
PROTOCOL ON THE PROCESSING OF:
Application for Special Leave of Absence without Pay

I. Special Leaves of Absence Without Pay

A. Eligibility

Tenured faculty, tenured instructional staff in the College Laboratory Technician (CLT) series and in the Registrar series, and lecturers with a Certificate of Continuous Employment are eligible for special leaves of absence without pay. On occasion, special leaves may be granted to untenured faculty and CLTs, and uncertificated lecturers.

Under certain circumstances, special leaves may be granted to employees in the Higher Education Officer series.

B. Purpose

Special leaves of absence without pay may be requested for study, writing, research, a creative project, or public service of reasonable duration¹. Although a special leave may be granted to permit a faculty member to serve as a visiting professor, **a special leave may not be taken to assume a tenure track position or an administrative position at another institution of higher learning.** The colleges are encouraged to consult with the Office of Faculty and Staff Relations should there be any questions concerning the purpose for which a particular leave is being requested.

C. Duration

Generally, special leaves of absence without pay are granted for a full academic year, although leaves for one semester may be granted. The President may approve a leave through a second consecutive year. However, a special leave of absence without pay for a third consecutive year requires the Chancellor's express approval. An application for a special leave beyond two consecutive years must be submitted to the Office of Faculty and Staff Relations for approval before it is entered on the Chancellor's Report.

D. Types of special Leaves of Absence Without Pay

Special Leaves of Absence Without Pay are characterized as follows:

- a) Special Leave with Increment Credit, with Retirement Credit**
- b) Special leave with Increment Credit, without Retirement Credit**
- c) Special Leave without Increment Credit, with Retirement Credit**
- d) Special Leave without Increment Credit, without Retirement Credit**

For a discussion of the circumstances under which increment credit and retirement credit may be recommended, please see Section V below.

E. Effect on Service Credit Toward Tenure, a Certificate of Continuous Employment or a 13.3.b Appointment

A special leave of absence without pay represents a break in service towards the achievement of tenure, a certificate of continuous employment (for a lecturer) or a 13.3.b appointment (for employees in the Higher Education Officer series).²

III. Authorized Leaves Without Pay

A. Purposes

These are extraordinary leaves, which are recommended by the President for valid purposes that are not covered by other leave categories.⁴ As in the case of special leaves of absence without pay, they may not be taken to assume a tenure track position or an administrative position at another institution of higher learning.

³An employee in the Higher Education Officer series may receive a partial leave with partial pay to implement provisions of the FMLA.

⁴This leave may also be used to enable instructional staff to serve in the Executive Compensation Plan at another college. In such case, the leave should be with increment credit and should not break service for the purpose of achieving tenure, a CCE, or a 13.3.b appointment. Service in a tenurable title immediately preceding service in the Executive Compensation Plan shall be added to service in a tenurable title immediately following service in the Executive Compensation Plan for the purpose of determining eligibility for tenure. Similar rules apply for determining a lecturer's eligibility for a CDE, or a HEO's eligibility for a 13.3.b appointment.

B. Duration

Although there is no stated maximum duration for authorized leaves without pay, because of their extraordinary nature, they should be scrutinized carefully both as to purpose and duration.

C. Effect on Service Credit Toward Tenure, a Certificate of Continuous Employment, or a 13.3.b Appointment

Generally, an authorized leave of absence without pay represents a break in service toward tenure, a certificate of continuous employment (for a lecturer) or a 13.3.b appointment (for a HEO) in the same manner as special leaves of absence without pay.

IV. Calendar for Special Leaves of Absence Without Pay, Partial Leaves with Partial Pay, and Authorized Leaves without Pay

Special leaves of absence without pay, partial leaves of absence with partial pay, and authorized leaves of absence without pay for the academic year or for one semester should conform to the following schedule. The discussion of annual leave that follows pertains only to instructional staff members covered by Article 14.1 of the PSC/CUNY collective bargaining agreement.

- a) Leave for the Full Academic Year: The leave begins on August 30 or the first day of classes for the Fall semester (whichever is earlier) and ends on August 29 or the day before the first day of classes of the following Fall semester (whichever is earlier). There is no period of annual leave and the employee is not on payroll for the entire period of the leave.
- b) Leave for the Fall semester: The leave begins on August 30 or the first day of classes of the Fall semester (whichever is earlier) and ends on January 31 or the first day of classes of the Spring semester (whichever is earlier). The employee will be on annual leave from July 1 through July 31, but will not be on payroll from August 1 through August 29 or the first day of classes in the following Fall semester (whichever is earlier).
- c) Leave for the Spring semester: the leave begins on February 1 or the first day of classes semester (whichever is earlier) and ends on June 30. The employee will be on annual leave from August 1 through August 29 or the day before the first day of classes in the following Fall semester (whichever is earlier), but will not be on payroll from July 1 through July 31.

Partial leaves of absence with partial pay conform to the same calendar as special leaves of absence without pay. However, instead of being on non-pay status during the annual leave month attached to the leave semester, the instructional staff member receives compensation during that month reduced by the same percentage as was applied during the partial leave.

**V. Retirement Credit and Increment Credit for Special Leaves of
Absence Without Pay, Partial Leaves with Partial Pay, and Authorized
Leaves Without Pay**

A. Retirement Credit

Retirement service credit does not apply to employees in the Optional Retirement Program (TIAA/CREF), which bases the pension benefit on annual contributions rather than on years of service.

Retirement service credit for a partial leave with partial pay is determined by the particular retirement system, i.e. New York City Teachers Retirement System (TRS) or New York City Employees Retirement System (ERS). New York City Teachers Retirement System has indicated that a faculty member on a partial leave with partial pay would receive retirement service credit for the period of the leave.

In limited circumstances, retirement service credit for the period of a special leave without pay or an authorized leave without pay may be recommended to TRS or ERS. The recommendation to the pension system is advisory only. The circumstances under which the retirement systems accept a recommendation for service are credit are:

- a) ERS: Leave is for the purpose of serving as an elected public official or a union officer.
- b) TRS -Tiers II, III, and IV: Leave is for the purpose of serving as an elected public official or a union officer.
- c) TRS -Tier I: Leave is for such purposes as:
 - To serve in the United States military
 - To study under such statutes as the Servicemen's Readjustment Act of 1944 .To restore health
 - To serve in the Peace Corps or similar Federal, State or municipal programs serving the common welfare
 - To serve as a union officer
 - To study for a master's degree or a doctorate

⁵This is a partial list of reasons that TRS accepts for giving service credit to Tier I members for the period of a leave without pay. It is important to note that the University does not grant special leaves for all of the purposes listed therein.

- To conduct scholarly research or study under a grant recognized my the New York City Board of Education or The City University of New York Board of Trustees
- To serve as an elected public official
- To teach in branches of the City of State public school system
- To perform pedagogical services in private colleges in the New York City metropolitan area related to teacher training
- To participate in projects under the auspices of, or recommended by, a Federal, New York State, or New York City agency
- To be employed by a Federal, New York State, or New York City agency in service for which the member is especially qualified

- To perform service that has a positive and direct impact on educational activities of New York City or New York State school students.

B. Increment Credit

As a general rule, no increment credit should be awarded for special leaves without pay or authorized leaves without pay of one year or longer. The president may, however, recommend such credit, subject to approval by the Board of Trustees, if the leave is being taken for a project of academic, scholarly or public importance that brings honor and recognition to the college.⁶

Faculty on partial leaves with partial pay receive increment credit.

VI. Procedures

Special leaves of absence without pay and partial leaves with partial pay are requested on the appropriate forms, copies of which are attached. The procedures for approving these leaves are the same.⁷ The applicant fills out the first part of the form, explaining in detail the purpose for which the leave is requested and signing an acknowledgement of the terms on which the leave would be granted. The chairperson of the department completes the second part of the form, indicating how the department will arrange for academic work to be done during the faculty member's leave and attesting to the positive recommendation of the Department Personnel & Budget Committee.

⁶ Bylaws, § 13.5.b.

⁷ The various approvals are required by Section 13.5.b. of the Bylaws of the Board of Trustees

The Chair of the College-wide Personnel & Budget committee completes the third part of the form, attesting to that committee's approval of the leave and stating whether retirement and increment credit should be recommended. Finally, the President, or the President's designee, signs the application to indicate his/her approval. Under the new procedures approval by the Office of Faculty and Staff Relations is required only for applications for a third consecutive special leave of absence without pay or a third consecutive partial leave with partial pay.

Because of the extraordinary nature of authorized leaves without pay, there are no established procedures for campus approval. When authorizing such leave, the President should send a letter to the Vice Chancellor for Faculty and Staff Relations explaining the nature and duration of the leave.

I hope that these guidelines will assist the colleges in reviewing these leaves. Please call me if you have any questions.

Attachments

Source Document:
Ray F. O'Brien Memo
To Personnel Directors and Labor Designees
1/11/01

THE CITY UNIVERSITY OF NEW YORK
APPLICATION FOR SPECIAL LEAVE OF ABSENCE WITHOUT PAY

INSTRUCTIONS: This form is completed by the staff member and is processed through Personnel and Budget Committees. If the request is approved, the completed form is forwarded to the Human Resources Office and a Personnel Action Form is prepared.

Name _____ Social Security No. _____

Title _____ Department _____

Retirement System: ___ TRS ___ TIAA ___ ERS

PROPOSED DATES OF LEAVE: From _____ To _____

PREVIOUS LEAVES: Please list all previous leaves of absence for one semester or more. Attach additional sheets if necessary.

<u>Dates</u>	<u>Purpose</u>
_____	_____
_____	_____

PURPOSE OF REQUESTED LEAVE: Special leaves of absence without pay are granted for research, writing, creative work, study or public service. Please give details of the nature of the work, including the names and locations of the institutions where the work will be done, etc. Attach additional sheets if necessary.

ATTESTATION BY APPLICANT: The information I have provided on this form is accurate. Should the stated purpose of my leave substantially change or become unable to be accomplished, even if I have commenced my leave, I shall immediately notify the President in writing. Should the President determine that the purpose of the leave is no longer being served, he/she may terminate the leave, assign me appropriate duties at the college or take other appropriate action. I understand that this leave, if granted, is subject to the following rules and conditions:

- The leave is without pay and, if for one year or more, will not be credited for the purpose of movement within the salary schedule, unless the President, in his/her discretion recommends such credit, subject to approval by the Board of Trustees/CUNY, upon the President's determination that the leave is being taken for a project of such academic, scholarly, or public importance that it brings honor and recognition to the college.
- Retirement credit for the period of the leave is only available to members of the N.Y.C. Teachers, Retirement System (TRS) and N.Y.C. Employees' Retirement System (ERS) and only if the leave is taken for very specific purposes. If the college wishes retirement credit to be given, it must make a recommendation to that effect. The recommendation is only advisory and must be approved by TRS or ERS for retirement credit to be granted. Members of TIAA who are on leaves of absence without pay are not eligible for retirement credit while on leave.
- Faculty members receiving annual leave under Article 14.1 of the PSC/CUNY collective bargaining agreement who take a special leave of absence without pay for one semester and are in active service during the other semester of the academic year will receive one month's vacation pay.
- A special leave of absence without pay causes a break in service towards tenure, a certificate of continuous employment, or a 13.3.b. appointment. During a special leave, a staff member is subject to the usual review process to determine his/her appointment status for the next year.

Date _____ Signed _____

ADDRESS DURING LEAVE _____

TELEPHONE NUMBER DURING LEAVE _____

PROPOSED ARRANGEMENT FOR COVERING PROFESSIONAL DUTIES DURING THE LEAVE:

To be completed by the Department Chair

RECOMMENDATION OF DEPARTMENT PERSONNEL AND BUDGET COMMITTEE

Recommended _____ Not Recommended _____

Date _____ Signed _____

RECOMMENDATION OF COLLEGE PERSONNEL AND BUDGET COMMITTEE

Recommended _____ Not Recommended _____

With retirement credit* _____

Without retirement credit _____

With credit for movement within schedule** _____

Without credit for movement within schedule _____

RECOMMENDATION OF THE PRESIDENT

Recommended _____ Not Recommended _____

With retirement credit* _____

Without retirement credit _____

With credit for movement within schedule** _____

Without credit for movement within schedule _____

Date _____ Signed _____
(President or Designee)

NB: *Retirement credit is available only for members in Tier I and Tier II or TRS and only if the leave is taken for specific purposes.

****Credit for movement within schedule may be recommended to the President only if the project is of such academic, scholarly, or public importance that it brings honor and recognition to the college.**

APPROVAL OF THE UNIVERSITY OFFICE OF FACULTY AND STAFF RELATIONS (Only required for a third consecutive year of special leave or absence without pay)

Approved _____

Not Approved _____

Date _____ Signed _____