



CORNELL UNIVERSITY  
POLICY LIBRARY

Time Away from Work: Family Leaves  
for Nonacademic Staff (Includes New  
York Paid Family Leave, Extended  
Bonding Leave, Family Health Leave,  
and Military Family Leave)

POLICY 6.9

Volume: 6, Human Resources  
Chapter: 9, Time Away from Work  
Responsible Executive: Vice  
President and Chief Human  
Resources Officer  
Responsible Office: Division of  
Human Resources, Benefit  
Services  
Originally Issued: October 1980  
Last Full Review: December 31,  
2017  
Last Updated: December 31, 2017

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## POLICY STATEMENT

Cornell University provides several kinds of leave to assist nonacademic staff members to balance the demands of the workplace, their individual needs, and the needs of their families, in ways that accommodate the legitimate interests of campus units. To assist staff to meet these needs, this section of University Policy 6.9, Time Away From Work establishes leave benefits relating to bonding, family health, and military family needs (“family leaves”).

This policy provides coverage for staff members who need medical leaves to care for covered family members.

◆**Note:** Academic staff members are covered under University Policy 6.2.1, Leaves for Professors and Academic Staff. Leaves for student employees are covered in [Student Employment Policies and Procedures](#) of the Office of Financial Aid and Student Employment.

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## REASON FOR POLICY

The university is committed to assisting staff members to balance the diverse responsibilities of their working and personal lives. The policy for family leaves for nonacademic staff grants staff members time off to care for their newborn, newly adopted, or foster children (“bonding leave” and “extended bonding leave”), for seriously ill family members (“NY Paid Family Leave” and “family health leave”), and for issues related to a family member’s military service (“military family leave”).

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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

- All nonacademic staff, excluding those at the Weill Cornell Medicine

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## MOST CURRENT VERSION OF THIS POLICY

- [www.dfa.cornell.edu/policy/policies/family-leaves-nonacademic-staff](http://www.dfa.cornell.edu/policy/policies/family-leaves-nonacademic-staff)

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## RELATED RESOURCES

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### University Policies and Information

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[University Policy 1.6, Graduate and Professional Student Parental Accommodation](#)

[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](#): sections on Vacation, Holiday, Health and Personal Leave, Military Family Leave, and Medical Leaves for Nonacademic Staff

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

[University Policy 6.13, Disability Accommodation Process for Faculty and Staff](#)

[University Policy 7.1, Voluntary Leave of Absence for Students](#)

[Student Employment Policies and Procedures](#) of the Office of Financial Aid and Student Employment

[The Guide to Graduate Study](#)

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### External Documentation

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[Americans with Disabilities Act](#)

[Family and Medical Leave Act 1993, as amended](#)

[Health Insurance Portability and Accountability Act of 1996](#)

[New York Paid Family Leave Law](#)

[New York State Disability Law](#)

[New York State Human Rights Law](#)

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### University Forms and Systems

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[Extended Bonding Leave Request](#)

[Family Health Leave Request](#)

[Military Family Leave forms](#)

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## CONTACTS

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

*Contacts, Ithaca Campus Units*

Subject	Contact	Telephone	Email/Web Address
<b>Policy Interpretation</b>	Medical Leaves Administration (MLA) – Division of Human Resources, Benefit Services	(607) 255-1177 Fax: (607) 255-1888	<a href="mailto:wcds@cornell.edu">wcds@cornell.edu</a> <a href="http://hr.cornell.edu/benefits-pay/leaves-disability">hr.cornell.edu/benefits-pay/leaves-disability</a>
<b>Benefits Relating to Family Leaves for Nonacademic Staff</b>	Medical Leaves Administration (MLA) – Division of Human Resources, Benefit Services	(607) 255-1177 Fax: (607) 255-1888	<a href="mailto:wcds@cornell.edu">wcds@cornell.edu</a> <a href="http://hr.cornell.edu/benefits-pay/leaves-disability">hr.cornell.edu/benefits-pay/leaves-disability</a>
<b>HR/Payroll System Transactions</b>	Your unit's human resources representative	Unit-specific	<a href="http://hr.cornell.edu/find-your-hr-representative">hr.cornell.edu/find-your-hr-representative</a>
<b>Qualifying and Applying for Benefits, Including Short-Term Disability</b>	Your unit's human resources representative	Unit-specific	<a href="http://hr.cornell.edu/find-your-hr-representative">hr.cornell.edu/find-your-hr-representative</a>

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## DEFINITIONS

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These definitions apply to these terms as they are used in this section of University Policy 6.9, Time Away From Work, and draw on language from the Family and Medical Leave Act of 1993, as amended (FMLA) and the New York Paid Family Leave Law.

<b>Bonding Leave</b>	New York Paid Family Leave (NYPFL) offers up to 12 weeks of job-protected paid leave to care for a child following birth, adoption, commencement of the adoption process, or the placement of a child with the staff member for adoption or foster care.
<b>Child (Military Family Leave)</b>	A biological, adopted, or foster child, stepchild, legal ward, a child of a domestic partner, or a child of a staff member who is standing “in loco parentis” (see definition below). There is no restriction to the age of the child.
<b>Child (Extended Bonding Leave, NY Paid Family Leave, and Family Health Leave)</b>	A biological, adopted, or foster child, stepchild, a child of a domestic partner, a legal ward, or a child of a person who is standing “in loco parentis” (see definition below).
<b>Continuing Treatment by a Health Care Provider</b>	<p>A serious health condition involving continuing treatment by a health care provider that includes any of the following:</p> <ul style="list-style-type: none"> <li>• Treatment two or more times by a health care provider or treatment by a health care provider on at least one occasion that results in a regimen of continuing treatment under the health care provider’s supervision</li> <li>• Pregnancy or prenatal care (qualifies even if a staff member does not receive treatment and even if the care does not last three days)</li> <li>• A chronic health condition that requires at least two visits a year for treatment by a health care provider, continues over an extended period, and may cause episodic, rather than continuing, incapacity (examples: asthma, diabetes, epilepsy)</li> <li>• A permanent or long-term condition for which treatment may not be effective (examples: Alzheimer’s, severe stroke, terminal stages of a disease)</li> <li>• Treatment by a health care provider either for restorative surgery after an accident or injury, or for a condition that would likely result in an incapacity of three or more days if not treated (examples: cancer, severe arthritis, kidney disease)</li> <li>• Allergies or mental illness resulting from stress, but only if they meet all of the other criteria of a serious health condition</li> </ul> <p>Treatment for substance abuse (absence due to staff members’ use of the substance, rather than treatment, does not qualify under this policy)</p>
<b>Eligible Staff</b>	<p><b>Defined by the Family and Medical Leave Act (FMLA)</b></p> <p>All staff (including temporary or casual) who have been employed by the university for at least 12 months, not required to be worked consecutively, and have worked at least 1,250 hours during the 12-month period immediately before the start of the leave. Employment prior to a continuous break in service of seven years or more will not be counted.</p>

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### Time Away From Work: Family Leaves for Nonacademic Staff (Includes Parental Leave, Family Health Leave, and Military Family Leave)

#### DEFINITIONS, continued

	<p><b>Defined by the New York Paid Family Leave Law (NYPFL)</b></p> <p>All staff members (including temporary or casual) whose regular work schedule is 20 or more hours per week who have been employed by the university for at least 26 workweeks, and all staff members (including temporary and casual) whose regular work schedule is less than 20 hours per week once they have worked at the university at least 175 workdays with no break in service.</p>
<b>Equivalent Position</b>	A position that is the same as the staff member's former position in terms of pay, benefits, and working conditions.
<b>Extended Bonding Leave</b>	A leave to care for a child following birth, adoption, commencement of the adoption process, or the placement of a child with a staff member for adoption or foster care. This leave may only be taken immediately after all NYPFL entitlement is exhausted, in one continuous block of time, and all bonding leave must be completed within a year from the child's date of birth or placement.
<b>Family and Medical Leave Act of 1993, as Amended (FMLA)</b>	A federal law requiring private employers of 50 or more employees to provide eligible employees unpaid, job-protected leave for up to a total of 12 workweeks within any 12 months because of the birth of a child and to care for a newborn child; the placement of a child with the employee for adoption or foster care; the employee is needed to care for a family member with a serious health condition; or the employee's own serious health condition that makes that employee unable to perform the essential functions of his or her job. In certain cases, this leave may be taken on an intermittent basis or the employee may work a part-time schedule. An amendment to the FMLA in January 2008 created two types of military family leave: military caregiver leave and military exigency leave.
<b>Family Health Leave</b>	A leave to care for a staff member's spouse, child, or parent who has a serious health condition. Child includes those children where the staff member is standing "in loco parentis" and those persons who were "in loco parentis" for the staff member, when the staff member was a child.
<b>Family Leaves for Nonacademic Staff</b>	Family leaves for nonacademic staff comprises four categories of leave: NY Paid Family Leave, extended bonding leave, family health leave, and military family leave (caregiver and exigency), the provisions of which are outlined in this policy.
<b>Family/Family Member (Bonding and Extended Bonding Leave)</b>	A spouse, domestic partner, parent, or child. Child includes those children for whom the staff member is standing "in loco parentis" and those persons who were "in loco parentis" for the staff member, when the staff member was a child.
<b>Family/Family Member (Family Health Leave)</b>	A spouse, parent, or child. Child includes those children for whom the staff member is standing in "in loco parentis" and those persons who were "in loco parentis" for the staff member, when the staff member was a child.
<b>Family/Family Member (Military Family Leave)</b>	A spouse, domestic partner, child, parent, or next of kin. Child includes those children for whom the staff member is standing "in loco parentis."
<b>Family/Family Member (NY Paid Family Leave)</b>	A spouse, domestic partner, parent, child, parent-in-law, grandparent, or grandchild. Child includes those children for whom the staff member is standing "in loco parentis" and those persons who were "in loco parentis" for the staff member, when the staff member was a child.

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### Time Away From Work: Family Leaves for Nonacademic Staff (Includes Parental Leave, Family Health Leave, and Military Family Leave)

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#### DEFINITIONS, continued

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<b>Foster Care</b>	Twenty-four hour care for children in substitution for, and away from, their parents or guardian. Such placement must include state (i.e., governmental) involvement.
<b>Health Care Provider</b>	A doctor of medicine or osteopathy who is authorized to practice medicine or surgery (as appropriate) by the state in which the doctor practices. Also included are podiatrists; dentists; clinical psychologists; optometrists; chiropractors (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by x-ray); nurse-practitioners and nurse-midwives who are authorized and are performing under the scope of their practice as defined under state law; clinical social workers; and Christian Science practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts (additional certification may be required).  Also included are health care providers who practice outside of the United States and any other health care provider from whom the university's director of Benefit Services will accept certification of the existence of a serious health condition to substantiate a claim for benefits.
<b>In Loco Parentis</b>	A person with day-to-day responsibilities to care for and financially support a child, or a person who had such a responsibility for the staff member when the staff member was a child. A biological or legal relationship is not necessary.
<b>Intermittent Leave</b>	A leave taken in separate blocks of time, rather than in one continuous period, related to a single illness or injury. Under the FMLA, such leave may be taken in blocks of hours, days, or weeks. Under NY Paid Family Leave, such leave must be taken in full-day increments only.
<b>Military Caregiver Leave</b>	Up to 26 workweeks of leave in a single 12-month period, which is allowed for a spouse, son, daughter, parent, or next of kin to care for a covered service member of the armed forces, including a member of the National Guard or Reserves, or a veteran, who has a serious illness or injury received in the line of duty while on active duty, or that pre-existed the member's active duty and was aggravated while in the line of duty on active duty.
<b>Military Exigency Leave</b>	A leave of up to 12 workweeks for employees who have a covered family member serving in either the regular armed forces, or the National Guard or the Reserves for any qualifying exigency that arises while the covered family member is on active duty or called to active duty status. Examples of qualifying exigencies include short-notice deployment; military events; childcare and school activities; financial and legal arrangements; counseling, rest and recuperation, and post-deployment activities.
<b>Military Family Leave</b>	Military family leave comprises two categories of leave: military caregiver leave and military exigency leave, the provisions of which are outlined in this policy
<b>New York Paid Family Leave (NYS PFL)</b>	A New York State law requiring private employers to provide eligible employees with partially paid leave for up to a total of 12 workweeks within a 12-month period because of the birth of a child and to care for or bond with a newborn child; the placement of a child with the employee for adoption or foster care; the employee is needed to care for a family member with a serious health condition; the employee has a qualifying military exigency pursuant to the FMLA. In certain cases, this leave may be taken on an intermittent basis, rather than all at

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### Time Away From Work: Family Leaves for Nonacademic Staff (Includes Parental Leave, Family Health Leave, and Military Family Leave)

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#### DEFINITIONS, continued

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	once, or the employee may work a part-time schedule. All leave must be taken in full days.
<b>Next of Kin (Military Family Leave)</b>	The nearest blood relative.
<b>Parent</b>	A biological, adoptive, or foster parent, stepparent, or an individual who stands "in loco parentis" (see definition above).
<b>Reasonable Accommodation</b>	<p><b>Defined by the Americans with Disabilities Act (ADA)</b></p> <p>Actions that may include: making existing facilities used by faculty and staff readily accessible to and usable by individuals with disabilities; job restructuring, part-time or modified work schedules, allowing work from home or other remote location; reassignment to a vacant position, acquisition or modifications of equipment or devices, appropriate adjustment or modifications of examinations, training materials, or policies, the provision of qualified readers or interpreters, and other similar accommodations for individuals with disabilities.</p> <p><b>Defined by New York Human Rights Law (NYHRL)</b></p> <p>Action taken that permits an employee, prospective employee...with a disability to perform in a reasonable manner the activities involved in the job or occupation sought or held and include but are not limited to, provision of an accessible worksite, acquisition or modification of equipment, support services for persons with impaired hearing or vision, job restructuring and modified work schedules; provided, however that such actions do not impose undue hardship on the business, program or enterprise of the entity from which action is requested.</p>
<b>Reduced Schedule Leave</b>	A leave schedule that reduces the staff member's regularly scheduled number of working hours per workday or workweek.
<b>Serious Health Condition</b>	<p>An illness, injury, impairment, physical or mental condition that involves one of the following:</p> <p>Any period of incapacity or treatment in connection with, or consequent to, inpatient care in a hospital, hospice, or residential medical care facility</p> <p>Any period of incapacity of more than three consecutive calendar days, that also involves subsequent or continuing treatment by (or under the supervision of) a health care provider</p> <p>◆<b>Note:</b> A chronic health condition may also qualify as a serious health condition even if a staff member or family member does not receive treatment, and it does not last three days (examples: asthma, and severe morning sickness).</p> <p>◆<b>Caution:</b> Unless complications arise, ailments, such as the common cold, flu, ear aches, upset stomach, minor ulcers, headaches other than migraine, etc., are not considered serious health conditions and do not qualify under this policy.</p>
<b>Serious Illness or Injury (Military Caregiver Leave)</b>	An injury or illness incurred in the line of duty on active duty in the armed forces, or that pre-existed the member's active duty and was aggravated by service in the line of duty on active duty, that may render the service member medically unfit to perform the duties of his or her office, grade, rank, or rating.



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### Time Away From Work: Family Leaves for Nonacademic Staff (Includes New York Paid Family Leave, Extended Bonding Leave, Family Health Leave, and Military Family Leave)

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## RESPONSIBILITIES

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

<b>Division of Human Resources - Medical Leaves Administration Office (MLA)</b>	Review and act upon applications for leave, including review of medical provider documentation.
<b>Division of Human Resources - Benefit Services</b>	Provide administrative oversight.
<b>Eligible Staff Member</b>	<p>If the need for leave is not foreseeable, use the appropriate form to request leave from his or her supervisor with as much advanced notice as possible.</p> <p>If the need for the leave is foreseeable, use the appropriate form to request leave from his or her supervisor at least 30 days in advance.</p> <p>Respond to all requests for information from the local human resources (HR) office or Medical Leaves Administration (MLA) of the Division of Human Resources (HR), including timely provision of medical documentation. See Related Resources.</p> <p>Maintain agreed-upon contact with his or her supervisor during the period of leave.</p>
<b>Local Human Resources (HR) Office</b>	<p>Provide general guidance on HR's policies and procedures.</p> <p>Along with the staff member's supervisor, inform the staff member of his or her rights for leave requests under this policy.</p> <p>Consult with MLA to review the staff member's eligibility, obtain appropriate forms, and/or understand specific leave management procedures.</p>
<b>Supervisor</b>	<p>Along with the local HR representative, inform the staff member requesting leave of his or her rights under this policy.</p> <p>Consult in a timely fashion with the local HR office regarding the staff member's request for time away from work.</p> <p>Advise local HR of any staff absences that may be eligible for family leave.</p> <p>Consult with the local HR office throughout the leave period to facilitate compliance with leave policy provisions.</p> <p>Identify and maintain agreed-upon contact with the staff member on leave.</p>

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### Time Away From Work: Family Leaves for Nonacademic Staff (Includes New York Paid Family Leave, Extended Bonding Leave, Family Health Leave, and Military Family Leave)

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## PRINCIPLES

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### Overview

Family leaves for nonacademic staff (“family leave”) comprises four categories of leave: New York Paid Family Leave (NYPFL), extended bonding leave, family health leave, and military family leave.

This policy provides an outline of the provisions and procedures for qualifying and applying for and the taking of these leaves.

#### Eligibility

All staff members (including temporary or casual) are eligible for federal Family and Medical Leave Act (FMLA) family leave who have been employed by the university for at least 12 months, which do not have to be consecutive, and have worked at least 1,250 hours during the 12-month period immediately preceding the start of the leave. Employment prior to a continuous break in service of seven years or more will not be counted.

For NYPFL, all staff members (including temporary or casual) whose regular schedule is 20 or more hours per week are eligible for family leave once they have been employed by the university for at least 26 workweeks preceding the start of the leave. All staff members (including temporary or casual) whose regular schedule is less than 20 hours per week are eligible for paid family leave once they have worked at the university at least 175 workdays with no break in service.

◆**Note:** In order to ensure that a staff member is placed on the proper medical leave, staff members must provide to Medical Leaves Administration (MLA) accurate information about their health condition and the need for the leave. Staff members are required to provide this information honestly and truthfully. The university reserves the right to take disciplinary action, up to and including termination of employment, in the event that a staff member is dishonest or misrepresents information in the application for or use of any benefits. See University Policy 6.11.3, Employee Discipline.

#### Holding a Position (except for Military Caregiver Leave. See “Holding a Position (Military Caregiver Leave only)” below)

A staff member’s position, or an equivalent, is held for a total of 26 weeks (182 days) of qualifying leave during any 12-month (52-week) period. The following calculation is used to determine the remaining job-hold time for an individual who has taken leave within the last 12-month period (that is, looking back 52 weeks from the date of calculation).

1. Total all leave taken within the 12-month period.\*

## POLICY 6.9

### Time Away From Work: Family Leaves for Nonacademic Staff (Includes Parental Leave, Family Health Leave, and Military Family Leave)

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## PRINCIPLES, continued

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2. Subtract the total leave taken from the 26 weeks (182 days) of available job-hold time.

◆(\*)**Note:** This includes any leave time taken as NYPFL, extended bonding leave, family health, and personal medical leaves, short-term disability, workers' compensation, and/or military exigency leave, including any partial days used under short-term disability or workers' compensation.

◆**Note:** Return-to-work issues are individually considered, and this period of time may be extended for valid business reasons, including the provision of a reasonable accommodation. Contact a representative from Medical Leaves Administration (MLA) for further details.

#### Holding a Position (Military Caregiver Leave only)

For the purposes of military caregiver leave only, the 26 weeks of job hold is counted prospectively. The employee is eligible for 26 weeks of military caregiver leave per service member's injury during a single 12-month period. This 12-month period commences with the first date the employee takes any caregiver leave. This leave entitlement does not renew annually and may be taken only once per injury/illness.

## Uniform Provisions

#### Benefits While on Leave

While a staff member is on an approved family leave, benefit programs may be continued at the same cost as applies to active staff. Pre-tax premiums will apply as long as the staff member receives a paycheck from University Payroll during the leave. If any questions arise, the staff member should contact Benefit Services before or during a leave of absence.

#### Accruing Health and Personal Leave and Vacation While on Leave

Health and personal leave and vacation do not accrue when a staff member is on an unpaid leave. If a staff member is on a paid leave (including through use of accruals during leave), vacation and health and personal leave accruals will stop on the first day of the leave after any applicable waiting period is satisfied. Accruals will begin again once the staff member returns to active service. See the "Vacation" and "Health and Personal Leave" sections of this Time Away From Work policy.

#### Use of Accruals During Family Leaves

A staff member may choose to use accrued vacation or health and personal leave to supplement all or part of a family leave.

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### Time Away From Work: Family Leaves for Nonacademic Staff (Includes Parental Leave, Family Health Leave, and Military Family Leave)

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## PRINCIPLES, continued

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### Holiday Pay While on Leave

**Eligibility During Unpaid Leave:** During unpaid family leave, staff members are not eligible to receive pay for university holidays.

**Eligibility During Paid, Reduced Schedule, or Intermittent Leave:** During a holiday, staff members on paid family leave will receive holiday pay, and will not be required to use accrued time on that day.

### Family Leave Balance During Holidays

Regardless of whether a staff member receives holiday pay during family leave, university holiday periods of more than one week will not be deducted from the family leave balance.

### Coordination With the Family and Medical Leave Act and New York Paid Family Leave

The FMLA and NYPFL 12-week leave entitlements will run concurrently with each other, and concurrently with the use of all family leaves, whenever applicable.

### Charging Leave Costs to Sponsored Projects

In accordance with federally approved costing practices and rate agreements, payments for short-term disability, workers' compensation, as well as all family health and parental leaves may be charged directly to sponsored projects. Such payments must not exceed the proportion of salary allocated to the project before the leave. Where the use of project funds for leave payments threatens satisfactory completion of the project, the leave must be charged to a non-sponsored source.

### Concurrent Employment While on Family Leave

Before any Cornell employee will be approved for such leave, he or she must disclose to MLA any other employment he or she will hold during the leave. Failure to disclose other employment may result in discipline, up to and including termination of employment.

### **New York Paid Family Leave (NYPFL)**

Staff members may apply for up to 12 weeks of NY Paid Family Leave (NYPFL) to bond with a new child, care for a family member who has a serious health condition, or for a qualifying military exigency.

This leave will run concurrently with family health leave whenever applicable.

## POLICY 6.9

### Time Away From Work: Family Leaves for Nonacademic Staff (Includes Parental Leave, Family Health Leave, and Military Family Leave)

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## PRINCIPLES, continued

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### Leave Provisions

Staff members may take up to 12 weeks of NYPFL at 67% pay in a 12-month period, which is measured looking back over a 365-day period immediately before the start of the leave, or any day during the term of the approved leave.

All bonding leave as outlined under NYPFL must be taken within the 12-month period that begins with the birth of a child, commencement of the adoption process, or the placement of a child for adoption or foster care.

◆**Note:** The maximum combined benefit of NYPFL and short-term disability that a staff member can receive in any 52-week period is 26 weeks.

### Reduced-Schedule and/or Intermittent Leave

Staff members may take NYPFL on a reduced scheduled and/or intermittent basis as long as it is used in full-day increments. To minimize disruption to the department's operations and business needs, staff members needing intermittent or reduced-schedule leave should work with his or her supervisor to schedule the leave. During foreseeable periods of intermittent or reduced-schedule leave, a staff member may be transferred temporarily to an alternative position with equivalent pay and benefits. Cornell may ask for a recertification of the need for this leave every 30 days if the frequency of episodes of incapacity are not stated by the medical provider, and/or if the time away from work exceeds the frequency or duration noted by the medical provider on the certification forms.

### **Extended Bonding Leave**

Staff members are eligible for up to four weeks of unpaid extended bonding leave to care for a newborn child, an adopted child, for the commencement of the adoption process, or for the placement of a child for adoption or foster care.

This leave can only be taken after the exhaustion of the NYPFL entitlement and in one continuous block of time.

### Leave Provisions

1. Staff may take up to four weeks of extended bonding leave in a 12-month period, which is measured looking back over a 365-day period immediately before the start of the leave, or any day during the term of the approved leave.
2. Extended bonding leave must be taken and all leave time finished during the 12-month period, which begins with the birth of a child, commencement of the adoption process, or the placement of a child for adoption or foster care.
3. Extended bonding leave may be taken by birth, adoptive, and foster parents.

## POLICY 6.9

### Time Away From Work: Family Leaves for Nonacademic Staff (Includes Parental Leave, Family Health Leave, and Military Family Leave)

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## PRINCIPLES, continued

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◆**Note:** Birth mothers generally receive half-pay from the Cornell short-term disability plan during delivery and post-natal care for a period determined by their physicians. This period of short-term disability is usually followed by the NYPFL entitlement. The maximum time available through the combination of short-term disability, NYPFL, any other applicable medical leaves, and extended bonding leave is 26 weeks of leave in the 12-month period. See the “Holding a Position” section in the Overview above. NYPFL benefits and short-term disability benefits cannot be received simultaneously, but may be taken consecutively.

4. Staff members may choose to use leave accruals during extended bonding leave in accordance with the “Use of Accruals During Family Leaves” section in “Uniform Provisions” above.

### Family Health Leave

Staff members may apply for up to 12 weeks of unpaid family health leave to care for a family member who has a serious health condition. Staff members may elect to use accruals in accordance with the “Use of Accruals During Family Leaves” section in “Uniform Provisions” above.

This leave will run concurrently with NYPFL whenever applicable. Family health leave can be taken on an intermittent basis of hourly increments.

#### Leave Provisions

Staff members may take up to 12 weeks of family health leave in a 12-month period, which is measured looking back over a 365-day period immediately before the start of the leave, or any day during the term of the approved leave.

#### Reduced Schedule and/or Intermittent Leave

With proper medical documentation, staff members may take leave in smaller increments. To minimize disruption to the department’s operations and business needs, staff members needing intermittent or reduced schedule leave must work with his or her supervisor to schedule the leave. During foreseeable periods of intermittent or reduced schedule leave, a staff member may be transferred temporarily to an alternative position with equivalent pay and benefits.

Cornell may ask for a recertification of the need for this leave every 30 days if the frequency of episodes of incapacity are not stated by the medical provider, and/or if the time away from work exceeds the frequency or duration noted by the medical provider on the certification forms.

## POLICY 6.9

### Time Away From Work: Family Leaves for Nonacademic Staff (Includes Parental Leave, Family Health Leave, and Military Family Leave)

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## PRINCIPLES, continued

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### **Military Family Leaves**

There are two types of military family leaves:

1. **Military Caregiver Leave:** An employee may take up to 26 workweeks of leave in a single 12-month period if he or she is a spouse, son, daughter, parent, or next of kin of a covered service member of the armed forces, including a member of the National Guard or Reserves, or a veteran, in order to care for the service member who has a serious illness or injury that was incurred in the line of duty while on active duty, or that existed before the beginning of the member's active duty, and was aggravated by service in the line of duty on active duty.
2. **Military Exigency Leave:** An employee may take up to 12 workweeks of leave if he or she has a covered family member serving in either the regular armed forces or the National Guard or the Reserves for any qualifying exigency that arises while the covered family member is on active duty status or called to active duty. Examples of qualifying exigencies include short-notice deployment; military events; childcare and school activities; financial and legal arrangements; counseling; rest and recuperation; and post-deployment activities.

#### Reduced Schedule and/or Intermittent Leave

With proper documentation, a staff member may take a military family leave in smaller increments. To minimize disruption to the unit's operations and business needs, a staff member needing intermittent or reduced schedule leave must work with his or her supervisor to schedule the leave. During foreseeable periods of intermittent or reduced schedule leave, a staff member may be transferred temporarily to an alternative position with equivalent pay and benefits.

Cornell may ask for a recertification of the need for this leave every 30 days if the frequency of episodes of absence are not stated by the medical provider, and/or if the time away from work exceeds the frequency or duration noted by the medical provider on the certification forms.

## POLICY 6.9

### Time Away From Work: Family Leaves for Nonacademic Staff (Includes New York Paid Family Leave, Extended Bonding Leave, Family Health Leave, and Military Family Leave)

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## PROCEDURES

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The following procedures represent an overview for each type of leave. For detailed procedures on applying for any family health or military family leave, see the Benefit Services website at [hr.cornell.edu/benefits-pay/leaves-disability](http://hr.cornell.edu/benefits-pay/leaves-disability).

#### **Requesting New York Paid Family Leave**

To request New York Paid Family Leave (NYPFL) to care for a family member with a serious health condition, staff members must notify their supervisors of the need for the leave, and complete the “Request For Paid Family Leave” form. Within two business days of becoming aware of the need for NYPFL, the supervisor or local human resources (HR) representative should send the completed leave form to Medical Leaves Administration (MLA).

In foreseeable circumstances, staff members must provide his or her supervisor with at least 30 days’ notice of the need for the leave. In unforeseeable circumstances, staff members must give as much notice as possible.

If the staff member does not specifically request NYPFL, it is the supervisor’s responsibility, after consulting with the local HR representative, to request that the staff member complete the “Request For Paid Family Leave” form.

Upon receiving the completed “Request For Paid Family Leave” form from the supervisor or HR representative, MLA will check basic eligibility criteria for the employee. If the employee does not meet basic eligibility criteria as described in the Principles section of this policy, MLA will notify the employee and supervisor or HR representative. If basic eligibility is met, MLA will then send an acknowledgement-of-receipt packet including a “Release of Personal Health Information” form, to be completed by the family member receiving care and a “Health Care Provider Certification For Care of Family Member With Serious Health Condition” form, to be completed by the staff member and the treating physician. Upon receiving the completed forms, MLA will notify the staff member and supervisor of the final decision.

#### **Requesting Bonding Leave (NYPFL)**

To request bonding leave, staff members must notify their supervisors and complete the “Request For Paid Family Leave” form. In foreseeable circumstances, staff members must provide supervisors with at least 30 days’ notice of the need for leave. In unforeseeable circumstances, staff members must give as much notice as possible.

Medical documentation for a birth mother employed by Cornell should be on file already at MLA due to the requirements of the short-term disability plan as outlined in the “Medical Leaves for Staff” section of this Time Away From Work policy.



## POLICY 6.9

### Time Away From Work: Family Leaves for Nonacademic Staff (Includes Parental Leave, Family Health Leave, and Military Family Leave)

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#### PROCEDURES, continued

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Parents who don't already have this documentation on file with MLA, and the parents of adoptive or foster children, must complete the "Bonding Certification" form and supply the required supporting documentation to MLA.

◆**Note:** Appropriate medical, adoptive, or foster care documentation is outlined on the "Bonding Certification form."

#### Requesting Extended Bonding Leave

To request an extended bonding leave, staff members must notify their supervisors and complete the "Extended Bonding Leave Request" form. Staff members must provide supervisors with at least 30 days' notice of the need for the leave.

◆**Note:** Extended bonding leave is only available to eligible staff members who have already exhausted all bonding leave available under NYPFL.

#### Requesting Family Health Leave

To request a family health leave, staff members must notify his or her supervisor of the need for the leave, and complete the "Family Health Leave Request" form. Within two business days of becoming aware of the need for family health leave, the supervisor or local human resources (HR) representative should send the completed leave form to MLA.

In foreseeable circumstances, staff members must provide his or her supervisor with at least 30 days' notice of the need for the leave. In unforeseeable circumstances, staff members must give as much notice as possible.

If the staff member does not specifically request family health leave, it is the supervisor's responsibility, after consulting with the HR representative, to request that the staff member complete the "Family Health Leave Request" form. If the staff member is unavailable, the supervisor should complete the form for the staff member, and send it to MLA.

Upon receiving the completed "Family Health Leave Request" form from the supervisor or HR representative, MLA will check basic eligibility criteria for the employee. If the employee does not meet basic eligibility criteria as described in "Uniform Provisions" of the principles section of this policy, MLA will notify the employee and supervisor or HR representative. If basic eligibility is met, MLA will then send a tentative approval and a "Health Care Provider Verification" form to the staff member for completion by the staff member and the treating physician. Upon receiving the completed "Health Care Provider Verification" form, MLA will notify the staff member and supervisor of the final decision.

## POLICY 6.9

### Time Away From Work: Family Leaves for Nonacademic Staff (Includes Parental Leave, Family Health Leave, and Military Family Leave)

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#### PROCEDURES, continued

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#### **Requesting Military Caregiver Leaves**

To request a military caregiver leave, a staff member must notify his or her supervisor of the need for the leave, and complete the “Military Family Leave Request” form. Within two business days of becoming aware of the need for military family leave, the supervisor or local HR representative should send the completed leave form to MLA.

In foreseeable circumstances, staff members must provide their supervisors with at least 30 days’ notice of the need for the leave. In unforeseeable circumstances, staff members must give as much notice as possible.

Upon receiving the completed “Military Caregiver Leave Request” form from the supervisor or HR representative, MLA will check basic eligibility criteria for the employee. If the employee does not meet basic eligibility criteria as described in “Uniform Provisions” of the principles section of this policy, MLA will notify the employee and supervisor or HR representative. If basic eligibility is met, MLA will then send a tentative approval and either a “Certification for Serious Injury or Illness of a Veteran for Military Caregiver Leave” or “Certification of Serious Injury or Illness of a Current Service Member for Military Caregiver Leave” form to the staff member for completion by the staff member and the appropriate certifying agency. Upon receiving the appropriate completed certification form, MLA will notify the staff member and supervisor of the final decision.

#### **Requesting Military Exigency Leave**

To request a military exigency leave, staff members must notify their supervisors of the need for the leave, and complete the “Request For Paid Family Leave” form. Within two business days of becoming aware of the need for military exigency leave, the supervisor or local HR representative should send the completed leave form to MLA.

In foreseeable circumstances, staff members must provide their supervisors with at least 30 days’ notice of the need for the leave. In unforeseeable circumstances, staff members must give as much notice as possible.

Upon receiving the completed “Request for Paid Family Leave” form from the supervisor or HR representative, MLA will check basic eligibility criteria for the employee. If the employee does not meet basic eligibility criteria as described in “Uniform Provisions” of the Principles section of this policy, MLA will notify the employee and supervisor or HR representative. If basic eligibility is met, MLA will then send an acknowledgement of receipt and a “Military Qualifying Event” form to the staff member for completion by the staff member. Upon receiving the completed form and applicable supporting documentation, MLA will notify the staff member and supervisor of the final decision.