



CORNELL UNIVERSITY
POLICY LIBRARY

Time Away From Work:
Medical Leaves for Nonacademic Staff
(Includes Short-term Disability, Workers'
Compensation and Personal Medical
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: Office of
Human Resources, Benefit
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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.

This policy includes coverage for leaves that may apply for an employee's own serious health condition.

◆**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.

REASON FOR POLICY

The university is committed to assisting staff members to balance the diverse responsibilities of their working and personal lives.

ENTITIES AFFECTED BY THIS POLICY

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

WHO SHOULD READ THIS POLICY

- All nonacademic staff of the university, except those of Weill Cornell Medicine.

MOST CURRENT VERSION OF THIS POLICY

- www.dfa.cornell.edu/policy/policies/medical-leaves-nonacademic-staff

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RELATED RESOURCES

University Policies and Information

[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, and Family 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](#)

[University Policy 8.6, Environment, Health, and Safety](#)

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

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

[The Guide to Graduate Study](#)

External Documentation

[Americans with Disabilities Act \(ADA\)](#)

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

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

[New York Paid Family Leave Act](#)

[New York State Disability Law](#)

[New York State Human Rights Law](#)

[New York Workers' Compensation Law](#)

University Forms and Systems

[Accident Report](#)

[Health Care Provider Verification \(Personal\)](#)

[Personal Medical Leave Request](#)

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CONTACTS

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

Contacts

Subject	Contact	Telephone	Email/Web Address
Policy Clarification and Interpretation	Medical Leaves Administration – Office of Human Resources, Benefit Services	(607) 255-1177 Fax: (607) 255-1888	wcds@cornell.edu hr.cornell.edu/benefits-pay/leaves-disability/
Benefits Relating to Medical Leaves for Nonacademic Staff	Medical Leaves Administration – Office of Human Resources, Benefit Services	(607) 255-1177 Fax: (607) 255-1888	wcds@cornell.edu hr.cornell.edu/benefits-pay/leaves-disability/
HR/Payroll System Transactions	Your unit's human resources representative		hr.cornell.edu/find-your-hr-representative
Reporting Accidents In University-Owned Spaces	Environmental Health and Safety	(607) 255 8200	sp.ehs.cornell.edu
Qualifying and Applying for Benefits, Including Parental and Family Health Leaves	Your unit's human resources representative		hr.cornell.edu/find-your-hr-representative

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DEFINITIONS

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

◆**Note:** The Cornell Short-Term Disability Plan and the New York State Short-Term Disability Plan apply to all eligible Cornell nonacademic employees. Employees in the four states (CA, HI, RI, NJ) that have existing short-term disability benefits law must contact Medical Leaves Administration (MLA). For workers' compensation, employees assigned outside New York State must refer to the provisions of the applicable law in the state, province, or country where their employment is located, or contact MLA.

Causal Relationship	Recognizable link between an accident arising out of the course of employment and a resultant injury, or between a distinctive feature of employment and an occupational disease. This relationship must exist to establish claims of workers' compensation.
Eligible Staff: Personal Medical Leave	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.
Eligible Staff: Short-Term Disability	All nonacademic staff working at Cornell for 28 calendar days or employed within 28 calendar days with a covered employer, as per New York State law, and having an absence from work of at least one week. Short-term disability benefits are paid-for absences due to non-work-related injuries or illnesses.
Eligible Staff: Workers' Compensation	All staff working at Cornell (including temporary and casual) are eligible from the first day of their employment. New York State law requires employers to pay for lost wages and medical care when a staff member is injured at work. A successful workers' compensation claim is established when (a) proper notice of injury is provided to the employer, (b) medical reports establish an injury or illness, and (c) the cause of the injury is related to the employment. Workers' compensation benefits are paid-for absences due to work-related injuries or illnesses.
Family and Medical Leave Act of 1993, as Amended	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 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, rather than all at once, or the employee may work a part-time schedule.
Equivalent Position	Position that is the same as the staff member's former position in terms of pay, benefits, and working conditions.
Health Care Provider – Personal Medical Leave	Doctor of medicine or osteopathy who is authorized to practice medicine or surgery, as appropriate, by the state in which the doctor practices. These individuals may include 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-

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DEFINITIONS, continued

	<p>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).</p> <p>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.</p>
Health Care Provider – Short-Term Disability	All New York State licensed physicians, dentists, psychologists, chiropractors, podiatrists, and nurse-midwives.
Intermittent Leave	Leave taken in separate blocks of time, rather than in one continuous period, related to a single illness or injury. Such leave may be taken in blocks of hours, days, or weeks.
Long-Term Disability	Benefits apply after 26 weeks of temporary, total disability, and provide for 60% of lost wages, as long as the staff member remains totally disabled as determined by medical documentation.
Medical Leaves for Nonacademic Staff	Medical leaves for nonacademic staff comprises three categories of leave: workers' compensation, short-term disability, and personal medical leave. The provisions of these leaves are outlined in this policy.
Reasonable Accommodation	<p>Defined by the Americans with Disabilities Act (ADA)</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>Defined by New York Human Rights Law (NYHRL)</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>
Reduced Schedule Leave	Leave schedule that reduces the staff member's regularly scheduled number of working hours per workday or workweek.
Serious Health Condition (Personal Medical Leave)	<p>Illness, injury, impairment, or physical or mental condition that involves one of the following:</p> <ol style="list-style-type: none"> 1. Any period of incapacity or treatment in connection with, or consequent to, inpatient care in a hospital, hospice, or residential medical care facility. 2. 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.

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DEFINITIONS, continued

◆**Note:** A chronic health condition can 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, severe morning sickness).

◆**Caution:** Unless complications arise, ailments such as the common cold, flu, ear aches, upset stomach, minor ulcers, headaches other than migraine, etc. are not considered a serious health condition and do not qualify under this policy.

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RESPONSIBILITIES

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

Eligible Staff Member

Comply with the following for all types of medical leaves under this policy:

- Respond to all requests for information from supervisor or Medical Leaves Administration (MLA) of the Division of Human Resources (HR), including timely provision of medical documentation.
- Maintain agreed-upon contact with supervisor during the period of leave.
- When directed by MLA, submit to an independent medical examination.

In the case of workers' compensation:

- Use an accident report form to provide notice of a work-related injury to supervisor within 24 hours of the incident.

In the case of short-term disability:

- Use the appropriate form to provide timely notice to supervisor of the need for short-term disability.

In the case of personal medical leaves:

- If the need for the leave is foreseeable, use the appropriate form to provide 30 days advance notice to the supervisor.
- If the need for the leave is not foreseeable, provide as much advance notice as possible.

Environmental Health and Safety

Make available to members of the Cornell community, and process submitted accident report forms relating to health or safety hazards on Cornell-owned or occupied space.

Process copies of forms that have been sent to MLA.

Refer any immediate danger to health or safety on university-owned or occupied space to the Cornell Police.

Comply with all other procedures documented in this policy with regard to work-related accidents or injuries on university-owned or occupied space.

Local Human Resources (HR) Office

Along with the staff member's supervisor, inform the staff member of entitlements and obligations under the provisions of these programs.

Assist staff with determining eligibility for and applying for parental and family health leaves benefits.

Medical Leaves Administration (MLA): Disability Case Managers

Receive from staff members or supervisors reports regarding work-related accidents or injuries occurring on university-owned or occupied space, a copy of which goes to Environmental Health and Safety.

Assist staff and supervisors with the process of returning to work appropriately.

Advise staff on terms and procedures governing workplace and non-work-related injuries and illnesses.

Review and approve applications for leave, including review of medical provider documentation.

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RESPONSIBILITIES, continued

	As appropriate, after reviewing medical documentation, seek clarification from the medical provider or require staff member to submit to an independent medical examination.
Supervisors	<p>Along with the local HR representative, inform the staff member of his or her entitlements and obligations under the provisions of these programs.</p> <p>Advise local HR of any staff absences that may be eligible for benefits under this policy.</p> <p>Consult in a timely fashion with MLA to review staff member's eligibility, obtain appropriate forms, and/or understand specific leave management procedures.</p> <p>Continue to consult with MLA throughout the leave period to facilitate compliance with the provisions of the leave policy.</p> <p>Identify and maintain agreed-upon contact with staff member during the leave period.</p> <p>Refer any immediate danger to health or safety on university-owned or occupied space to the Cornell Police.</p> <p>Report ongoing or potential hazards on university-owned or occupied space to Environmental Health and Safety.</p> <p>Receive from staff and/or assist staff to file with MLA reports of work-related accidents or injuries occurring on university-owned or occupied space, and consult with Environmental Health and Safety.</p>
Third Party Administrators' (TPA) Claims Staff	Administer approved claims of injury or illness to comply with applicable law.

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PRINCIPLES

Overview

Medical leaves for nonacademic staff for their own health conditions includes three categories of leave:

1. New York and other states' Workers' Compensation ("workers' compensation").
2. Cornell short-term disability or New York State short-term disability.
3. Personal medical leave.

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

Eligibility

For each category of medical leave, the eligibility requirements differ.

For personal medical leave, all staff members are eligible (including temporary or casual) that 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.

For short-term disability, all staff members are eligible who have been working at Cornell for 28 calendar days or are employed within 28 calendar days with a covered employer, as per New York State law, and have been absent from work for at least one week.

For workers' compensation, all staff members working at Cornell (including temporary and casual) are eligible from the first day of their employment.

◆**Note:** In order to ensure that staff members are placed on the proper medical leave, staff members must provide Medical Leaves Administration (MLA) with accurate information about their health conditions and the need for the leaves. 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 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.

Uniform Provisions

Holding a Position

A staff member's position, or an equivalent, is held ("job hold") for a total of 26 weeks of leave (182 days) during any 12-month (52-week) period. The following

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PRINCIPLES, continued

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

◆(*)**Note:** This calculation will include any leave time taken as NY Paid Family Leave (NYPFL), extended bonding leave, family health leave, and military leaves (as defined in the Family Leaves section of this Time Away From Work policy), as well as personal medical leaves, short-term disability, and/or workers' compensation, including any partial days used under short-term disability or workers' compensation.

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

Benefits While on Leave

While a staff member is on an approved medical leave, benefit programs may be continued at the same cost as applies to active staff members. Pre-tax premiums will apply as long as the staff member receives a paycheck from university payroll during the leave. If any questions arise, staff members should contact Benefit Services before and 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), 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 Medical Leaves

To supplement existing benefits during the short-term disability and workers' compensation waiting periods, staff members must use accrued health and personal leave, with the exception of up to 10 days, which the staff member may elect to save. After using health and personal leave as indicated above, or if health and personal leave is exhausted, the staff member may elect to use vacation. After the short-term disability and workers' compensation waiting periods, and during any period of

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PRINCIPLES, continued

personal medical leave, staff members may elect to use either health and personal leave or vacation accruals.

◆**Note:** The supervisor may not deny the use of accrued leave, including vacation, under the above circumstances.

Holiday Pay While on Leave

Eligibility During Unpaid Leave: During unpaid medical leaves, 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 medical leave will receive holiday pay, and will not be required to use accrued time on that day.

Personal Medical Leave During Holidays

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

Coordination With the Family and Medical Leave Act

The 12-week leave entitlement under the Family and Medical Leaves Act (FMLA) will run concurrently with the use of medical leaves discussed in this policy, 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 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 a Medical Leave

Cornell University generally prohibits employees who are receiving medical leave benefits (which include personal medical leave, short-term disability, and workers' compensation) from working for any employer during their leave. Before any Cornell employee will be approved for such leave, he or she must disclose to Medical Leaves Administration 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.

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PRINCIPLES, continued

Worker's Compensation

Workers' compensation benefits are paid-for absences due to work-related injuries or illnesses. The New York State workers' compensation law covers Cornell staff members working in New York. Cornell staff members who regularly work in other state jurisdictions are covered by the state in which they work. For example, staff members at Cornell's Shoals Marine Laboratory are covered according to the laws of Maine, where that lab is located.

Reported injuries or illnesses must have a causal relationship to employment. Therefore, Third Party Administrators' (TPA) Claims Staff always review claims of injury or illness to determine whether there is a relationship to work at Cornell.

Leave Provisions

Regardless of their physical location of work, or the law which governs them, all Cornell regular, full-time and part-time, benefits-eligible staff members receive the same Cornell benefits when out of work due to a work-related injury or illness, namely:

1. Up to 13 weeks of full wage continuation.
2. Disability Case Management services.
3. Assistance in filing for long-term disability benefits, if appropriate.

After a waiting period of seven calendar days, benefits-eligible staff can receive up to 13 weeks of full wage continuation for work-related injuries or illnesses. The first seven calendar days of absence from work will be charged against accrued health and personal leave. See also, "Use of Accruals During Medical Leaves" of these principles. However, if the absence exceeds 14 calendar days, health and personal leave will be restored. If a staff member is still unable to return to work after 13 weeks, he or she will receive benefits as defined by the applicable jurisdictional law.

Workers' compensation benefits may continue as long as the staff member is unable to work due to a work-related injury, as determined by a health care provider. If the staff member cannot return to work after 26 weeks of absence, MLA will assist the staff member in applying for long-term disability benefits.

Short-Term Disability

Short-term disability benefits are paid-for absences due to non-work-related injuries or illnesses. Cornell's short-term disability plan has been approved by New York State.

Leave Provisions

The Cornell short-term disability plan provides half-pay for up to 26 weeks of disability to all full-time and part-time regular and benefits-eligible temporary staff

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PRINCIPLES, continued

members at the Ithaca campus and all other jurisdictions. Temporary staff members not eligible for Cornell benefits will receive a New York State mandated maximum benefit payment.

After 26 weeks of short-term disability benefits, regular full-time and part-time, benefits-eligible staff members at any Cornell location are also eligible to apply for long-term disability benefits.

◆**Note:** After the seven-calendar-day waiting period, staff may elect to supplement the half-pay benefit with health and personal leave or vacation. See also, "Use of Accruals During Medical Leaves" of these principles.

Personal Medical Leave

The medical condition of a staff member may not qualify for coverage under the existing Cornell workers' compensation or short-term disability plans in some situations. However, if the circumstances qualify under the FMLA, the staff member may qualify for unpaid, job-protected leave.

Leave Provisions

Eligible Cornell staff members may access benefits guaranteed by the FMLA and the 12 weeks of unpaid leave under the following circumstances:

1. A serious health condition prevents the staff member from completing the essential functions of his or her position; and
2. The health care provider qualifies under federal law.

Staff members who qualify medically may take up to 12 weeks of unpaid personal medical leave in a 12-month period.

Intermittent and/or Reduced Schedule Leave

With proper medical documentation, staff members may take leave in smaller increments. To reduce disruption to the department's operations and business needs, staff 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 the staff member 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 time away from work exceeds the frequency or duration noted by the medical provider on the certification forms.

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PROCEDURES

Receiving Medical Information

Staff members must send all medical information directly to Medical Leaves Administration (MLA). The [Health Insurance Portability and Accountability Act of 1996](#) (HIPPA) and the Americans with Disabilities Act (ADA) limits access to employee medical information, so Cornell requires that supervisors not request medical information or, if received, forward it to MLA.

Applying for Workers' Compensation Leave

A staff member may receive up to 13 weeks of full wage continuation when he or she becomes disabled due to a work-related injury or illness and is unable to work. After the initial 13 weeks off the job, benefits are paid according to schedules established by the Workers' Compensation Board.

When a staff member suffers a work-related accident or injury, he or she must inform his or her supervisor within 24 hours of the incident. The staff member also must file an accident report with MLA, a copy of which will go to Environmental Health and Safety. If the staff member is incapacitated, the supervisor, or appropriate department representative must file the report. The staff member must maintain contact with the supervisor and MLA during the workers' compensation leave period.

The treating health care provider(s) must file medical status reports with the NYS Workers' Compensation Board. MLA has access to and reviews these reports.

Before returning to work, the staff member must inform the supervisor or MLA case managers, and present to MLA or the local human resources (HR) representative a note from the treating health care provider(s) that states he or she is permitted to return to work.

Applying for Short-Term Disability Leave

Staff members receive up to 26 weeks of half-pay while on an approved short-term disability leave. The unit will hold staff positions, or an equivalent, for up to 26 weeks while a staff member is on approved short-term disability leave.

To request such leave, the staff member must notify his or her supervisor of the approximate leave dates, and submit to MLA or the local HR representative an attending health care provider's note verifying the start date and probable duration of the leave time needed. If possible, the staff member must give his or her supervisor advance notice of the intention to take the leave. The HR representative then must complete a sick leave report via an HR/Payroll system transaction, and then forward the medical note to MLA.

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PROCEDURES, continued

During short-term disability leave, the staff member must submit to MLA periodic medical status reports verifying his or her disability status. All medical information and records are maintained by MLA. Supervisors must not receive medical reports or updates.

The staff member will not be allowed to return to work in a limited or full-time capacity without medical clearance and review by MLA. When the staff member receives clearance from the treating health care provider(s) to return to work, he/she must submit in advance of returning to work a written notice from the health care provider to either MLA or the local HR representative.

Applying for Personal Medical Leave

A staff member may use personal medical leave when short-term disability and workers' compensation do not apply.

To request a personal medical leave, the staff member must notify his or her supervisor of the need for the leave, and complete the "Personal Medical Leave Request" form. 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.

Within two business days of becoming aware of the need for personal medical leave, the supervisor or HR representative should fax the completed "Personal Medical Leave" form to MLA.

If the staff member does not specifically request personal medical leave, it is the supervisor's responsibility, after consulting with the HR representative, to request that the staff member complete the "Personal Medical Leave" 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 "Personal Medical Leave" form from the supervisor or HR representative, MLA will confirm the employee's basic eligibility criteria, as described in "Uniform Provisions" of the principles section of this policy. If the employee does not meet the basic eligibility criteria, MLA will notify the employee and the supervisor or HR representative. If appropriate, MLA will send out a tentative approval and a "Health Care Provider Verification" form to the staff member for completion by the staff member and the treating health care provider. Upon receiving the completed "Health Care Provider Verification" form, MLA will notify the staff member and supervisor of the final decision.