

DUKE UNIVERSITY POSTDOCTORAL POLICY

REVISED JULY 1, 2009

ABOUT THIS POLICY

The Duke Postdoctoral Policy is applicable to:

- a) Postdoctoral Associates, as defined in Sections 1, 2, and 2-A of this policy, and to,
- b) Postdoctoral Scholars, as defined in Sections 1, 2, and 2-B of this policy, and to,
- c) Postdoctoral Scholars-Paid Direct, as defined in Addendum 1 of this policy.

This Policy does not apply to other positions in [Job Family 27](#) (i.e., Research Associate Senior, Research Scientist, Associate in Research, etc.). Such positions are not considered Duke postdoctoral appointments.

In cases where the Postdoctoral Appointee is an International, immigration rules and regulations may supersede this policy. Postdoctoral Appointees who are International, and faculty who wish to hire or terminate an International Postdoctoral Appointee, must coordinate with [Duke Visa Services](#) to determine what rules and regulations may apply. An “International”, for purposes of this policy, is defined as an individual who is not a US Citizen, Lawful Permanent Resident (a.k.a. “green card” holder), Asylee, or Refugee.

SECTION 1: DEFINITION OF POSTDOCTORAL APPOINTMENT

- The Postdoctoral Candidate holds a PhD or equivalent doctorate (e.g. ScD, MD, DVM).
 - Candidates with non-US degrees will be required to provide proof of degree equivalency as determined by each School within Duke University.
 - A candidate may also be appointed to a postdoctoral position if the candidate has completed all of the requirements for a degree but the degree has not been formally conferred. In this case, the candidate may present evidence of completion of the degree requirements, together with a statement documenting the date on which the degree is to be conferred. If the degree is not conferred by this projected date, the postdoctoral appointment shall be terminated, except under extraordinary circumstances.
 - International Candidates:
 - Generally, immigration classifications (e.g., H-1B, J-1, etc.) require that the requisite degree be conferred before a petition can be filed or an immigration document issued to sponsor the individual.
 - For Postdoctoral Appointments requiring a medical degree (i.e., the profession or qualification of physician or surgeon), equivalency determinations for a US Doctor of Medicine have been made by the [Educational Commission for Foreign Medical Graduates \(ECFMG\)](#). If the Appointee does not have a valid ECFMG Certificate, [Duke Visa Services](#) will conduct an MD equivalency determination.
- The term of the appointment is limited (see Section 5 for length of appointment).
- The appointment involves substantially full-time research or scholarship, and may include teaching responsibilities.
- The appointment is generally preparatory for a full time academic or research career.
- The appointment is not part of a clinical training program, unless research training under the supervision of a senior Faculty Mentor is the primary purpose of the appointment.
- The Postdoctoral Appointee functions under the supervision of a Faculty Mentor or a department/responsible unit at Duke University.
- The Postdoctoral Appointee is expected to publish the results of his or her research or scholarship during the period of the appointment.

SECTION 2: APPOINTMENT CLASSIFICATION

Postdoctoral Appointees are classified in one of two categories: Postdoctoral Associate or Postdoctoral Scholar. The difference in definition between Postdoctoral Associates and Postdoctoral Scholars is the description of the Purpose of Appointment.

All Postdoctoral Appointees at Duke are required to begin their terms of appointment as Postdoctoral Associates. Recipients of training grants or fellowships may not enter Duke as Postdoctoral Scholars, but must spend a minimum of one month on the [Duke University Compensatory Payroll](#) before moving to the non-compensatory payment system. Salary for the mandatory one-month employee period will come first from the Principal Investigator (or primary Mentor in the case of [NIH NRSA Institutional Research T32 Training Grants](#)), to be supplemented if necessary by funding from the department/responsible unit, or from the Dean.

Section 2-A: Postdoctoral Associate

- The Postdoctoral Associate meets all elements of the definition of a Postdoctoral Appointee.
- Purpose of Appointment: The Postdoctoral Associate performs specific services in exchange for compensation.
- Payment Method: The Postdoctoral Associate receives payment through the [Duke University Compensatory Payroll](#) (see Section 6-A).
- Benefits: The full-time exempt Postdoctoral Associate who meets eligibility requirements is eligible for Duke University staff benefits as outlined in Section 6-B.
- If a Postdoctoral Associate switches from payment on the compensatory payroll to the non-compensatory payment system, his or her [Continuous Service Credit](#) will continue.

Section 2-B: Postdoctoral Scholar

- The Postdoctoral Scholar meets all elements of the definition of a Postdoctoral Appointee.
- Purpose of Appointment: The Postdoctoral Scholar participates in a research training program for the principal purpose of developing the individual's research skills for his/her primary benefit.
 - The activities of the individual in this role do not constitute performance of services (i.e., work). Therefore, the Postdoctoral Scholar acting within the terms of such an award does not have an employer-employee relationship with the University.
- Payment Method: The Postdoctoral Scholar receives a stipend from a training grant (i.e., NIH NRSA) or fellowship awarded directly to the University (see Section 7-A).
- Non-Salary Coverage: Since Postdoctoral Scholars are not employees, they are eligible for limited benefits only, as outlined in Section 7-B.

SECTION 3: EXPECTATIONS OF POSTDOCTORAL APPOINTEES AT DUKE UNIVERSITY

- The conscientious discharge of research or scholarship responsibilities, which may include teaching responsibilities for Postdoctoral Associates.
- Conformance to standards of responsible conduct in research, including taking all current required training.
- Compliance with good scholarly and research practice.
- Maintenance of a laboratory notebook and/or other comparable records of research activity, which remain the property of Duke University upon termination.
- Adherence to University standards regarding use of isotopes, chemicals, infectious agents, animals, human subjects, and the like.
- Open and timely discussion with the Faculty Mentor regarding all facets of the Postdoctoral Appointee's research activities. Postdoctoral Appointees are encouraged to consult the [AAMC Compact Between Postdoctoral Appointees and Their Mentors](#) for suggested guidelines for the Postdoctoral Appointee-Mentor relationship.

- Prompt disclosure to the Mentor regarding the possession and desire to distribute materials, reagents, software, copyrightable and potentially patentable discoveries derived from the Postdoctoral Appointee's research.
- Collegial conduct towards members of the research group and others as described in the [Duke University School of Medicine Honor Code of Professional Conduct](#) and other relevant conduct policies pertaining to other schools at Duke University.
- Compliance with Duke's [Workplace Expectations & Guidelines](#).
- Compliance with all applicable policies and procedures of the University and the department/responsible unit.

SECTION 4: EXPECTATIONS OF MENTORS

- Provide mentoring with an emphasis on development of independence including providing detailed advice and assistance on the development of a specific research project. Mentors have the responsibility of providing an educational experience that helps advance the career of the Postdoctoral Appointee. Mentors are encouraged to consult [AAMC Compact Between Postdoctoral Appointees and Their Mentors](#) for suggested guidelines for the Postdoctoral Appointee-Mentor relationship.
- Mentors are required to provide a written evaluation of performance on a yearly basis. The postdoctoral appointee should provide his/her written input to this evaluation, and the mentor and the postdoctoral appointee should discuss the evaluation together. Mentors should use the [sample evaluation form](#) available from the [Faculty Appointments, Promotion and Tenure Office](#) in the School of Medicine or from the [Office of Postdoctoral Services](#). Copies of the annual evaluation will be maintained in the department or responsible unit as part of the departmental/responsible unit's reappointment process.
- If the Postdoctoral Appointee does not meet expectations for conduct and/or performance as set forth in Duke's [Workplace Expectations & Guidelines](#), the Mentor should follow Duke's [Standards of Conduct & Performance/Corrective Action Protocols](#).

SECTION 5: APPOINTMENT POLICY AND PROCESSES FOR POSTDOCTORAL APPOINTEES

- In all cases, it is strongly recommended that the initial postdoctoral appointment be for 1 year. In general, appointment renewals will be for 1 year, with the maximum total term of appointments for a Postdoctoral Appointee being 5 years.
- This maximum term includes cumulative postdoctoral research experience. Extensions may be granted in extraordinary circumstances (e.g. family leave, illness) by the appropriate Dean in the case of professional schools and/or the Vice Provost for Research. If a Postdoctoral Appointee has spent part of the training period at another institution or in another field, then the total time of training should not exceed 6 years, except in extraordinary circumstances.
 - Grandfathering of Term Limit: Postdoctoral Appointees who were appointed prior to the April 1, 2008 implementation date of this Policy will, subject to the annual renewal of such appointment, have a term limit of 3 more years (i.e., through March 31, 2011) or a term total of 5 years, whichever is greater, before the conclusion of their standing as a Postdoctoral Appointee.
- Following the 5-year training period, a Postdoctoral Appointee must either be moved into a non-training position (e.g., Research Associate Senior, Research Scientist, Laboratory Research Analyst) or terminated. In the case of termination, notice shall have been given at least 90 days before the end of the 5-year training period.
- An individual period of appointment should not exceed the period of time for which funding is guaranteed in the appointment letter (see Sections 6-A and 7-A for applicable sources of funding).
- Candidates for postdoctoral positions should directly contact the Faculty Mentor and academic department or responsible unit in which the candidate is seeking the appointment. Upon acceptance, the Faculty Mentor, Department Chair, and/or Dean are responsible for sending a cosigned offer letter to the Postdoctoral Appointee. Departments/responsible units should use the standard [appointment letter template](#) (available from the [Faculty Appointments, Promotion and Tenure Office](#) in the School of

Medicine or from the [Office of Postdoctoral Services](#)). Generally, the appointment letter should be sent out three months prior to the start date of the appointment.

- The offer letter should include:
 - Offer of postdoctoral position (specifying whether the appointment is as a Postdoctoral Associate, or as a Postdoctoral Scholar following the initial Postdoctoral Associate employment period), with title of mutually agreed-upon research project/area of research and Principal Investigator's name.
 - The duties and responsibilities of the Postdoctoral Appointee, namely:
 - obligations and duties of the Postdoctoral Associate, or
 - expectations of the Postdoctoral Scholar.
 - The initial period of the appointment, with starting and ending dates.
 - The salary/stipend level, and the period of time for which funding is guaranteed, and a statement that support beyond this period is contingent upon the availability of research project funds.
 - Statement of eligibility for health insurance and other benefits.
 - (International candidates) Notification of visa and employment documentation requirements.
 - Copy of the Duke Postdoctoral Policy and the web address of the [Office of Postdoctoral Services](#), <http://www.postdoc.duke.edu/>, where this and other information relevant to postdocs can be found.
 - Notification of orientation meetings and policies of the department and/or responsible unit.
 - Intellectual property policy and agreement (where applicable; enclosed for signature).
 - Request for proof of doctoral degree.
 - Request for candidate's signature and return of letter by given date.

SECTION 6: POLICIES SPECIFIC TO POSTDOCTORAL ASSOCIATES (COMPENSATORY PAYROLL)

Section 6-A: Compensation for Postdoctoral Associates

- The University shall establish each year a minimum annual compensation level for all postdoctoral appointments equal to that set by the [National Institutes of Health \(NIH\) for zero-year postdoctoral fellows](#) for the period beginning July 1, 2009. For salary policy prior to July 1, 2009, see memo [“Institution of New Policy Concerning Postdoctoral Appointees”](#), dated March 21, 2007.
- The Faculty Mentor will determine additional pay increases for Postdoctoral Associates each year. Annual raises will not automatically be based on yearly performance evaluations; however, Mentors will be expected to provide a written performance evaluation on a yearly basis as part of their mentoring duties. The postdoctoral appointee should provide his/her written input to this evaluation, and the mentor and the postdoctoral appointee should discuss the evaluation together. Mentors may use the [sample evaluation form](#) available from the [Faculty Appointments, Promotion and Tenure Office](#) in the School of Medicine or the [Office of Postdoctoral Services](#).
- Clearly documented funding from all sources related to postdoctoral activities, including those outside Duke University (e.g., foreign country support), will be counted towards the established minimum; however, only the amount paid through the [Duke University Compensatory Payroll](#) may be counted towards meeting the FLSA requirements for exemption.
- Fellowships from foreign countries shall be supplemented to equal the NIH minimum if allowed by the primary funding agency.
- Postdoctoral Associates may not be “self-funded”. Funding for salary must come from Duke or from clearly documented external sources, not from the Postdoctoral Associate's personal funds or savings.

Section 6-B: Benefits for Postdoctoral Associates

Health and Insurance Benefits Enrollment for Postdoctoral Associates:

- Postdoctoral Associates who meet the [Duke University eligibility guidelines](#) may enroll in [health, dental, and vision](#) plans provided by the University.

- Postdoctoral Associates may [enroll for benefits](#) during the first 30 days of eligibility. After 30 days, the next opportunity to enroll or make enrollment changes in these benefits will be during the annual open enrollment period or if the Postdoctoral Associate experiences a qualifying life event.
- Postdoctoral Associates who meet the eligibility guidelines may enroll in the [Voluntary Short Term and Long Term Disability Insurance](#) plans and [Life Insurance](#) plans.
- Postdoctoral Associates may participate in the [Health Care and Dependent Care Reimbursement Accounts](#).
- As an employee of Duke University or Duke University Medical Center, Postdoctoral Associates earn sick leave which may be used if the Postdoctoral Associate becomes disabled and cannot work. If the Postdoctoral Associate is a full-time employee with 3 or more years of service, Duke provides at no cost a [group long term disability \(LTD\) plan](#) that replaces up to 60% of base salary after 16 weeks.

Vacation, Sick, and Parental Leave for Postdoctoral Associates:

- **Vacation:**
 - Vacation must be tracked by the department/responsible unit and the PI.
 - Postdoctoral Associates will accrue vacation at the rate of regular Duke University staff employees in [Fringe Benefit Category 4](#) (3 weeks of vacation per year; 1.25 days per month).
 - Accrued vacation that has been properly tracked must be utilized before termination of employment or transfer to the non-compensatory payment system.
 - Postdoctoral Associates employed on a 12-month basis accrue vacation from the first day of employment on a prorated basis.
 - Number of discretionary days and paid holidays will match that of the staff in the relevant school of the University (the split of d-days and holidays is typically different between the School of Medicine and the rest of the University schools).
 - Unutilized vacation carries over from year to year, but a Postdoctoral Associate may not accrue more than 20 days.
 - Accrued vacation will be carried over if the Postdoctoral Associate changes laboratories or departments/responsible units.
 - There is no reimbursement for unutilized vacation upon termination or transfer to the non-compensatory payment system.
- **Sick Leave:**
 - Sick leave must be tracked by the department/responsible unit and the PI.
 - Postdoctoral Associates accrue 12 sick days per year (1 day per month).
 - Unutilized sick leave carries over from year to year, and may be accrued without limit.
 - Accrued sick leave will be carried over if the Postdoctoral Associate changes laboratories or departments/responsible units. However, if a Postdoctoral Associate on the compensatory payroll switches to the non-compensatory payment system, accrued sick leave will not carry over.
 - There is no reimbursement for unutilized sick leave upon termination or transfer to the non-compensatory payment system.
- **Parental Leave:**
 - The parental leave policy will be equivalent to the [staff leave policy](#) (must use own time for first three weeks and second three weeks will be paid time off).
 - A Postdoctoral Associate who has been employed at Duke University for at least 12 months (need not be consecutive), and has worked at least 1250 hours during the preceding 12 months, is eligible for [FMLA leave](#).
- **Grandfathering of Vacation and Sick Leave:**
 - Postdoctoral Associates who were appointed prior to the April 1, 2008 implementation date of this Policy will maintain the time they have tracked through their departments/responsible units (vacation accrual not to exceed 20 days).
 - If a Postdoctoral Associate has not tracked his/her time through the department/responsible unit, he/she should contact the business manager of the department and/or responsible unit and the [Office of Postdoctoral Services](#) to determine allowable vacation and sick leave.
 - Designated holidays will match the existing School of Medicine or Campus schedule.

Retirement Plan Eligibility for Postdoctoral Associates:

- Postdoctoral Associates are eligible to participate in the [Duke Savings for Retirement Plan](#). This plan is funded by voluntary pre-tax contributions. Duke does not contribute to this plan. Postdoctoral Associates are eligible to participate immediately in the plan.

Other Benefits Eligibility for Postdoctoral Associates:

- Because postdoctoral appointments are of limited duration, Postdoctoral Associates are not likely to be eligible for the [Children's Tuition Grant Program](#).
- Postdoctoral Associates may join the [Duke University Federal Credit Union](#).

Section 6-C: Termination and Resignation Policies for Postdoctoral Associates

- A Postdoctoral Associate may have his or her appointment ended at any time during the appointment if he or she is found to have violated the expectations set forth above.
- A Postdoctoral Associate may have his or her appointment ended with 90 days written notice if the funding supporting his or her appointment ends or if performance is judged to be unsatisfactory.
- The Mentor should discuss all involuntary terminations in advance with the Chair or Dean of the department/responsible unit. If the Postdoctoral Associate is an International, involuntary termination must also be coordinated with the [Duke Visa Services](#) prior to giving written notice.
- Upon termination or resignation, Postdoctoral Associates are not eligible for severance pay, nor are they eligible to be paid out for accrued vacation or sick leave.
- A Postdoctoral Associate who resigns his or her appointment is expected to provide at least 30 days written notice to the Mentor.

Section 6-D: Dispute Resolution Policy for Postdoctoral Associates

- If the Postdoctoral Associate does not meet expectations for conduct and/or performance as set forth in Duke's [Workplace Expectations & Guidelines](#), the Mentor should follow Duke's [Standards of Conduct & Performance/Corrective Action Protocols](#).
- Postdoctoral Associates are eligible for the [Duke University Dispute Resolution Process](#).
- Issues such as sexual harassment, creation of a hostile work environment, or discrimination based on race, color, gender, religion, ethnic or national origin, age, disability, or sexual orientation are subjects of separate University policies. These issues are covered by the [Duke Office of Institutional Equity](#). Postdoctoral Associates should contact the Office of Institutional Equity for information on specific policies and procedures relating to these issues.

SECTION 7: POLICIES SPECIFIC TO POSTDOCTORAL SCHOLARS (NON-COMPENSATORY PAYMENT SYSTEM)

Section 7-A: Stipend for Postdoctoral Scholars

- The University shall establish each year a minimum annual stipend level for new postdoctoral appointments equal to that set by the [National Institutes of Health \(NIH\) for zero-year postdoctoral fellows](#). Generally, the Postdoctoral Scholar's stipend will be paid through the [Duke University Non-Compensatory Payment System](#).
- Payment Method: The Postdoctoral Scholar receives a stipend from a training grant (i.e., [NIH NRSA](#)) or fellowship awarded directly to the University.
 - When Postdoctoral Scholars are converted to a zero rate of pay, their hours and contract must be changed to an ineligible status.
 - Subject to the terms of their funding agency, Postdoctoral Scholars paid through the Duke University Non-Compensatory Payment System may receive additional monetary augmentation to their stipends through the Non-Compensatory Payment System to help defray expenses, **provided there is no work required for this stipend augmentation**. Principal Investigators wishing to provide Postdoctoral Scholars with noncompensatory stipend augmentation must fill out the [Verification of Additional Stipend Augmentation Form](#) certifying that there is no work required for this monetary augmentation.
 - Per [NIH regulations](#), Kirschstein-NRSA fellows may seek part-time employment incidental to their training program to further offset their expenses. Funds characterized as compensation may be paid to fellows only when there is an employer-employee relationship, the payments are for services rendered, and the situation otherwise meets the conditions for compensation of students as detailed in "[Cost Considerations-Selected Items of Cost-Salaries and Wages-Compensation of Students](#)." In addition, compensation must be in accordance with organizational policies applied consistently to both federally and non-federally supported activities and must be supported by acceptable accounting records that reflect the employer-employee relationship agreement. Under these conditions, the funds provided as compensation (salary, fringe benefits, and/or tuition remission) for services rendered, such as teaching or laboratory assistance, are not considered stipend supplementation; they are allowable charges to Federal grants, including PHS research grants. However, NIH expects that compensation from research grants will be for limited part-time employment apart from the normal training activities. Compensation may not be paid from a research grant that supports the same research that is part of the fellow's planned training experience as approved in the Kirschstein-NRSA individual fellowship application. Under no circumstances may the conditions of stipend supplementation or the services provided for compensation interfere with, detract from, or prolong the fellow's approved Kirschstein-NRSA training program. Fellowship sponsors must approve all instances of employment on research grants to verify that the circumstances will not detract from or prolong the approved training program. Principal Investigators wishing to compensate Postdoctoral Scholars for limited part-time employment must fill out the [Verification of Compensatory Payment Form](#), certifying that the work performed for compensation is not related to, and does not interfere with, the Postdoctoral Scholar's NRSA training. This part-time employment may not exceed 19 hours per week.
 - Subject to the terms of their funding agency, Postdoctoral Scholars paid through the Duke University Non-Compensatory Payment System may be paid externally to Duke.
- The Mentor may determine additional stipend increases for Postdoctoral Scholars each year, contingent upon the terms of the funding agency. Annual stipend increases will not automatically be based on yearly performance evaluations; however, Mentors will be expected to provide a written performance evaluation on a yearly basis as part of their mentoring duties. The postdoctoral appointee should provide his/her written input to this evaluation, and the mentor and the postdoctoral appointee should discuss the evaluation together. Mentors may use the [sample evaluation form](#) available from the [Faculty Appointments, Promotion and Tenure Office](#) in the School of Medicine or the [Office of Postdoctoral Services](#).

- Funding from all sources related to postdoctoral activities, including those outside Duke University (e.g., foreign country support), will be counted towards the established minimum.
- Fellowships from foreign countries shall be supplemented to equal the NIH minimum if allowed by the primary funding agency.
- Postdoctoral Scholars may not be “self-funded”. Funding for stipends must come from the Duke University Non-Compensatory Payment System or from clearly documented external sources, not from the Postdoctoral Scholar’s personal funds or savings.
- Tax Information for Postdoctoral Scholars:
 - The IRS and the North Carolina Department of Revenue require that Duke University report all non-compensatory payments issued to Postdoctoral Scholars. Although mandatory income tax withholding is not a requirement for US residents for tax purposes, Postdoctoral Scholars may elect to have income taxes deducted from each payment.
 - Since income tax withholding requirements vary according to individual circumstances, it is strongly recommended that all Postdoctoral Scholars consult the IRS and/or a tax professional to understand the tax implications (income and FICA) of their fellowship payments, as well as any additional funding sources. Because interpretation of tax laws is the domain of the IRS, Duke takes no position on what an individual’s tax status may be, and Duke does not have the authority to dispense tax advice to Postdoctoral Scholars.
 - Postdoctoral Scholars who are nonresidents for US tax purposes must comply with the federal and state withholding requirements specific to their type of non-compensatory payment. Additional information is available on the [Foreign National Payments](#) section of the [Corporate Payroll Services](#) website.

Section 7-B: Non-Salary Coverage for Postdoctoral Scholars

Health and Insurance Enrollment for Postdoctoral Scholars:

- As former University employees, Postdoctoral Scholars are eligible to enroll in [health, dental, vision, and the basic life insurance plan](#) provided by the University.
 - 100% of the funding for health insurance for the individual Postdoctoral Scholar’s coverage is guaranteed. Funding for this individual coverage for health insurance will come first from the Institutional/Insurance Allowance to the full extent allowable. If supplementation is necessary, the decision of how to allot such funding will be at the discretion of each School, with payment coming either from the Principal Investigator, the department/responsible unit, or the Dean.
 - The University contribution to funding for health insurance for dependents will be the same as the University contribution to staff dependent coverage. Funding for this portion of dependent coverage for health insurance will come first from the Institutional/Insurance Allowance to the full extent allowable. If supplementation is necessary, the decision of how to allot such funding will be at the discretion of each School, with payment coming either from the Principal Investigator, the department/responsible unit, or the Dean.
 - Since Postdoctoral Scholars are not employees, all deductions for health insurance will be post-tax.

Personal Time for Postdoctoral Scholars:

Postdoctoral Scholars may take personal time as defined below during their appointment. **However, Postdoctoral Scholars should note that in all instances terms of the funding agency take precedence over the Duke Postdoctoral Policy.**

- Number of allowable days of absence for personal reasons shall not exceed 40 days per fellowship year (prorated should the fellowship period be less than one year). This number of days corresponds to the temporal distribution of leave for Postdoctoral Associates: 15 vacation days, 12 sick days, and 13 holidays and discretionary days as observed by the relevant school of the University.
- Days of absence shall be coordinated with the Mentor to take place at a mutually agreeable time.
- Unutilized days of absence do not accrue from year to year, and will not be carried over if the Postdoctoral Scholar changes laboratories or departments/responsible units.

- Upon termination or transfer to a Postdoctoral Associate position, a Postdoctoral Scholar will not be paid out for unused days of absence.
- The parental leave period for Postdoctoral Scholars will be equivalent to the staff parental leave period: 6 weeks.
- Since they are not Duke University employees, Postdoctoral Scholars are not eligible for FMLA leave through Duke University. However, Postdoctoral Scholars should check the terms of their funding agency to determine if they are eligible for leave through the agency.
- Grandfathering of Personal Time: Postdoctoral Scholars who were appointed prior to the April 1, 2008 implementation date of this Policy will maintain the time they have tracked through their departments/responsible units.

Retirement Plan Eligibility for Postdoctoral Scholars:

- Since they are not Duke University employees, Postdoctoral Scholars are not eligible to participate in the [Duke Savings for Retirement Plan](#).

Other Enrollment Eligibility for Postdoctoral Scholars:

- Since they are not Duke University employees, Postdoctoral Scholars are not eligible for participation in the [Health Care and Dependent Care Reimbursement Accounts](#), the [Duke University Disability Program](#), the [voluntary Short Term and Long Term Disability Plans](#), the [Children's Tuition Grant Program](#), or other employee-specific benefits.
- Dependents of Postdoctoral Scholars are eligible for enrollment in [Duke Children's Campus](#); however, this is a subsidized facility and that subsidy will likely be taxable income.

Section 7-C: Termination and Resignation Policies for Postdoctoral Scholars

- A Postdoctoral Scholar may have his or her appointment ended at any time during the appointment if he or she is found to have violated the expectations set forth above.
- A Postdoctoral Scholar may have his or her appointment ended with 90 days written notice if the funding supporting his or her appointment ends or if performance is judged to be unsatisfactory.
- The Mentor should discuss all involuntary terminations in advance with the Chair or Dean of the department/responsible unit, and/or member of the administration experienced in postdoctoral education. If the Postdoctoral Scholar is an International, involuntary termination must also be coordinated with the [Duke Visa Services](#) prior to giving written notice.
- Upon termination, a Postdoctoral Scholar is not eligible for severance pay.
- A Postdoctoral Scholar who resigns his or her appointment is expected to provide at least 30 days written notice to the Mentor.

Section 7-D: Appeal Policy for Postdoctoral Scholars

This section covers Unfair Treatment. Note that issues such as sexual harassment, creation of a hostile work environment, or discrimination based on race, color, gender, religion, ethnic or national origin, age, disability, or sexual orientation are subjects of separate University policies and therefore are not considered as grievance situations within the scope of this policy. These issues are covered by the [Duke Office of Institutional Equity](#). Postdoctoral Scholars should contact the Office of Institutional Equity for information on specific policies and procedures relating to these issues.

- Postdoctoral Scholars are expected to comply with Duke's Workplace Expectations & Guidelines. Although Postdoctoral Scholars are not Duke employees, if a Postdoctoral Scholar does not meet expectations for conduct and/or performance, the Mentor may wish to use Duke's [Standards of Conduct & Performance/Corrective Action Protocols](#) as a corrective action guideline.
- Since Postdoctoral Scholars are not Duke University employees, they are not eligible for the [Duke University Dispute Resolution Process](#).

- Unfair Treatment: A Postdoctoral Scholar who believes that he or she has been treated unfairly should first discuss the problem with the Faculty Mentor and/or the Chair of the department/responsible unit. Each school should designate a faculty member, or member of the administration experienced in postdoctoral education, whose duties are to serve as a resource to the Postdoctoral Scholar in addressing and resolving grievances. If a resolution cannot be reached at the level of either the department/responsible unit or through the efforts of the designated resource person, the Postdoctoral Scholar should present the grievance to the Dean for informal evaluation and, as necessary, adjudication. The determination by the Dean is the final step in the grievance process.

ADDENDUM 1: POLICIES SPECIFIC TO PAID-DIRECT CANDIDATES FOR POSTDOCTORAL APPOINTMENT

EFFECTIVE APRIL 1, 2009

A small percentage of candidates for postdoctoral appointment are paid directly from an external agency or foreign government and do not receive salary or stipend through the [Duke University Compensatory Payroll](#) or the [Duke University Non-Compensatory Payment System](#).

An appointment may be made in the title of 'Postdoctoral Scholar-Paid Direct' when the candidate has been awarded a fellowship or traineeship by such an external agency, and the agency pays the fellowship or traineeship directly to the candidate, rather than through the University.

An appointment as Postdoctoral Scholar-Paid Direct may only be made when a candidate meets the postdoctoral stipend requirements as outlined below in Addendum Section 1-A, "Stipend for Postdoctoral Scholars-Paid Direct", and, if Duke health insurance coverage is desired, the requirements outlined in Addendum Section 1-B, "Health Insurance Enrollment for Postdoctoral Scholars-Paid Direct".

Purpose of Appointment: An individual appointed as a Postdoctoral Scholar-Paid-Direct participates in a research training program for the principal purpose of developing his/her research skills for his/her primary benefit. The activities of the individual in this role do not constitute performance of services (i.e., work). Therefore, the Postdoctoral Scholar-Paid Direct acting within the terms of such an award does not have an employer-employee relationship with the University.

Appointment Policy and Processes for Postdoctoral Scholars-Paid Direct: The appointment process is the same for the Postdoctoral Scholar-Paid Direct as for other Duke University Postdoctoral Appointees. The initial appointment must be for 9 months or greater. [Appointment letters](#) must clearly specify the source and amount of the candidate's funding.

Payment Method: The Postdoctoral Scholar-Paid Direct receives a stipend from a fellowship or traineeship awarded directly to her/him.

Non-Salary Coverage: Individuals with a Postdoctoral Scholar-Paid Direct designation are not Duke University employees. However, if an appointment is made as Postdoctoral Scholar-Paid Direct, Section 7 of the Duke Postdoctoral Policy, "Policies Specific to Postdoctoral Scholars" will apply, with the restrictions outlined below in Addendum Section 1-B.

Note that external funding agencies may have their own policies governing participation in their programs. The policies of the external agency always take precedence over the Duke University Postdoctoral Policy.

Addendum Section 1-A: Stipend for Postdoctoral Scholars-Paid-Direct

In order to be eligible for appointment as a Postdoctoral Scholar-Paid Direct, the candidate's funding must meet the postdoctoral stipend minimum outlined in Section 7-A of the Duke Postdoctoral Policy.

- Some paid-direct candidates for postdoctoral appointment may not have the requisite external funding to meet the Duke postdoctoral stipend minimum. In such cases, if postdoctoral appointment is desired, the Faculty Mentor must provide stipend augmentation to bring the candidate up to the postdoctoral stipend minimum through the [Duke University Non-Compensatory Payment System](#). **No compensatory work may be required for such augmentation.** Compensatory work is defined as work that primarily benefits Duke, and is distinguished from work or effort that primarily benefits the individual and advances his or her training.

- Faculty Mentors may only provide stipend augmentation for paid-direct candidates from non-federal (i.e., unrestricted) funds.
- Paid-direct candidates for postdoctoral appointment **may not** be compensated through the biweekly or monthly compensatory payroll, because they are trainees of the external agency, rather than employees of Duke University.
- If the candidate's external funding does not meet the postdoctoral stipend minimum and the Faculty Mentor declines to provide stipend augmentation, the candidate is not eligible for postdoctoral appointment and must default to Visiting Scholar or similar status.

Addendum Section 1-B: Non-Salary Coverage for Postdoctoral Scholars-Paid Direct

Health Insurance Enrollment for Postdoctoral Scholars-Paid Direct:

In order to be eligible for enrollment in the [health insurance plans](#) provided by the University, candidates for Postdoctoral Scholar-Paid Direct status must meet **all** of the following requirements:

1. If the candidate has not previously been employed by Duke, the Faculty Mentor must be willing to provide salary for the candidate to spend a minimum of one month on the [Duke University Compensatory Payroll](#) to establish Duke employee status. If the Faculty Mentor declines to provide salary for a minimum of one month, the candidate is not eligible for postdoctoral appointment and must default to Visiting Scholar or similar status.
2. Immigration status and eligibility for work authorization for this minimum one-month period must be confirmed with [Duke Visa Services](#). If the candidate is not eligible for work authorization, the candidate is not eligible for postdoctoral appointment and must default to Visiting Scholar or similar status.
3. The Faculty Mentor must be willing to pay the **entire cost of health insurance** for the **entire period of appointment** through the [Duke University Non-Compensatory Payment System](#). The level of coverage and type of Duke insurance plan will be selected at the Mentor's discretion. The cost of insurance must be grossed up to provide the candidate the full insurance benefit and to offset tax withholding requirements, unless the candidate is eligible for tax treaty benefits. Candidates for Postdoctoral Scholar-Paid Direct status should note that this insurance cost will be included in taxable income, and that the benefit deductions will be withheld on a post-tax basis. If the Faculty Mentor declines to provide the entire cost of insurance, the candidate is not eligible for postdoctoral appointment and must default to Visiting Scholar or similar status.

Retirement Plan Eligibility for Postdoctoral Scholars-Paid Direct:

Because they are not Duke University employees, Postdoctoral Scholars-Paid Direct are not eligible to participate in the [Duke Savings for Retirement Plan](#).

Other Enrollment Eligibility for Postdoctoral Scholars-Paid Direct:

Because they are not Duke University employees, Postdoctoral Scholars-Paid Direct are not eligible for participation in the [dental and vision plans](#) provided by the University, the [Health Care and Dependent Care Reimbursement Accounts](#), the [Duke University Disability Program](#), the [voluntary Short Term and Long Term Disability Plans](#), the [Children's Tuition Grant Program](#), or other employee-specific benefits.