

February 6, 2017

## **Briefing for Updated GPSA Resolution Concerning Workers' Compensation & Medical Leaves Benefits**

Members of the Assembly may be interested in reading the following media as context:  
(Estimated Reading Time ~15 minutes)

“Workers Compensation Inquiry Response”

Author: Barbara A. Knuth

Document Addressed to GPSA Leadership

February 12, 2014

Relevant Selection Quoted in **Appendix A** (see Page 2)<sup>1</sup>

“Graduate Students at Cornell U. Push for Right to Workers' Compensation”

Author: Vimal Patel

*Chronicle of Higher Education*

March 10, 2014

*Available at:* (link may only be available on campus)

<http://www.chronicle.com/article/Graduate-Students-at-Cornell/145221>

“Guest Room: Graduate Students' Workers Compensation”

Author: Barbara A. Knuth

*Cornell Daily Sun*

November 5, 2015

*Available at:*

<http://cornellsun.com/2015/11/05/guest-room-graduate-students-workers-compensation/>

“Letter to the Editor: A Response to Dean Knuth”

Author: Paul Berry and James Ingoldsby

*Cornell Daily Sun*

November 11, 2015

*Available at:*

<http://cornellsun.com/2015/11/11/letter-to-the-editor-a-response-to-dean-knuth/>

“Advancement in the Quality of Graduate Student Life in Recent Years”

Author: Barbara A. Knuth

Document Shared with the GPSA

October 24, 2016

Relevant Selection Quoted in **Appendix B** (see Page 3)<sup>2</sup>

**Appendix A** ( “Workers Compensation Inquiry Response.” February 12, 2014)

**{Question from Graduate Student Leaders, January 2014}**

---

<sup>1</sup> Truncated for brevity only. Full document available upon request ([pgb52@cornell.edu](mailto:pgb52@cornell.edu))

<sup>2</sup> Full document located at end of GPSA Minutes for 10/24/16

“Our initial research leads us to believe that other major research universities in NY State, such as NYU, all the SUNY schools, and Syracuse provide workers' compensation coverage to graduate students working as TAs and RAs. However, it is our understanding that Cornell believes graduate students working as TAs and RAs are not eligible for NY State Workers' Compensation coverage.

-Is this correct? If so, will you explain the University's position and direct us to the specific statutory language that the University uses to reach this conclusion?

Our own initial research has noted that the NYS Workers' Compensation Law states that anyone who receives compensation from an organization (whether or not that organization considers them to be an employee) must receive workers' compensation coverage: 'Please note that compensation includes stipends, room and board, and other 'perks' that have monetary value (WCL §3 Group 18)' “

*{Response from Dean Knuth, February 2014. Response to question quoted in full}*

RESPONSE: “According to the provisions on the following website (excerpted below), graduate students are excluded from Workers' Compensation coverage under NYS law.

[http://www.wcb.ny.gov/content/main/Workers/Coverage\\_wc/workerWhoNotCovered.jsp](http://www.wcb.ny.gov/content/main/Workers/Coverage_wc/workerWhoNotCovered.jsp)

*{Text Below Quoted from NYS WCB website within document; Bold text below was highlighted in original document}*

Who Is Not Covered By The Workers' Compensation Law?

1. Individuals who volunteer their services for nonprofit organizations and receive no compensation. Please note that compensation includes stipends, room and board, and other "perks" that have monetary value (WCL §3 Group 18). Money used solely to offset expenses incurred while performing activities for the nonprofit is not counted as a stipend (WCL §2 [9]);
2. Clergy and members of religious orders that are performing religious duties (WCL §3 Group 18);
3. Members of supervised amateur athletic activities operated on a nonprofit basis, provided that such members are not otherwise engaged or employed by any person, firm, or corporation participating in such athletic activity (WCL §3 Group 18);
4. **People engaged in a teaching capacity in or for a nonprofit religious, charitable or educational institution (Section 501(c)(3) under the IRS tax code). (WCL §3 Group 18) To be exempt, the teachers must only be performing teaching duties;**
5. **People engaged in a non-manual capacity in or for a nonprofit religious, charitable or educational institution (Section 501(c)(3) under the IRS tax code (WCL §3 Group 18).**

Manual labor includes but is not limited to such tasks as filing; carrying materials such as pamphlets, binders, or books; cleaning such as dusting or vacuuming; playing musical instruments; moving furniture; shoveling snow; mowing lawns; and construction of any sort; In addition, we did not examine each of the institutions you mention in your question because many of them exist in contexts different from Cornell, i.e., they are not private institutions. We did inquire with colleagues at Syracuse University, however, and learned that Syracuse provides

workers compensation coverage for registered/enrolled graduate students only for circumstances in which it is very clear, in the university's judgment, that the graduate student was injured while performing duties for the university and not when the graduate student was performing activities for their own academic purposes or scholarship.”

**Appendix B** (“Advancement in the Quality of Graduate Student Life in Recent Years.” October 26, 2016)

**“Workers' Compensation:** Injury claims from students who receive financial support through assistantships or hourly paid appointments and who are injured while conducting the duties of their appointment are sent to the New York State Workers' Compensation Board. The NYS Workers' Compensation Board reviews each case and determines compensability under NYS Law. Eligibility determination for Workers' Compensation is ultimately made by the NYS Workers' Compensation Review Board, not Cornell.

Note: There was some media coverage in 2014 about an individual who was seeking Workers' Compensation from Cornell, but the media coverage did not include the complete context that the individual was not on a paid university appointment at the time of the injury. Because of FERPA restrictions (Family Educational Rights and Privacy Act), we are not able to discuss the specifics of any individual student's situation, but if an individual is not on a paid university appointment, Workers' Compensation is not applicable. Student Injuries: After seeking medical attention, an injured graduate/professional student should file a University injury report. Filing the report will begin the process to aid an injured student. Injury claims from students who are appointed on assistantships or are on hourly paid appointments will be handled through the Workers' Compensation process described above. Injury claims from students not on assistantships or hourly paid appointments will be handled through the student's health insurance with additional support from Cornell offices depending on the nature and severity of the injury.”

### **Appendix C: Other Relevant Webpages**

Cornell Graduate School Policy on Workers' Compensation:  
<https://gradschool.cornell.edu/workers-compensation>

Medical Leaves and Disability Benefits<sup>3</sup>: Cornell Division of Human Resources  
<https://hr.cornell.edu/benefits-pay/leaves-disability>

---

<sup>3</sup> Not available to graduate workers.

Quoted from “Workers Compensation Inquiry Response.” February 12, 2014: “Cornell does not provide disability compensation, disability insurance, nor long-term medical benefits for graduate students injured in the course of performing their assistantship responsibilities.”