



**Cornell University**  
**Graduate and Professional**  
**Student Assembly**

**GPSA Resolution 10: Workers' Compensation Coverage & Fair  
Medical Leaves and Disability Coverage for Graduate Employees**

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4 *Whereas* in August 2016 the National Labor Relations Board ruled that Graduate Teaching Assistants (TAs)  
5 and Graduate Research Assistants (RAs) at private universities are employees under the law<sup>1</sup>; and  
6

7 *Whereas* graduate workers are exposed to dangerous instruments, hazardous chemicals,  
8 and/or other workplace risks every day; and  
9

10 *Whereas* at least one serious very workplace accident occurred on the Cornell campus in the 2013-14  
11 academic year<sup>2</sup>; and  
12

13 *Whereas* a total of 41 Graduate & Professional Students reported injuries in the 2014-15 academic year<sup>3</sup>; and  
14

15 *Whereas* following GPSA Resolution 9 in 2014 and subsequent intervention by the New York State Workers'  
16 Compensation Board, Cornell now complies with state laws and provides coverage up to the minimum level  
17 of state mandated workers' compensation benefits to graduate workers<sup>4</sup>; and  
18

19 *Whereas* graduate workers funded on fellowship may not be covered under the law; and  
20

21 *Whereas* other graduate workers such as those officially employed as a TA but working in a hazardous research  
22 environment may not be covered under the law for injuries incurred while working in said research  
23 environment not directly related to their assistantship; and  
24

25 *Whereas* all Cornell graduate students yield intellectual property rights to all work produced at Cornell by  
26 agreeing to the following: "I agree to assign and do hereby assign to Cornell University all right, title, and  
27 interest in any Cornell Invention as defined in Policy 1.5"<sup>5</sup>; and  
28

29 *Whereas* faculty members, postdoctoral scholars, lab technicians and other staff working in  
30 the same facilities and assuming similar risks as graduate workers are unequivocally covered by Cornell's  
31 Workers' Compensation Program in addition to a comprehensive system of Medical Leaves & Disability

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<sup>1</sup><https://www.insidehighered.com/news/2016/08/24/nlr-says-graduate-students-private-universities-may-unionize>

<sup>2</sup> <http://www.chronicle.com/article/Graduate-Students-at-Cornell/145221>

<sup>3</sup> <http://news.cornell.edu/stories/2015/11/improved-procedure-clarifies-handling-grad-student-injuries>

<sup>4</sup> Actual levels of state mandated minimum coverage can be found here:

<http://www.wcb.ny.gov/content/main/onthefjob/wcBenefits.jsp>

$2/3 \times \text{average weekly wage} \times \% \text{ of disability} = \text{weekly benefit}$

Currently benefit level would be maximum \$388.53 / week at 2016-17 AY Cornell Minimum Stipend Rate.

<sup>5</sup> [https://www.dfa.cornell.edu/sites/default/files/policy/vol1\\_5.pdf](https://www.dfa.cornell.edu/sites/default/files/policy/vol1_5.pdf)



## Cornell University Graduate and Professional Student Assembly

32 Coverage, including: Musculoskeletal Injury Prevention, Disability Accommodations, Short-Term Disability,  
33 and Long-Term Disability Insurance<sup>6</sup>; and

34

35 *Whereas* graduate workers at Cornell are only covered by Cornell's Workers' Compensation Program and thus  
36 are not eligible for any of the other Medical Leaves Benefits mentioned above; and

37

38 *Whereas* graduate students are therefore currently still expected to be personally liable for many or all of the  
39 significant health, safety, and financial risks required of them as they perform their duties as researchers,  
40 teaching assistants and instructors at Cornell in excess of the minimum state-mandated benefits provided to  
41 the Workers' Compensation Program;

42

43 *Be it therefore resolved*, that the GPSA asserts that Cornell University has a legal and moral obligation to  
44 insure a dependable method of providing benefits to all graduate workers if they are temporarily or  
45 permanently disabled due to work-related injury or illness;

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47 *Be it further resolved*, that the GPSA calls on the University to clarify its stance and policies regarding Workers  
48 Compensation Coverage for graduate workers funded on fellowship and other graduate workers such as  
49 those officially employed as a TA but who still are required to work in a hazardous research environment and  
50 may not be covered under the law;

51

52 *Be it further resolved*, that the current policy on Workers' Compensation be extended to include all work  
53 covered under Policy 1.5 "Inventions and Related Property Rights";

54

55 *Be it further resolved*, that the GPSA asks the University to specifically clarify its policy on Musculoskeletal  
56 Injury Prevention, Disability Accommodations, Short-Term Disability, and Long-Term Disability Insurance  
57 for graduate workers as soon as possible;

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59 *Be it further resolved*, that if the University believes that it is not responsible for providing these benefits to  
60 graduate workers, that it provides a detailed, public report available to all of the Cornell community  
61 explaining the University's position and referring to the logic it uses to reach this conclusion before the end  
62 of the 2016-2017 academic year;

63

64 *Be it further resolved*, that at least one representative of the Graduate & Professional Student Assembly be  
65 included in any working group formed to address any of these issues;

66

67 *Be it finally resolved*, that this Resolution be sent to Hunter R. Rawlings III, Interim President; Martha E.  
68 Pollack, Incoming President; Vijay Pendakur, Dean of Students; Michael I. Kotlikoff, Provost; Joel Malina,  
69 Vice President for University Relations; Barbara Knuth, Senior Vice Provost and Dean of the Graduate  
70 School; Craig R. McAllister, Director of Risk Management & Insurance; Kent Bullis, Interim Executive

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<sup>6</sup> Detailed information regarding all of these programs available here:  
<https://hr.cornell.edu/benefits-pay/leaves-disability>



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71 Director of Gannett Health Services; James J. Mingle, University Counsel and Secretary of the Corporation;  
72 Madelyn F. Wessel, Incoming University Counsel and Secretary of the Corporation; Mary George Opperman,  
73 Vice President for Human Resources; Eduardo Penalver, Dean of Cornell Law School; Lorin Warnick, Dean  
74 of Veterinary Medicine; Soumitra Dutta, Dean Cornell College of Business; Charles Van Loan, Dean of  
75 Faculty, and Kenneth J. Munnely, Chair New York State Workers' Compensation Board.

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77 Respectfully submitted,

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79 Paul Berry

80 Cornell Graduate Students United & GPSA Advocacy Committee

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82 GPSA Student Advocacy Committee