjunction with various medical and family leaves available to qualified employees, including, but not limited to, federal Family and Medical Leave, New York State Paid Family Leave, New York State short-term disability, and New York State Workers' Compensation. 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.

1.3.11. Termination: Upon termination of employment, paid sick leave balances are canceled. Paid sick leave may not be taken after the last day worked. For more information, refer to [University Policy 6.12, Separations, Voluntary and Involuntary \(Including Layoff\)](#).

1.3.12. Transfers: When an individual transfers to a position that is eligible for Health and Personal Leave (HAP), the sick leave balance that had accrued is transferred to the HAP-eligible position. Refer to the "Health and Personal Leave" section of [University Policy 6.9, Time Away from Work](#).

1.3.13. Recordkeeping and Access to Leave Balance: The payroll system is the official record. Unit management (for example, supervisors, payroll representatives, human resource representatives) should inform individuals who are eligible for paid sick leave how to record the use of paid sick leave and how to access their paid sick leave balance information. Management and individuals are both responsible for periodically reviewing this information as needed to verify that balances are accurate.

1.4 Collection and Retention of Information

Records associated with this policy are retained or disposed of in accordance with [University Policy 4.7, Retention of University Records](#).

1.5 Compliance

The University Compliance Office, University Audit, and others may audit or investigate to assess compliance with this policy. Non-compliance with university policies is addressed in accordance with applicable policies and procedures, and is subject to progressive disciplinary action up to and including termination.

1.6 Resources

[New York State Labor Law, Article 6, Section 196-b](#)

[University Policy 1.3, Graduate Student Assistantships](#)

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

[University Policy 6.9, Time Away From Work](#), sections [Medical Leaves for Staff](#); [Family Leaves for Nonacademic Staff](#); and [Health and Personal Leave](#)

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

[University Student Employment Policies](#)

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

[Human Resources Policy 6.7.12, Overtime](#)

[Workday](#) (university time collection system)

2. To Whom This Policy Applies

Ithaca-based locations (includes Cornell Tech and all other locations except Weill Cornell Medicine)

Weill Cornell Medicine – New York City

Who should read this policy:

- Human Resources representatives and others who will be responsible for administering this policy
- Academic employees – endowed (with and without benefits)
- Academic employees – contract colleges (only those without benefits)
- Temporary/casual staff (exempt)– endowed and contract colleges (only those without benefits)
- Temporary/casual staff (non-exempt)– endowed and contract colleges (only those without benefits)
- Graduate students (exempt) – endowed and contract colleges (includes graduate assistant, teaching assistant, graduate research assistant, research assistant)
- Graduate students (non-exempt) – endowed and contract colleges (includes graduate assistant, teaching assistant, graduate research assistant, research assistant)
- Student employees, hourly – endowed and contract colleges (all)

3. Definitions

Term	Definition
Academic employee	An employee holding an academic appointment that is covered by this policy.
Casual employee	An employee who is appointed to a position of less than 20 hours per week.
Child	A biological, adopted, or foster child, a legal ward, or a child of an employee standing in loco parentis
Family member	An employee’s child, spouse, domestic partner, parent, sibling, grandparent, or grandchild and the child or parent of an employee’s spouse or domestic partner.
Graduate student	A graduate student who holds an assistantship as defined in University Policy 1.3, Graduate Student Assistantships , or other exempt appointment. Graduate student assistantships include teaching assistant, research assistant, graduate research assistant, and graduate assistant. Other exempt appointments include veterinary assistant and graduate teaching/research specialist (GTRS).
IRS Form W-2	U.S. government form that reports wages, tips, and other compensation paid to an individual, as well as Federal Insurance Contributions Act (FICA) and withheld income taxes.

Term	Definition
Parent	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.
Student employee (hourly)	An individual enrolled as a degree-seeking student and holding an hourly appointment that supports a college or business unit within Cornell University.
Temporary employee	A non-benefits eligible employee who is appointed to a temporary position of at least 20 hours per week with an expected duration of less than six months.

4. Policy Administration

Policy Clarification and Interpretation	Contact	Phone	Email/Web Address
Ithaca-based locations	Workforce Policy and Labor Relations	607-255-4652	hrpolicy@cornell.edu

5. Appendix

Topic	Contact	Phone	Email/website
Academic employee questions	Academic Human Resources	607-255-2343	acadhr@cornell.edu
Applying the policy, including accrual of time and usage	Human Resources representative for your college or unit		hr.cornell.edu/about-hr/hr-contacts-college-and-unit
Workday questions	Workday HelpDesk		hrpayrollsupport@cornell.edu

6. Revision History

Date	Summary of Revisions
February 25, 2021	<ul style="list-style-type: none">• Removed interim policy status. Updated definition of “graduate student”. Added additional contacts for policy-related questions.
January 12, 2021	<ul style="list-style-type: none">• Revised definition of “student employee (hourly)”.
December 17, 2020	<ul style="list-style-type: none">• Originally issued.