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**PROTOCOL ON THE PROCESSING OF:**  
Application for Special Leave of Absence

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**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 duration<sup>1</sup>. 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).<sup>2</sup>

**II. Partial Leaves with Partial Pay**

**A. Eligibility**

Except for leaves granted to implement provisions of the Family and Medical Leave Act (FMLA), only teaching instructional staff members (i.e., tenured and non-tenured professors, associate professors, and assistant professors, instructors, and certificated and non-certificated lecturers) are eligible for partial leaves with partial pay.

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<sup>1</sup>Section 13.5.b. of the Bylaws of the Board of Trustees.

<sup>2</sup>Article 13.6 of the collective bargaining agreement creates two exceptions to the rule that a special leave of absence without pay breaks a HEO's service for the purpose of achieving a 13.3.b appointment: 1) a leave for 60 calendar days or less, and 2) a leave for six months or less occurring during the reappointment period in which the HEO would have been considered for a 13.3.b appointment. In these two instances, service prior to the leave will be bridged.

**B. Purposes**

Partial leaves with partial pay are granted for special projects, such as writing a book, when the leave would be to the mutual benefit of both the faculty member and the college. It is expected that partial leaves of absence with partial pay will be granted in rare and unusual circumstances, i.e., infrequently.

A partial leave with partial releases a faculty member from a percentage of his/her teaching responsibilities, with a corresponding reduction in salary, but does not relieve the faculty member of any other responsibilities.

Partial leaves with partial pay are also granted to implement partial leaves under the FMLA.

**C. Duration**

Generally, partial leaves with partial 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 academic year, but a third consecutive year would require the prior approval of the Chancellor.

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

A partial leave with partial pay represents a break in service towards tenure or a certificate of continuous employment (for a lecturer), or a 13.3.b appointment (for a HEO3). An instructor who receives a partial leave with partial pay is still limited to five appointments in the title and will not be eligible for a CCE pursuant to Section 12.6 of the collective bargaining agreement.

**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.<sup>4</sup> 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.

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<sup>3</sup>An employee in the Higher Education Officer\_series may receive a partial leave with partial pay to implement provisions of the FMLA.

<sup>4</sup>This 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:<sup>5</sup>
  - 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

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<sup>5</sup>This 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 by 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.<sup>6</sup>

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.<sup>7</sup> 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.

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<sup>6</sup> Bylaws, § 13.5.b.

<sup>7</sup> 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 \_\_\_\_\_

**THE CITY UNIVERSITY OF NEW YORK  
APPLICATION FOR A PARTIAL LEAVE WITH PARTIAL 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 \_\_\_\_\_

**PERCENTAGE LEAVE:** \_\_\_\_\_ **PERCENTAGE PAY:** \_\_\_\_\_

**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:** 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. If the leave is requested for a reduced schedule pursuant to the Family and Medical Leave Act (FMLA), the appropriate FMLA forms should also be filled out and submitted.

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

**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:

- Increment credit will be given for the period of the leave.
- Retirement credit for the period of the leave is determined by the pension system for members of TRS and ERS. Members of TIAA who are on a partial leave with partial pay will be eligible for contributions based upon the salary received during the period of the leave.
- Faculty who take a partial leave with partial pay for an entire academic year will receive vacation pay in July and August that is reduced by the same percentage as was applied during the period of the leave. If the leave is for one semester only, the salary for the month of vacation that is attached to the leave semester will be reduced by the same percentage as was applied during the period of leave.
- A partial leave with partial pay causes a break in service towards tenure, a certificate of continuous employment, or a 13.3.b. appointment.
- During a partial leave, a staff member is subject to the usual review process to determine his/her appointment status for the next year.

Date \_\_\_\_\_ Signed \_\_\_\_\_

Applicant

**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 \_\_\_\_\_

Date \_\_\_\_\_ Signed \_\_\_\_\_

**RECOMMENDATION OF THE PRESIDENT**

Recommended \_\_\_\_\_ Not Recommended \_\_\_\_\_

Date \_\_\_\_\_ Signed \_\_\_\_\_  
(President or Designee)

**APPROVAL OF THE UNIVERSITY OFFICE OF FACULTY AND STAFF RELATIONS**

(Only required for a third consecutive year of partial leave with pay)

Approved \_\_\_\_\_  
Not Approved \_\_\_\_\_

Date \_\_\_\_\_ Signed \_\_\_\_\_