Paid and Unpaid Leave Policy (PostDoc)

I. Purpose

This Policy defines requirements for paid and unpaid leave for postdoctoral researchers at Albert Einstein College of Medicine (“Einstein” or “College of Medicine”).

II. Scope

This Policy applies to postdoctoral researchers at Einstein’s Belfer Institute for Advanced Biomedical Studies. Kirschstein-NRSA supported postdoctoral researchers should refer to Paid and Unpaid Leave Policy Kirschstein-NRSA (PostDoc), POST-POL-2018-007.

III. Policy

III.A. Eligibility and Applicability

This Policy applies only to individuals with the title of research fellow on the payroll at Einstein. When an individual’s funding source mandates a policy that is different from the Policy described here, the policy of the funding source must be followed. Policies relating to research fellows funded directly by other sponsoring entities while based at and accepted into a program at Einstein are the responsibility of those other sponsoring entities. However, mentors for research fellows funded by other sponsoring entities are encouraged to consider guidelines similar to the Einstein policies in granting leave to such individuals.

The College of Medicine reserves the right to modify these policies from time to time.

III.B. Effect of Leave on Appointment Period

Research fellows serve for a specified period of appointment (generally one academic year for each appointment) pursuant to a letter of appointment signed by the Director of the Belfer Institute, which sets forth the basic conditions of the appointment. A leave pursuant to this Policy applies only within the approved appointment period. No appointment period is extended by a paid or unpaid leave of absence unless there is an explicit extension of the appointment signed by the Director of the Belfer Institute or, in the case of military service, as required by law.
III.C. Paid Leave

III.C.1. Vacation

Research fellows are allowed 20 working days of paid vacation each year beginning January 1. Scheduling of vacation may be requested by the individual research fellow at his or her convenience, subject to the approval of the principal investigator (PI), who will determine if it is consistent with the operating responsibilities of the laboratory. All vacation time must be used within the year and any unused vacation time will be forfeited.

III.C.2. Holidays

Research fellows are allowed the following eight paid legal holidays celebrated by the College of Medicine if, in the opinion of the PI, such time off is operationally viable: New Year’s Day, Martin Luther King Day, President’s Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day. An individual who is obliged to work on a legal holiday may take another day off in lieu of the legal holiday, to be scheduled with the approval of the PI. Leave for religious observance and other personal leave may be taken as vacation time or unpaid leave, if operationally viable.

III.C.3. Illness (Temporary Disability)

In the event of an illness or injury (including the disability period of pregnancy) that renders a research fellow unable to perform his or her functions, he or she will be eligible for paid sick leave of 12 days for each full year of service accrued at the rate of one day per month of service, up to a maximum accrual of 36 days. The research fellow must notify the PI and the Benefits Office as soon as possible of a planned absence or prior to the normal working hours for an unforeseen disability. Medical certification will be required.

Accrued sick time may be used for a research fellow’s own illness, injury or health condition, which requires care, treatment, preventative medical care or diagnosis. Once a research fellow’s accrued sick time is exhausted and if they remain disabled and unable to return to work as certified by their physician, they may apply for benefits from the College’s Supplemental Sick Pay Plan. This plan provides 2/3 of base salary up to a weekly maximum of $1,300. This benefit will continue for as long as the research fellow is deemed disabled by their physician, up to a maximum of 26 weeks.

The College treats disabilities arising from pregnancy and childbirth like any other non-occupational disability. A research fellow who is unable to work because of pregnancy, childbirth and recovery is entitled to leave of absence for the period of time before, during, and after childbirth if the research fellow’s doctor certifies that she is temporarily disabled due to pregnancy, childbirth and recovery and unable to work.

The research fellow must use her accrued sick days until exhausted and if still disabled will receive 2/3 of her salary from the Supplemental Sick Pay Plan. The length of pregnancy disability leave is determined by the research fellow’s physician, who certifies the number of weeks of disability, both before and after delivery. Typical periods of disability related to child birth are 6 weeks for a non-cesarean birth and 8 weeks for a cesarean birth. However, a research fellow may be disabled for a longer period of time, as certified by her physician.
Up to a maximum of 5 days of a research fellow’s accrued sick time per calendar year, may be used for the following:

- A family member’s illness, injury or health condition, which requires care, treatment, preventative medical care or diagnosis. For this purpose, a family member is defined as a research fellow’s child (biological, adopted or foster child, legal ward, child of an research fellow standing in loco parentis), spouse, domestic partner, parent, sibling (half-, adopted, or step-sibling), grandchild, grandparent, or the child or parent of a research fellow’s spouse or domestic partner; any other individual related by blood to the research fellow; and any other individual whose close association with the research fellow is the equivalent of a family relationship.

- Closure of a research fellow’s place of business by order of a public official due to a public health emergency.

- Care for a child whose school or childcare provider has been closed by order of a public official due to a public health emergency.

- For safe time, when the research fellow or a family member has been the victim of a family offense matter, sexual offense, stalking, or human trafficking:
  
  o To obtain services from a domestic violence shelter, rape crisis center, or other shelter or services program for relief from a family offense matter, sexual offense, stalking, or human trafficking;
  
  o To participate in safety planning, temporarily or permanently relocate, or take other actions to increase the safety of the research fellow or research fellow’s family members from future family offense matters, sexual offenses, stalking, or human trafficking;
  
  o To meet with a civil attorney or other social service provider to obtain information and advice on, and prepare for or participate in any criminal or civil proceeding, including but not limited to, matters related to a family offense matter, sexual offense, stalking, human trafficking, custody, visitation, matrimonial issues, orders of protection, immigration, housing, discrimination in employment, housing or consumer credit;
  
  o To file a complaint or domestic incident report with law enforcement;
  
  o To meet with a district attorney’s office;
  
  o To enroll children in a new school; or
  
  o To take other actions necessary to maintain, improve, or restore the physical, psychological, or economic health or safety of the employee or the employee’s family member or to protect those who associate or work with the employee.

If, within a calendar year, a research fellow has utilized 5 days of their accrued sick time for reasons outlined in section III.C paragraph 2, their remaining sick time for that calendar year, may only be for the research fellow’s own illness, injury or health condition. Fraud, misuse or abuse of sick time under this policy may result in disciplinary action up to and including termination of employment.

III.C.4. Jury Duty

Leave for jury duty shall be granted as required by applicable law. Verification of jury service should be retained and must be produced if requested. Research fellows on jury duty are eligible to receive full stipend up to a maximum of 10 days during a two-year period.
III.C.5. Bereavement Leave

If a member of the immediate family dies, a research fellow will receive a paid leave of absence for up to five (5) days. These days are to be taken consecutively within a reasonable time of the date of the death or funeral. Immediate family includes spouse, domestic partner, child, stepchild, parents, step-parents, siblings, step-siblings (brothers and sisters), grandparents, grandchildren (or members of the household), father-in-law, mother-in-law, grandparent-in-law, son-in-law, or daughter-in-law.

One (1) day of paid leave is provided in case of the death of an aunt, uncle, first cousin, niece, or nephew. If more time is needed for funeral or other arrangements, it may be charged to accrued personal or vacation days with approval of the PI and department chair.

III.C.6 Paid Family Leave

Research fellows who work 26 consecutive weeks are eligible for New York State Paid Family Leave. Click here to review Einstein’s Paid Family Leave Policy.

III.D Unpaid Leave

III.D.2 Family Leave

A research fellow who has served at Einstein for at least 12 months may be eligible for up to a total of 12 weeks of unpaid leave during any 12-month period for the birth of and care for a newborn child, the placement of a child for adoption or foster care and to care for the newly placed child, to care for an immediate family member (spouse, child, or parent (but not a parent-in-law)) with a serious health condition or due to a research fellow's own inability to work because of their own serious health condition. Where the necessity of leave is foreseeable, the research fellow is required to provide the PI with at least 30 days' notice; otherwise, as much notice as is practicable is to be given. If the leave is for planned medical treatment of a family member, the research fellow is required to make reasonable efforts to schedule the treatment so as not to disrupt unduly the laboratory’s operations. The College of Medicine will require medical certification to support the need for a leave for the serious health condition of a family member. The research fellow will accommodate the need for leave by first using accrued sick or vacation time in lieu of or before requesting any unpaid leave. Health benefits coverage may be maintained during the leave on the same cost basis as prior to the leave.

Click here to review Einstein’s FMLA Policy.

III.D.3 Other Unpaid Leave

An unpaid leave may be requested for a designated portion of the appointment period for other special circumstances. The request for such leave must be submitted as far in advance as possible with all appropriate documentation. The PI and department chair will determine whether such leave should be granted. If the leave is granted, the research fellow will receive no stipend during the period of the leave, nor will the period of the unpaid leave be considered for accrual of time for vacation or sick leave. Health benefits may be continued during such an unpaid leave until the end of the month in which the leave takes place. Health benefits coverage may be continued for the duration of the leave with the research fellow required to pay the full premium. Failure to pay the required premiums will result in a cancellation of
health insurance. Other than in exceptional circumstances, no research fellow who has served for less than six months will be considered for such a leave.

PLEASE NOTE: Prior to any leave, the research fellow is required to submit a signed application to the benefits office, requesting continued health coverage during the period of the leave. Failure to do so will be considered an election to waive insurance coverage during the leave period.

III.C.6. Military Service or Training

Unpaid leave for military service or training shall be provided in accordance with applicable law.

IV. Definitions

None.

V. Effective Date

Effective as of: 20 November 2018

VI. Policy Management and Responsibilities

Einstein’s Belfer Institute for Advanced Biomedical Studies is the Responsible Office under this Policy. Einstein’s Executive Dean is the Responsible Executive for this Policy. Einstein’s Director of the Belfer Institute for Advanced Biomedical Studies is the Responsible Officer for the management of this Policy.

VII. Approved (or Revised)

[Signature]

Responsible Executive

5-7-19

Date