

**SECTION SEVEN<sup>1</sup>**

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<sup>1</sup> Approved by the Executive Faculty Council on December 14, 1997, and the General Faculty Council on January 12, 1998, and updated by the Office of Faculty Affairs on January 1, 2005.

## INTRODUCTION

This section contains the Medical College's policies and procedures concerning leaves of absence and termination of appointment. Academic staff members with questions about these policies and procedures are welcome to contact the Office of Faculty Affairs [(212) 821-0737].

Employees of the Medical College are strongly encouraged to refer below to Section Nine, Benefits, and to consult with the Benefits Office [(212) 746-9001, option 2)] prior to leaving the paid staff of the Medical College. The recipients of extramural funding should also consult with the Office of Research and Sponsored Programs when considering a leave or termination of appointment [(646) 962-8290].

## **LEAVE OF ABSENCE**

### **I. Description**

A leave of absence is an approved period of absence from normal academic duties. The Medical College allows its academic staff members to take the following types of leave:

- Personal or Professional Leave of Absence
- Sabbatical Leave of Absence
- Disability and/or Family & Medical Leave of Absence

Based upon the reason for the leave request, the availability of leave may be discretionary on the part of the department or non-discretionary. Discretionary leaves of absence are generally for reasons based upon the academic staff member's professional or personal needs and opportunities, such as fellowships, government service, sabbaticals. Non-discretionary leaves are required by either law or WCMC policy and, in general, concern military service or either the employee's own illness or injury, an ill or injured family member, or the arrival of a newly born child, an adopted child or child placed with you for foster care. The needs of the Medical College's academic programs take precedence over the advantages to the individual when leaves are discretionary.

Depending on the situation, an academic staff member may continue to be paid on a full or reduced salaried basis, or may not be paid. The funds released by a leave of absence without salary revert to the Dean of the Medical College and may be used to cover the costs of replacing the faculty member on leave.

Leaves of absence granted to academic staff members on the professional staffs of affiliated institutions may be designated as with salary or without salary, in compliance with the policies and procedures of the affiliated institution.

### **II. General Provisions of a Leave of Absence**

**A. Benefits.** Employees of the Medical College on leaves of absence with either full or reduced salary continue to receive full fringe benefits. Employees of the Medical College on leaves of absence without salary are entitled to continue certain benefits depending on the type or reason for the leave and should contact the Benefits Office [(212) 746-9001, option 2] for specific details.

**B. Extramural Support.** When contemplating a leave of absence, academic staff members who are the recipients of extramural funding should consult with their program officer or

other appropriate representative of the funding agency. It is the individual's responsibility to comply with the agency's policies and procedures and to obtain any necessary approvals for the leave of absence and for reallocations of funds. Assistance is available from the Office of Research and Sponsored Programs [(646) 962-8290].

**C. Term of Appointment.** A leave of absence does not automatically extend the term of an academic appointment. Policies and procedures concerning terms of appointment may be found above in Section Two, as an item in the subsections on faculty appointments, and in Section Five, Terms of Appointment. When appropriate, there should be a written understanding between the department chairman and the faculty member, approved by the Dean, whether the time on leave will be counted towards the term in rank, and should be included with the documents submitted in support of the request for a leave of absence.

**D. Probationary Period for Tenure Review.** If the individual requesting the leave is eligible for tenure review, there should be a written understanding between the department chairman and the faculty member, approved by the Dean, whether the time on leave will be counted towards the probationary period for tenure review. This understanding should be included with the documentation submitted in support of the request for a leave of absence. (For further information, see above, Section Three, Probationary Period for Tenure Review.)

**E. Return to Position.** The guarantee to return an academic staff member to the same or equivalent position lasts a maximum of twelve weeks. If a leave lasts more than twelve weeks, the individual may request that his/her position be held for him/her, but there is no requirement that the Medical College agree to hold the position open for longer than the initial twelve weeks. If a leave lasts more than twelve weeks, the academic staff member must make arrangements with the chairman prior to departure about what position, if any, will be available upon return from the leave and how long the stated position will be available to the academic staff member going on leave. (See below, item III, B. and refer to the provisions of the Family and Medical Leave Act, in Section Nine)

**F. Time Accrued for a Sabbatical Leave of Absence.** Normally a leave of absence with or without salary does not count towards time accrued for a sabbatical leave of absence.

### **III. Application Process**

Authority for granting a leave of absence due to the employee's own health related issues or for family leave rests with the Department of Human Resources. For all other leaves the employee's department chairman has discretion to grant leaves of

up to seven (7) days. Authority for granting a leave of absence for up to two (2) weeks rests with the Dean of the Medical College upon the recommendation of the department chairman. Authority for granting a leave of absence for longer than two (2) weeks rests with the President of the University upon the recommendation of the department chairman and the approval of the Dean of the Medical College.

For leaves greater than seven (7) days and unrelated to the employee's health or family leave purposes, the following materials are required in support of a request for a leave of absence:

- A. Recommendation for Leave of Absence form.
- B. A detailed description of 1) the purpose and exact dates of the leave of absence; 2) the financial arrangements to be made, e.g., whether the leave is to be with or without salary, reallocation of the individual's extramural support during the leave, etc.; 3) the academic duties which will need to be covered while the individual is on leave; and 4) any prior arrangements concerning the individual's position upon return to the Medical College. This description may be in the form of a letter from the academic staff member to the department chairman. If applicable, it may also include a request for an extension of the probationary period for tenure review. Copies of all supporting materials, e.g., fellowship awards, contracts, acknowledgments from extramural funding agencies, etc., should be attached to the description.
- C. Letter of recommendation from the department chairman in support of the proposed leave of absence.

These materials should be forwarded to the Office of Faculty Affairs at least two (2) months prior to the anticipated leave of absence. Once the leave is authorized, the academic staff member and department chairman will receive notification of approval from the Office of Faculty Affairs. It is then the responsibility of the department chairman to submit the necessary forms to the Human Resources Department. No Personnel Action Form can be honored until the leave of absence has been authorized.

## **SABBATICAL LEAVE OF ABSENCE**

### **I. Description**

When a professor, associate professor or assistant professor has continuously served the University in one or more of such ranks for at least six years, or the equivalent thereof, the President of the University may grant him or her a sabbatical leave of absence for one year at half pay or for six months at full pay for the primary purpose of increasing the value of his or her further services to the University. Such leaves are for specific and usually continuous periods.

Because a sabbatical leave implies an individual's further service to the Medical College, it is not granted for the year prior to retirement or termination of an appointment. Only under the most exceptional circumstances may this rule be waived.

### **II. Calculating Service**

A sabbatical leave of absence may be granted to eligible faculty members after six years of full-time service, or the equivalent, at the Medical College. For example, a part-time salaried faculty member on a half-time appointment will be eligible for a sabbatical leave after twelve years.

Time spent on a leave of absence with or without salary does not count towards time accrued for a sabbatical leave of absence. The counting of service for the next sabbatical leave of absence begins with the end of the previous sabbatical leave.

### **III. Postponement of a Sabbatical Leave of Absence**

The responsibilities within each department should be distributed so as to permit every professor, associate professor, or assistant professor to have sabbatical leave when it comes due without overburdening the other department members. If, in the opinion of the department chairman and the Dean, the requested leave would seriously impair the discharge of the responsibilities of the department, or would impose financial hardship on the department, the faculty member may be required to postpone the sabbatical leave of absence for one year, with the year of postponement to be credited towards eligibility for the next sabbatical leave. In no case shall the period of service between two sabbatical leaves be reduced by more than eighteen (18) months because of such postponements. Such arrangements must be stipulated in writing and have the approval of the President of the University.

A faculty member eligible for a sabbatical leave of absence who is being considered for tenure may request the postponement of the leave. In such cases, the request for postponement for up to one year is automatically credited towards the subsequent sabbatical.

#### **IV. Provisions of a Sabbatical Leave of Absence**

##### **A. Salary and Benefits**

- 1) General Conditions. The financial support for a sabbatical leave of absence is drawn from the sabbatical fund in the Medical College's fringe benefit pool; these payments cover only base salary. Individuals receiving Medical College compensation other than base salary should consult their departments about continuation of compensation other than base salary during sabbatical leave.

If the individual's salary is normally derived partially or entirely from extramural sources, arrangements must be made about how and whether those funds from extramural sources can be expended during the leave.

Faculty members may not receive more salary from the University during sabbatical leave than they would ordinarily receive for full-time service.

While on sabbatical leave, the faculty member may receive remuneration from outside sources in addition to the compensation received from the Medical College. In no case, however, will a sabbatical leave be granted primarily in order to augment one's income.

Depending on the individual's source(s) of salary support, it may be feasible for the faculty member to request a six-month sabbatical leave of absence at full salary in conjunction with a six-month leave of absence with or without salary. Faculty members should carefully consider how the arrangement would affect income tax rates, benefits, extramural funding, etc.

A faculty member who is awarded a sabbatical leave has an obligation either to return to the University for at least a year after the leave or to return the salary and benefits paid by the University during the leave.

- 2) Six-Month Sabbatical Leave of Absence. Individuals on sabbatical leaves of absence for six months continue to receive their base salary and benefits. Within the academic appointment year, twenty four (24) days of vacation are allowed in addition to the leave.
- 3) Twelve-Month Sabbatical Leave of Absence. Individuals on sabbatical leaves of absence for twelve months receive half their base salary and their full medical, dental and business travel accident insurance benefits. They also remain eligible for the Cornell Children's Tuition Scholarship Program. Annual vacation time is used in a twelve-month sabbatical leave of absence.

Some benefits will be affected by the reduction in salary during the twelve-month leave. For example, the level of life insurance coverage will be recalculated on the basis of the individual's base salary received while on sabbatical leave of absence. The Medical College's contribution to the retirement plan will also decrease for the period of the sabbatical leave, though the percentage of salary contributed will remain consistent with the plan.

In order to know fully the possible ramifications of the decrease in salary while on a twelve-month sabbatical leave of absence, faculty members should review all coverages with the Benefits Office [(212) 746-9001, option 2].

**B. Extramural Support.** When contemplating a sabbatical leave of absence, academic staff members who are the recipients of extramural funding should consult with their program officer or other appropriate representative of the funding agency. It is the individual's responsibility to comply with the agency's policies and procedures and to obtain any necessary approvals for the sabbatical leave and for reallocations of salary support. Assistance is available from the Office of Research and Sponsored Programs [(646) 962-8290].

**C. Term of Appointment.** Sabbatical leaves of absence do not automatically extend the term of an academic appointment. Policies and procedures concerning terms of appointment may be found above in Section Two as an item in the subsections on faculty appointments and terms of appointment.

**D. Probationary Period for Tenure Review.** If the faculty member requesting the sabbatical leave of absence is eligible for tenure review, there should be a preliminary written understanding between the department chairman and the faculty

member whether the time on sabbatical leave will be counted towards the probationary period for tenure review. This understanding should be included with the documentation submitted in support of the request for a sabbatical leave of absence and requires the Dean's approval. (For further information, see above Section Three, Probationary Period for Tenure Review.)

**E. Adjustment of Time in Rank.** If a faculty member requesting a sabbatical leave wishes to request that the time in rank be tolled for the period of the leave and the chairman agrees, the faculty member should make such a request to the chairman. This request with the chairman's written approval should be included with the documents submitted in support of the request for a sabbatical leave of absence and requires the Dean's approval.

**F. Privileges.** The status of the faculty member while on sabbatical leave shall not exclude such member from the privilege of continuing to serve on any faculty committee when so requested by the committee or from performing an ongoing administrative assignment, nor preclude such member from exercising the right to vote at a meeting of the faculty, nor prevent the normal use of library.

**V. Application Process.**

Authority for granting a sabbatical leave of absence rests with the President of the University upon the recommendation of the department chairman and the approval of the Dean of the Medical College. The following materials are required in support of the recommendation:

**A.** A detailed description of 1) the faculty member's proposed activities and their benefit to the individual's professional development and to the Medical College; 2) the exact dates of the sabbatical leave, specifying whether it is six months at full salary or twelve months at half salary; 3) arrangements for the reallocation of the individual's extramural support during the leave; and 4) the academic duties which will need to be covered while the individual is on leave. This description may be in the form of a letter from the faculty member to the department chairman. If applicable, it may also include a request for an extension of the term in rank or of the probationary period for tenure review. Copies of all supporting materials, e.g., fellowship awards, contracts, acknowledgments from extramural funding agencies, etc., should be attached to the description.

**B.** Letter of recommendation from the department chairman

in support of the proposed sabbatical leave of absence.  
(This may be the faculty member's letter countersigned  
by the department chairman.)

These materials must be forwarded to the Office of Faculty Affairs at least one (1) year preceding the time during which the sabbatical leave is requested.<sup>2</sup>

Once the leave is authorized, the faculty member and department chairman will receive notification of approval from the Office of Faculty Affairs. It is then the responsibility of the department chairman to submit the necessary forms to the Human Resources Department. No payroll authorization can be honored until the sabbatical leave of absence has been authorized. A permanent record of all applications and actions thereon shall be kept in the Office of Faculty Affairs.

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<sup>2</sup> Approved by the Executive Faculty Council on June 17, 1975 (Minutes, pp. 7333-7334).

## DISABILITY LEAVE AND FAMILY AND MEDICAL LEAVE POLICY

### I. Family and Medical Leave<sup>3</sup>

In accordance with the provisions of federal law, Family and Medical Leave (FMLA) is provided to employees when certain qualifying events, as outlined below, occur in the employee's life. Under this policy, employees are eligible for up to twelve weeks of non-discretionary, job-protected leave within a 52-week period. The leave is unpaid except to the extent that it is covered by the Medical College's salary continuance policy for academic employees.

**A. Eligibility.** In order to qualify for FMLA, an employee must have worked for WCMC for at least one year and worked at least 1250 hours during the 52-week period prior to the date FMLA is requested (hours worked do not include time previously spent on paid or unpaid leave, vacation time or sick time). Employees who do not meet the above criteria are entitled to leave in accordance with Medical College's salary continuance policy for academic employees with less than one year of service.

**B. Qualifying Events.** An employee is eligible for FMLA in the case of any of the following life events:

- The birth or adoption of a child or for the care of that child immediately following birth or adoption;
- The placement of a child with the employee for foster care, and to care for the newly placed child;
- To care for a spouse, domestic partner, child, or parent with a serious health condition;
- To seek treatment for an employee's own serious health condition.

**C. Serious Health Condition.** A serious health condition is generally defined as an illness, injury, impairment, or a physical or mental condition, resulting in:

- In-patient care in a health care facility;
- An absence of more than three consecutive days that requires multiple treatments by a Health Care Provider;

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<sup>3</sup> Effective August 5, 1993, this policy applies to academic and non-academic staff. Some phrases defined elsewhere in either the Academic Staff Handbook or the Employee Handbook apply to academic employees and not to non-academic employees and visa versa. For further clarification consult the Office of Human Resources.

- A chronic condition that requires periodic treatments from a HealthCare Provider over an extended period of time.
- A permanent or long-term condition that requires medical supervision, but not necessarily treatment.
- A condition that requires treatment from a Health Care Provider that would likely result in a period of incapacity of more than three consecutive days in the absence of medical intervention or treatment.
- Any period of incapacity due to a pregnancy or for prenatal care.

**D. Limitations on Leave for Birth, Adoption or Placement of Foster Care.** Leaves due to the birth, adoption or the foster placement of a child with the employee, must be completed within twelve months of the birth, adoption or placement. The leave must also be taken at one time rather than intermittently or by using a reduced work schedule. Parents who are both employed by WCMC are limited to one combined twelve-week leave for each birth, adoption or placement.

**E. Intermittent or Reduced Work Schedule.** When medically necessary, as evidenced by a medical certification, the employee may take intermittent leave or reduce his/her work schedule. Under these circumstances, an employee should try to schedule the leave so as not to disrupt WCMC operations. WCMC may temporarily assign an employee on intermittent or reduced leave to an alternative position with equivalent pay and benefits.

**F. Serious Health Conditions and Salary Continuance<sup>3</sup>.** All salaried academic staff members of the Medical College are entitled to salary continuance for up to three months while seeking treatment or care for their own serious health condition. Academic employees are paid according to the following schedule:

- All academic employees with less than one year of service and all paid Postdoctoral Associates and Fellows are paid 50% of their salary while unable to work due to a serious health condition.
- Academic employees with one year or more of service will be paid 100% of their salary while unable to work due to a serious health condition.

Provided the appropriate process is followed as outlined below, salary continuance for a serious health condition will be granted for up to an initial three-month period. In cases where

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<sup>3</sup>Amended and approved by the Executive Faculty Council October 11, 2012, the General Faculty Council November 12, 2012, the Board of Overseers November 14, 2012 and the Board of Trustees December 6, 2012.

the academic employee has not sufficiently recovered from his/her serious health condition preventing the employee from returning to work within the initial three month period, the Dean of the Medical College may upon request of the employee's department chairman extend the salary continuance for up to an additional three months.

**G. Parental Leave and Salary Continuance**<sup>4</sup>. A faculty member who is the primary parent is eligible for parental leave and salary continuance for six (6) weeks upon:

- the birth or adoption of a child or for the care of that child immediately following birth or adoption; and
- the placement of a child with the faculty member for foster care, and to care for the newly placed child.

Parental leave does not modify a faculty member's rights under the Family and Medical Leave Act or to salary continuance in the event of a serious health condition. A department will apply the same standard for determining compensation during salary continuance for parental leave as for leave for a serious health condition. Parental leave is subject to the limitations set forth in Section D (p. 7.12).

**H. Job Protection**. FMLA may be taken for a maximum of twelve weeks in a 52-week period. If the employee returns to work within the twelve-week leave period, he/she will be returned to the same or an equivalent position to the one that was held prior to the leave. An equivalent position will provide equivalent pay and benefits. Under the law, the Medical College may choose to exempt key employees from this provision and not return them to the same or equivalent position. Key employees are salaried employees otherwise eligible under the act who are among the highest paid 10% of Medical College employees.

Any personnel actions, including notifications, taken prior to an FMLA leave remain in effect and may affect the terms of the leave and reinstatement. Terminations and layoffs during leave, which would have occurred even if employees had been at work, may occur and will affect the terms of leave and reinstatement. Human Resources should be contacted in these instances.

**I. Benefit Protection**. Participation in all applicable employee benefit plans will continue as long as the employee is on FMLA leave or receiving salary continuance from the Medical College. During unpaid FMLA, the employee will remain eligible for health and dental coverages and for the health reimbursement

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<sup>4</sup>Approved by the Executive Faculty Council October 11, 2012, the General Faculty Council November 12, 2012, the Board of Overseers November 14, 2012 and the Board of Trustees December 6, 2012.

account. Employee contributions for coverages while on FMLA will be the same as those required of active employees.

Benefits participation will be discontinued at the end of an FMLA leave if an employee does not return to work except in the case where an academic employee's salary continuance has been extended by the Dean of the Medical College. In such case, benefits may be extended to up to twenty-six weeks. Following FMLA leave or upon the expiration of salary continuance, an employee who does not return to work is eligible to continue health and dental group coverage pursuant to the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA). More information on COBRA benefits may be obtained from the Benefits Office of the Human Resources Department.

If an employee elects not to return to work at the end of FMLA, WCMC may request the reimbursement of the College's costs for health and dental coverage provided during unpaid leave unless the employee cannot return because of a serious health condition or other circumstances beyond his/her control.

## **II. Application Process and Employee Obligations**

**A. Notice.** An employee must provide at least thirty days advance notice to his/her department chair and division chief when the need for FMLA is foreseeable. If it is not foreseeable, notice must be given as soon as the need for leave is known, even if the exact date(s) is not yet known. A leave may not be granted on the date requested if notice is not provided as required and the employee may be required to wait thirty days before commencing his or her leave.

**B. Request Form.** An employee may request FMLA by completing the Request for Family and Medical Leave Form, which must be submitted to the division chief and department chairman for acknowledgment before submission to the Employee Relations Office of the Human Resources Department for approval. A notice of approval (or disapproval) of the leave will be communicated to the employee, in writing, by a representative of the Human Resources Department. A copy of the notice will also be transmitted to the employee's department. A notice of approval will describe the obligations of the employee and consequences of failure to meet those obligations.

**C. Medical Certification.** When possible, an employee must provide, at the time leave is requested, medical certification to support a request for FMLA for a serious health condition of a family member or of the employee. In the case of an unforeseen leave, the employee must provide medical certification within fifteen calendar days of the request for leave. Medical certification is documented on the Family and Medical Leave Certification Form, which must be submitted to the Employee

Relations Office upon completion. Failure to submit adequate medical certification may result in disallowance of the FMLA.

**D. Medical Recertification.** If an employee is on FMLA due to a serious health condition sustained by him/herself or by a family member, recertification of medical condition must be provided at thirty-day intervals. An employee is also required to report periodically to his/her department regarding his/her medical condition (or that of the family member) and his/her intent to return to work.

**E. Date Verification.** An employee must provide verification of the birth date of a child if FMLA leave is taken for the birth and care of that child. Verification of a placement date must be provided if FMLA leave is taken for adoption or foster care.

**F. Health Insurance Premiums.** An employee on unpaid FMLA must arrange for direct payment of health and/or dental premium contributions with the Benefits Office of the Human Resources Department [(212) 746-9001, option 2]. If payment is not received, the employee's premiums will be in arrears and will be taken from employees payroll check after employee returns from leave.

**G. Return to Work.** If FMLA is taken by an employee for a serious health condition, prior to returning to work, the employee must submit to the Office of Employee Relations of the Human Resources Department, a statement from the employee's Health Care Provider indicating that the employee is able and fit to return to work.

**H. Adherence to Policy.** An employee has an obligation to adhere to the terms and conditions of the law as implemented by this policy. Failure to comply with this policy may result in termination of the leave, and/or corrective action being taken, which may include termination of employment.

**APPOINTMENT OF INDIVIDUALS UNDER THE FEDERAL INTERGOVERNMENTAL  
PERSONNEL ACT**

The 1970 Intergovernmental Personnel Act allows the appointment of individuals who are employed by Cornell to positions in a variety of federal agencies on a temporary basis, usually for one or two years. These individuals continue to be Cornell employees, but the federal government compensates the University for any salary and benefits expended. Cornell must agree to return such individuals to their previous status at the end of the appointment. Employees of federal agencies may come to Cornell under the same program.

The Act was established for the mutual benefit of educational institutions and the federal agencies. Those on leave gain valuable experience that they bring back to their home institutions, while the agencies have the benefit of new approaches and insights in their areas of responsibilities.

The Act is not for the purpose of affording individuals new job or career opportunities. Accordingly, it is Cornell policy not to make such arrangements for those who have student or postdoctoral associate status. Using the same criteria, research associates are eligible only if it is envisioned that their continuing careers are to be at Cornell. If a research associate is paid by a federal contract, there is also the problem of stability of funding and the guarantee of a position on the return of the individual. Since these individuals retain their appointments and will continue to be paid by the Medical College, it is necessary to submit the materials required for a leave of absence with salary. (See above subsection on Leaves of Absence, item III Application Process.) The approval of the department chairman and the Dean is required since there must be a guarantee of employment when the individual returns to Cornell.

For the purposes of computing credit toward sabbatical leave, such leaves are considered as leaves of absence.

Agreements with the federal agencies involved are signed by the Senior Associate Dean (Research). The Senior Associate Dean should be consulted when such arrangements are contemplated.

## MILITARY LEAVE OF ABSENCE POLICY

The following policy will be used for Medical College employees who are activated into military service. (See subsection VII below for the policy on military reserve training.) While applicable laws are explained briefly below, the actual statutes and regulations should be consulted for detailed information. Assistance and additional information also may be obtained from other offices.

### I. Employment Status

All salaried academic staff members called to active duty will be placed on a military leave of absence. To effectuate this leave of absence, a Request for Military Leave of Absence form should be completed and submitted to the employee's supervisor with the following information:

- The initial date of active duty.
- The last day of work prior to departure for active duty.
- The anticipated date of return to work, if known.

A copy of the academic staff member's military orders should be submitted along with a completed Request for Military Leave of Absence form to the academic staff member's chairman for forwarding to the Human Resources Department for processing.

When the request form is processed, the academic staff member will be placed on an indefinite military leave of absence, not to exceed the time limits provided for in applicable military leave statutes.

For those in probationary tenure status, an open-ended military leave can stop the tenure clock; the department chairman and the Dean, in consultation with the candidate, should formally request revision of the tenure review timetable on a case-by-case basis.

### II. Military Leave Time

An academic staff member on a military leave of absence will receive one month of regular pay. Following the paid portion of the leave, the military leave of absence will be without pay. Academic staff members may wish to extend the paid portion of the military leave by using any accrued vacation as described in section IV. I. below.

### **III. Return-to-Work Rights**

An academic staff member returning from an approved military leave of absence will be returned to work in accordance with the Veteran's Reemployment Rights Act, Chapter 43, U. S. Code Title 38 and the Uniformed Service Employment and Reemployment Rights Act (USERRA) of 1994. Generally, under these statutes, application for reemployment must be made in a timely manner following the date of (i) release from active duty or separation from service, or (ii) release from hospitalization or convalescent care due to service-related injuries (provided the recovery period does not exceed two years). The time period in which a person must make application or report for reemployment is tied to the length of intervening uniformed service as follows:

**A.** uniformed service of less than 31 days - application must be made not later than the beginning of the first full regular scheduled work period of service that starts at least eight hours after the person has been transported home from the place of uniformed service;

**B.** uniformed service of more than 30 days but less than 181 days - application must be made not later than 14 days after completion of uniformed service; or

**C.** uniformed service of more than 180 days - application must be made not later than 90 days after the completion of uniformed service.

If the above deadlines are impossible or unreasonable for the person to meet through no fault of his/her own, the application must be submitted on the next calendar day when submission is possible.

In all cases, the returning academic staff member must at the time of reemployment be qualified for the position held prior to the military leave of absence or meet such qualifications following refresher training by the Medical College to upgrade the person's skills.

The returning academic staff member will be reinstated in all benefits programs in which he/she participated prior to leave. In addition, the person will be entitled to participate in any benefits programs for which he/she would have become eligible had military leave not occurred. Calculations of length of medical college service used in benefits plans to determine eligibility or level of benefits will include periods of uniformed service.

#### **IV. Benefits For Activated Employees and Dependents**

**A. Health and Dental Care.** According to current information provided by the Federal Government, an academic staff member ordered to active duty for more than 30 days is automatically covered by the military health and dental plan immediately upon reporting to duty. Dependents may also be enrolled in a health plan (CHAMPUS) if the academic staff member is called for more than 30 days. Dental insurance is not available for dependents under the CHAMPUS plan. The terms and coverages of the military health and dental plan are determined by the Federal Government and may be subject to change. The exact terms of coverage should be verified with the appropriate military officials.

Academic staff members on active duty can continue coverage under the Medical College group health and dental plans for up to a maximum of 18 months beginning on the day uniformed service commenced. Dependents, if any, can also continue coverage under the Medical College group health and dental plans if they remain otherwise eligible. Premiums for employee and dependent coverage will be the same as that required of active employees.

**B. Flex Benefits.** Once unpaid military leave begins, participation in the Flexible Benefits Plan terminates until the academic staff member returns to work. Claims for dependent care coverage and health care coverage may be submitted on any unused balance in the academic staff member's flex benefits account if incurred prior to the expiration of the paid portion of the military leave. All such claims may be submitted through June 30 of the following year.

**C. Life Insurance.** Basic life insurance coverage will continue until the end of the twelfth month after unpaid portion of the military leave begins.

Participants in the supplemental life insurance plan may continue their coverage for up to 12 months after unpaid military leave begins by paying the required premiums. Should the participant remain on unpaid military leave for longer than 12 months, he or she may be eligible to convert this coverage. Information on this conversion will be provided at that time.

The current provisions of the life insurance policy may, under circumstances described in the policy, cover war-related fatalities.

**D. Accidental Death & Dismemberment Insurance.** An academic staff member may elect to continue accidental death and dismemberment coverage by paying the full premium for up to 12 months while on unpaid military leave. Academic staff members should be advised, however, that this policy will not pay benefits for any injury or death that results from a military

conflict.

**E. Disability Programs.** Coverage under the long-term disability plans and salary continuation would only apply in the event of a disability after being called, but before reporting for duty. New York State law provides that short-term disability coverage will extend for 31 days after the leave begins and before active duty commences.

While on active duty, long-term disability coverage from the Medical College ceases. Conversion privileges exist under this plan, but it should be noted that a disability caused by war or an act of war is not covered under the policy.

Workers' Compensation ceases while the person is no longer actively working.

**F. Cornell Children's Tuition Scholarship (CTS).** CTS eligibility attained by an academic staff member before the military leave of absence began will continue during the leave period and will remain in effect so long as the eligible student remains in compliance with the plan's rules and regulations.

Subject to approvals of the Medical College Plan Administration Committee, the Board of Overseers and Cornell Trustees, the time of an academic staff member's military leave will be counted toward length of service eligibility for participation in the CTS plan. Thus, an academic staff member who did not attain eligibility prior to military leave may become eligible during the leave so that CTS benefits are available to his or her children.

**G. Employee Assistance Program (EAP).** The family of an academic staff member on military leave may continue to use the employee assistance program while the academic staff member remains on military leave.

**H. Payroll Deductions.** Any payroll deductions such as supplemental life insurance, long-term disability, automobile insurance, etc., will cease with the last paycheck received.

**I. Unused Vacation.** An academic staff member may elect to be paid any accrued but unused vacation time either in a lump sum or on a biweekly basis. In addition, an election may be made to extend the paid portion of military leave by using accrued vacation time. A third alternative available is an election to save unused vacation time until the academic staff member returns to work from military leave. If this latter alternative is elected, the unused vacation time will be reinstated to the academic staff member upon return from a military leave of absence. (See below, Section Nine, Benefits, subsection on vacation.)

**J. Retirement Plan Participation for Academic Staff Members.** No retirement contributions will be made while an individual is on an unpaid military leave of absence. Contributions will resume when the academic staff member returns to work and is back on regular payroll. Contributions will also be made following the employee's return to work for the period in which the military leave occurred. Retroactive contributions will be based on the rate of base pay the employee would have earned but for the military service. Interest and dividends will not be credited to such contributions on a retroactive basis.

**K. Retroactive Employee Contributions to the Tax-Deferred Annuity Plan.** Employees returning from military leave may make retroactive contributions to the Tax Deferred Annuity Plan for the period they were on leave. The make-up contributions must be made during a period which is the lesser of three times the period of military leave or five years. Upon request, the Benefits Office will calculate the amount of retroactive contributions which the employee will be able to make.

**V. Filling Vacancies Created by Academic Staff Members Called to Duty**

A department may fill a position vacated by an academic staff member on a military leave of absence. Such a position may be filled with either regular or temporary employees, with the understanding that the academic staff member on military leave will have reemployment rights in accordance with the Veteran's Reemployment Rights Act.

An offer letter to an individual hired to fill a vacancy created by someone on military leave should include a provision informing the newly hired employee that the position was vacated by an academic staff member on a military leave of absence and that this position may be refilled by the academic staff member on military leave when he or she returns to work. Assistance in drafting such a letter may be obtained from the Office of Faculty Affairs.

**VI. Return-to-Work Procedures**

An academic staff member returning from military leave should first contact the chairman of the department to which he or she is returning.

**VII. Military Reserve Training**

A salaried full-time or part-time academic staff member who is required to participate in two weeks annual training as part of a military reserve program will be paid the difference between regular base salary and the pay received for the reserve training. Time off for such training is not considered vacation time.

## **JURY DUTY/COURT APPEARANCES**

Academic staff members continue to receive Cornell salary when summoned or subsequently impaneled for jury duty or when appearing in court pursuant to a subpoenae as a witness on Medical College business. The Dean will determine on a case-by-case basis whether Cornell salary will continue for those appearing in court on their own behalf or not on Medical College business. In any case, the academic staff member should notify the department chairman of the anticipated duration of absence so that the employee's academic responsibilities can be met by other department members.

When questions arise about jury duty, academic staff members may consult the Office of University Counsel [(212) 746-0463].

## DEATH IN THE FAMILY

A salaried academic staff member may be excused with pay for up to three days absence due to a death in the family. (Family, for these purposes, includes parent, spouse's parent, husband, wife, daughter, son, sister, brother, son-in-law, daughter-in-law, live-in member or other close relative of the household.)

When it becomes necessary for an academic staff member to be absent from campus for a longer period due to a death, the department chairman should be notified and, if necessary, the chairman will consult the Dean to ensure that the employee's academic obligations are met during the absence. Absences for an extended period should be handled as Leaves of Absence, (see first subsection of this Section Seven).

Individuals needing time off to attend funeral observances for relatives not designated above would need to take a vacation day or day without pay for these purposes.

Additional time off will not be granted if a death in the family occurs while the employee is on vacation, disability leave or other absence.

## TERMINATION OF APPOINTMENT

### I. Introduction.

Many circumstances may necessitate the termination of an appointment on the Medical College's academic staff. The termination may be effective at the end of the appointment or earlier, in special cases. For example, a department may decide not to renew a term appointment that is due to expire on a previously agreed upon date. Or, an academic staff member may elect to retire from professional activities at the Medical College as of a particular date. Although a brief description of termination policies is given below, reference should be made to Sections Two, Three and Five. (Dismissals are discussed in a separate subsection below.)

The Office of Faculty Affairs is available as a resource to academic staff members and departmental administrators whenever a termination is under consideration. [(212) 821-0737]

### II. Types of Appointments

At the Medical College, all academic appointments can be divided into three categories: term appointments, renewable appointments and tenure appointments. The criteria and procedures for appointment are described in Sections Two and Five above. This section focuses on how termination differs for these types of appointment.

### III. Termination of Appointment By the Medical College

#### A. Termination Related to Term of Appointment

- 1) Term Appointments. Term appointments to the academic staff have a definite time period and without further action will end on the date specified. (See above Section Two, Letter of Appointment, and Section Five, Letter of Appointment.)

Renewal of term appointments is not a matter of right and is not automatic. Renewal depends on satisfactory performance, the availability of funds and space, or the continuation of the particular program. Receipt of extramural support for salary or research through grants, contracts or other mechanisms in no way commits the institution to retaining an individual on the academic staff beyond the end of a term appointment. In accordance with the Bylaws of the University, such appointments cease at the

expiration of the stated term, subject to notification requirements for full-time and paid part-time academic staff members employed by the Medical College.

- 2) Renewable Appointments are made with the prospect of renewal at the end of the term. If the appointment will not be renewed, the academic staff member is in effect given a term appointment upon receiving a written notification of non-renewal. Copies of all notifications of non-renewal should be forwarded to the Office of Faculty Affairs.

Academic staff members employed by the Medical College who are 1) in the first twenty-four (24) months of appointment on the paid full-time academic staff, or 2) members of the regular part-time academic staff, are entitled to six (6) months' notice of non-renewal. Individuals who have been on the paid full-time academic staff more than twenty-four (24) months are entitled to twelve (12) months' notice of non-renewal of the appointment.

The time spent holding certain non-faculty, academic appointments, e.g., Fellow, Postdoctoral Associate, etc., is not included when calculating how long an individual has been on the academic staff. Most often, such non-faculty, academic appointments are made for specified periods and are considered term appointments. (See above Section Five, Terms of Appointment.)

Associate professors without tenure and professors without tenure who have been reviewed for tenure and have not been granted tenure are entitled to twelve (12) months' notice of non-renewal from the time that the decision is made not to grant tenure, so that the total period includes at least one full academic year.

Even though advance notification is not required in the case of non-renewals of appointments which are less than regular (50%) part-time salaried or are held by individuals on the professional staffs of affiliated institutions, such individuals should be given sufficient notification of termination of appointment. Unless a letter of resignation has been received, the faculty member should receive written confirmation of his/her termination.

- 3) Tenure Appointments. There are no terminations related to term for tenure appointments.

**B. Termination Unrelated to Term.** In certain instances, an appointment may be terminated by the Medical College prior to the expected date. (Dismissals are discussed in a separate subsection below.)

- 1) Appointments Supported Primarily by Extramural Research Funding.<sup>5</sup> In the event that a faculty member holding an appointment as Associate Professor or Professor on the Pathway Recognizing Academic Achievement and Scholarship whose Area of Excellence is Investigation, (without tenure), or on the Pathway Recognizing Excellence in Scientific Investigation, loses extramural funding during the term of the appointment, the Medical College or the affiliated institution, if appropriate, shall extend salary support, at an amount agreed upon by the department chairman and the Dean, for a grace period of twelve (12) months or for the remainder of the term of the appointment, whichever ends sooner. If the faculty member fails to secure funding during that period, his or her faculty appointment shall terminate at the conclusion of that period.

In such cases, the details of this arrangement should be stipulated in writing between the department chairman and the faculty member. A copy of the letter should be forwarded to the Office of Faculty Affairs.

- 2) Appointment with Tenure. Medical College policies concerning the termination of an appointment with tenure may be found in Section Three, Termination of an Appointment with Tenure.
- 3) Appointment which is less than Regular Part-time Salaried. While the Medical College endeavors to give sufficient advance notification of termination to individuals holding appointments which are less than regular (50%) part-time salaried, such appointments may be terminated at the discretion of the Medical College.
- 4) Appointment of an Academic Staff Member on the Professional Staff of an Affiliated Institution. The appointment of a qualified individual on the staff of an affiliated institution is contingent

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<sup>5</sup> Approved by the Executive Faculty Council December 18, 2014; the General Faculty Council, December 15, 2015; the Board of Overseers, February 11, 2015, and the Board of Trustees, March 26, 2015.

upon 1) the continuation of the appointment at the affiliated institution; and 2) the continuation of the Affiliation Agreement between Cornell University and that institution. Should either condition cease to be in effect, the academic staff member's appointment at the Medical College will end coterminously. Notice should be sent to the faculty member confirming the termination of his or her appointment.

#### **IV. Termination by the Individual**

**A. Resignation.** Academic staff members are entitled to resign their appointments voluntarily. So that the programs of the Medical College may continue to function optimally, the academic staff member should notify the department chairman of the intended resignation as far in advance as feasible. Resignations are most often effective at the end of the academic year, i.e., June 30th. Any accrued vacation time should be taken before the effective date of the resignation.

In some cases, academic staff members may have obligations to or benefits from the Medical College that survive the end of employment. If the resignation (or retirement) is for medical reasons that prevent the employee from satisfactorily performing the duties of the position, the employee may be eligible for some benefits under the various Cornell plans. The recipients of extramural funding should consult with their program officer or other appropriate representative of the funding agency. Assistance in the orderly transfer of extramural funds is available from the Office of Research and Sponsored Programs [(212) 821-0476]. There may be obligations related to clinical practice that must be completed after the date of resignation.

To insure a smooth transition employees of the Medical College should consult with the Benefits Office [(212) 746-9001, option 2].

**B. Retirement.** In compliance with current federal and state regulations, there is no mandatory retirement age for academic staff members at the Medical College.

Any accrued vacation time should be taken before the effective date of retirement.

Individuals who retire at any age may be requested to continue some service to the Medical College upon such terms and conditions as may be agreed upon between the retiree and the Medical College.<sup>4</sup> In certain cases, the department chairman may recommend that the faculty member be granted emeritus status.

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<sup>4</sup> As approved by the Executive Committee of the Board of Trustees, December 7, 1982 (Minutes, p. 11. 171-172).

(See above Section Two, Appointment of Professors Emeriti.)

While retirement as an emeritus professor does not automatically confer coverage under the University's Indemnification Policy, emeritus professors may be so covered if they are performing paid or unpaid services for the University at the written authorization of the Dean.

The recipients of extramural funding should consult with their program officer or other appropriate representative of the funding agency. Assistance in the orderly disposition of extramural funds is available from the Office of Research and Sponsored Programs [(212) 821-0476].

Individuals with clinical practices should make appropriate arrangements with their departments.

To insure a smooth transition, prior to retirement, employees leaving the Medical College should consult with the Benefits Office [(212)746-9001, option 2].

#### **V. Procedures for Recording a Termination of Appointment**

There are two ways of recording a termination of appointment with the Office of Faculty Affairs. The appropriate procedure to use depends on the effective date of the termination (i.e., during the academic year or at the end of the academic year [June 30<sup>th</sup>]); the reason for the termination; and the nature of the individual's appointment. In the case of salaried members of the academic staff, the department must submit the Personnel Action Form to the Human Resources Department as soon as the termination date is known.

**A. Termination Effective during the Academic Year.** Most academic appointments will terminate effective June 30<sup>th</sup>. However, due to resignations, retirements or other causes, it may be necessary to terminate an appointment during the academic year.

To record such terminations, the department must submit in a timely manner a Recommendation for Termination of Appointment form along with any documentation, e.g., a copy of the individual's letter of resignation or the department's notification letter. Supporting documentation is not required in the following cases, but the reason for termination should be noted on the form under "Comments regarding recommendation":

- 1) Completion of training/project at the expiration of a term appointment (in the cases of Assistants, Clinical Associates, Senior Clinical Associates, Postdoctoral Associates, Fellows, Adjunct, Visiting, and Courtesy academic staff);

- 2) Academic staff whose Letters of Appointment (or reappointment) stated that the appointment was terminal, i.e., not renewable, as of the specific date of termination; and
- 3) Termination due to death or illness.

**B. Termination Effective on June 30th.** It is not necessary to submit a separate Recommendation for Termination of Appointment form for each academic staff member whose appointment is to be terminated as of June 30th. Such individuals should be listed on the Not to be Reappointed List submitted annually to the Office of Faculty Affairs, along with any documentation, e.g., the individual's letter of resignation or the department's notification of termination. Such documentation is not required in the following cases but the reason for termination should be noted under "Reason for Termination":

- 1) Completion of training/project at the expiration of a term appointment on June 30th (in the cases of Assistants, Clinical Associates, Senior Clinical Associates, Postdoctoral Associates, Fellows, Adjuncts, Visiting, and Courtesy academic staff); and
- 2) Academic staff whose Letters of Appointment (or reappointment) stated that the appointment was terminal, i.e., not renewable, as of June 30th.

## DISMISSAL

To protect academic freedom, the Medical College's guidelines protect academic staff members against arbitrary terminations of appointment. Under certain circumstances, however, the University has reserved the right to dismiss academic staff members. Such circumstances include dismissal for just cause, bona fide reduction or elimination of educational programs, divisions, or departments, and bona fide financial exigency within the Medical College. Situations which might lead to dismissal proceedings against an academic employee of the Medical College should be brought immediately to the attention of the Office of Faculty Affairs [(212) 821-0737].

A member of the staff of instruction and research may be dismissed by the Board of Trustees in accordance with Article XVI, section 10, of the University's Bylaws as follows:

The Board shall have the right to dismiss and terminate the appointment of any member of the staff of instruction and research for failure to perform the duties required of the position which he holds or for such personal misfeasance or nonfeasance as shall make him unfit to participate in the relationship of teacher and student. Such dismissal shall be effected through such procedures as the Board may adopt. Such procedures shall provide for reasonable notice and an opportunity to be heard.

The following dismissal procedure has been adopted by the Board of Trustees and University Faculty in the case of faculty members:

The University reserves the right to dismiss and discontinue the appointment of any member of its faculties, on reasonable notice and after giving such member an opportunity to be heard, for failure to perform the duties required of the position which he holds or for such personal misfeasance or nonfeasance as makes him unfit to participate in the relationship of teacher to student.

In the case of a University professor, professor, associate professor, or assistant professor the following procedure shall be adopted:

**A.** When a complaint from any source is made against a University professor, a professor, an associate professor, or an assistant professor which might lead to his/her dismissal, the Dean of the Medical College or, in the case of a University Professor the Dean of the University Faculty, shall inform the faculty member of the complaint against him/her, investigate the case, and if the faculty member is willing, consult with him

regarding it. The Dean shall thereafter report to the President the results of the investigation together with his recommendations. The President shall cause the faculty member to be furnished with a written and detailed statement of the charges against him if, after receiving the Dean's report and making such independent investigation as may seem appropriate to the President, it is the opinion of the President that further proceedings are warranted.

**B.** If the faculty member desires a hearing, a request for hearing shall be submitted in writing within thirty days of the receipt of the written charges to the President. The faculty member shall then be entitled to a hearing before a board appointed by the President and consisting of five members of the University Faculty, of whom two shall be selected by the faculty member, two by the President and the fifth by the other four.

**C.** At such hearing the faculty member shall be entitled to be accompanied by an advisor or counsel of his own choice, to present witnesses in his own behalf and to confront and question the witnesses against him. If the faculty member so requests before or at the opening of the hearing, he shall after its conclusion be furnished, without cost, a full report of the proceedings before the board, including the testimony taken, the evidence received, and the board's findings and recommendations. The board shall submit to the President a report of its findings and recommendations and this report shall be appended by the President to any recommendations he may make to the Board of Trustees in regard to the case.

**D.** The faculty member shall be free to resign at any time within thirty days of receipt of the written charges against him; but if he has neither requested a hearing nor resigned within such thirty days, the Board of Trustees shall be free to dismiss him without further notice or hearing.

APPENDIX I

RECOMMENDATION FOR LEAVE OF ABSENCE FORM  
Weill Cornell Medical College, Cornell University

Date: \_\_\_\_\_

It is recommended that the following be granted a leave of absence:

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date to be effective: \_\_\_\_\_ to \_\_\_\_\_ Salary \_\_\_\_\_

Comments regarding recommendation:

by: \_\_\_\_\_ by: \_\_\_\_\_  
Head of Sub-department Head of Department

(Do not write below this line)

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Submitted to: \_\_\_\_\_

Approved: \_\_\_\_\_

Submitted to: \_\_\_\_\_

Approved: \_\_\_\_\_

APPENDIX II

RECOMMENDATION FOR TERMINATION OF APPOINTMENT

Weill Cornell Medical College, Cornell University

Date: \_\_\_\_\_

It is recommended that the following resignation be accepted:

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date to be effective: \_\_\_\_\_

Comments regarding recommendation:

Forwarding address:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

by: \_\_\_\_\_ by: \_\_\_\_\_  
Head of Sub-department Head of Department

(Do not write below this line)

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Submitted to: \_\_\_\_\_

Approved: \_\_\_\_\_

Submitted to: \_\_\_\_\_

Approved: \_\_\_\_\_