

GUIDELINES FOR RESEARCH ASSOCIATES

**Office of the Provost
University of Pittsburgh**

Effective: August 2006 (Updated 2009)

DEFINITION

Research Associates will normally have full-time appointments in support of research and/or scholarship. The appointment is renewable and is not viewed as preparation for another position. Research Associates will have the Ph.D. or equivalent doctoral degree, will work under the supervision of a faculty member, and are supported from funds awarded externally or allocated internally to perform duties designed to meet the goals for which the funding was established. They are not expected to have regular teaching responsibilities. Research Associates are employees of the University, are not members of the faculty, are paid through the University, and a fringe benefit rate is charged on the basis of salary. Experience and quality of performance may justify an appointment or promotion to Senior Research Associate. Such appointments or promotions will be in accordance with criteria established within each School or Center. Any subsequent appointment as a member of the faculty will require separate personnel actions under the University guidelines for faculty appointments and are not promotions.¹

APPOINTMENT GUIDELINES

A Research Associate must receive a letter that states the general conditions of the appointment and specifies the following: title of the appointment, salary, reference to the fringe benefits associated with the appointment as outlined later in these guidelines, duration of the appointment (starting and ending dates, normally for not more than one to three years duration and subject to annual performance review), general duties, any training requirements, and other pertinent terms of the appointment. With the exception of visiting appointments (of no more than three years duration), all Research Associate appointments must be made in accordance with the University's affirmative action search procedures, unless a search waiver is first approved by the Office of Affirmative Action. The letter of appointment should outline the scope of the anticipated project and the Research Associate's role within it. If the position is supported by external funds, the source of external funds should be stated as well as that these funds are projected to be

¹A not uncommon practice in the Health Sciences schools is to appoint an individual who was previously a Research Associate to the position of Research Assistant Professor. Research Assistant Professors are non-tenure stream members of the faculty, work more independently than Research Associates, and may receive research funding in their own right. They are not ordinarily expected to undertake regular teaching responsibilities. Such appointments are governed by the University's Policies and Procedures pertaining to non-tenure stream faculty members and are summarized in the Faculty Handbook, which can be viewed online at <http://www.pitt.edu/~provost/handbook.html>.

available for the duration of the appointment. If external funding is terminated prior to the ending date stated in the appointment letter, the appointment can be terminated with as much prior notification as possible, but in no event less than thirty (30) days. The letter of appointment should be signed by the supervisor and the department chair (or other responsible University official), and should be sent to the Research Associate in duplicate, along with a copy of these guidelines. If the appointment is accepted, the Research Associate must sign one copy of the appointment letter and return it to the designated authority.

Appointment Requirements: The Immigration Reform and Control Act requires employers to institute procedures for verifying that a job applicant is authorized to be employed in the United States. As a condition of appointment, a Research Associate is required to produce the necessary documentation to demonstrate his or her eligibility to work in the United States. Please refer to University Policy and Procedure 07-01-04, *Employment Eligibility Verification: Immigration Reform and Control Act* (<http://www.bc.pitt.edu/policies/policy/07/07-01-04.html>). The University's Office of International Services should be consulted as necessary.

REAPPOINTMENT GUIDELINES

The criteria and regulations that pertain to original appointments apply to reappointments and should also be governed by the following considerations:

- Reappointment requires satisfactory performance as determined by the supervisor and continuation of funding for the position.
- Reappointment should normally be made at the same or higher salary.
- Written notice from the supervisor and department chair (or other responsible University official) of reappointment or of non-reappointment, including an explanation of the circumstances, should be provided at least 90 days prior to the end of the current contract. Extending delay of this notification should be granted only with the mutual agreement of the Research Associate for specific reasons made clear to the RA.

GRIEVANCE SITUATIONS

This section covers two grievance categories: Unfair Treatment and Early Termination of Appointment. It should be noted that such issues as sexual harassment, creation of a hostile work environment, or discrimination based on race, sex, ethnic origin, age or handicap are subjects of separate University policies and therefore are not considered as grievance situations within the scope of this document. (See the next section, "Campus Workplace Policies and Procedures," for information on specific policies and procedures, including the process for making complaints, relating to these issues.)

Unfair Treatment: A Research Associate who believes that he or she has been treated unfairly should first discuss the problem with the supervisor. Each school or unit should designate a faculty member or member of the administration, whose duties are to serve as

a resource to a Research Associate in addressing and resolving grievances. If a resolution cannot be reached at either the departmental level or through the efforts of the designated resource person, the Research Associate should present the grievance to the dean/regional campus president/center director for informal evaluation and, as necessary, adjudication. The determination by the dean/regional campus president/center director is the final step in the grievance process.

Early Termination of Appointment (other than for loss of external funding): Early termination refers to the dismissal of a Research Associate prior to the end date of the contractual period of appointment. Early termination may be initiated only if the Research Associate has received an appropriate and timely written warning with respect to his or her performance, or has clearly violated one of the major canons of institutional responsibility or University policy. The Research Associate must be informed in writing of the reasons for the termination. The termination letter must be signed by the supervisor and co-signed by the department chair (or other responsible University official). The appeals procedure must be included with the early termination letter.

The appeals procedure for early termination is as follows: (1) The Research Associate must appeal to the dean/regional campus president/center director in writing within two weeks of receiving the notification of termination. (2) The dean/regional campus president/center director will appoint a hearing officer to investigate the merits of the grievance, which will include a hearing for the appellant. (3) Within six weeks of filing the appeal, the hearing officer shall present his/her findings and recommendations to the dean/regional campus president/center director. The appellant shall be provided with a notification of the findings and recommendations of the hearing officer. (4) The dean's/regional campus'/center director's decision will be rendered in a timely fashion, and the appellant so notified as soon thereafter as possible. The dean's/regional campus'/center director's decision is the final step in the appeals process.

CAMPUS WORKPLACE POLICIES AND PROCEDURES

As members of the University community, it is important that Research Associates are familiar with the following policies and procedures, as well as their potential roles and responsibilities in the University workplace:

- 07-01-03, *Nondiscrimination, Equal Opportunity, and Affirmative Action* (<http://www.bc.pitt.edu/policies/policy/07/07-01-03.html>)
- 07-06-04, *Sexual Harassment* (<http://www.bc.pitt.edu/policies/policy/07/07-06-04.html>)
- 07-01-03, *Nondiscrimination and Anti-Harassment Procedure* (<http://www.bc.pitt.edu/policies/procedure/07/07-01-03.html>)
- 06-03-03, *Harassment by Telecommunication* (<http://www.bc.pitt.edu/policies/policy/06/06-03-03.html>)
- 02-04-03, *Faculty-Student Relationships* (<http://www.bc.pitt.edu/policies/policy/02/02-04-03.html>)

- 10-02-05, *Computer Access and Use*, (<http://www.bc.pitt.edu/policies/policy/10/10-02-05.html> and 10-02-99), and *Computer Access of Obscene Material* (<http://www.bc.pitt.edu/policies/policy/10/10-02-99.html>).

Research Associates must also complete the online sexual harassment training program at <http://training.newmedialearning.com/psh/pitt/>. Upon completion, the certificate of completion must be turned in to the departmental administrator.

RESEARCH INTEGRITY

The University seeks excellence in pursuit of knowledge and scholarship and requires all members of the University community to adhere to the highest standards of responsible conduct and integrity in research. Should a violation of research integrity and/or research misconduct appear to occur, the University of Pittsburgh Research Integrity Policy (<http://www.bc.pitt.edu/policies/policy/11/11-01-01.html>) contains the details of procedures to be followed. This Policy applies to all research-related positions. Research misconduct is defined as: (1) fabrication, falsification, plagiarism and other practices that seriously deviate from those that are commonly accepted in the scientific community for proposing, conducting or reporting research; (2) material failure to comply with federal requirements for the protection of researchers, human subjects or the public or for the welfare of laboratory animals; and (3) failure to meet other material legal requirements governing research.

A Research Associate should complete the required training in research protocol issues, including training in responsible conduct; IRB and IACUC issues; HIPAA; and intellectual property issues, including conflict of interest. Additional training may be provided by the supervisor, the home department, the school and/or the University.

All Research Associates must also subscribe to the principles with respect to responsible authorship and publications practices that are set forth in Research Integrity (Formerly RPF Module 1), Chapter 1, “Responsible Authorship and Publication Practices,” available through <https://cme.hs.pitt.edu/servlet/IteachControllerServlet?actiontotake=faq&source=non-hipaa>; and the *Guidelines for Ethical Practices in Research*, 4. Authorship and Other Publication Practices, available at <http://www.pitt.edu/~provost/ethresearch.html>.

PATENT RIGHTS: Patent rights resulting from research conducted in whole or in part by a Research Associate are subject to the University of Pittsburgh Patent Rights and Technology Transfer Policy (<http://www.bc.pitt.edu/policies/policy/11/11-02-01.html>). It should be noted that data collected as part of the assigned research duties of the Research Associate or as part of training and education are the property of the University, including original research notebooks and electronic files. Patent rights resulting from externally-sponsored research grants, contracts, or other such arrangements are also subject to the terms of those agreements. The supervisor should make every effort to give fair credit to the RA for his/her research and scholarly contribution to a creative work.

SALARIES

Unless otherwise stated in the letter of appointment, each year the level of compensation will be reconsidered and adjustments made as appropriate and financially feasible, in accordance with the University's guidelines for annual salary increments as well as any federal guidelines that may be applicable for federally-funded projects. Inasmuch as Research Associates qualify as exempt employees under the federal Fair Labor Standards Act, their minimum annual compensation must be set at the minimum established by that statute.² Part-time Research Associates must also receive this minimum level of annual compensation in order to maintain exempt status.

HEALTH INSURANCE COVERAGE

Research Associates who receive full-time or fractional appointments are eligible to participate in the University's health insurance plan for faculty and staff. The University will provide individual coverage at an assigned cost to the individual. Family coverage (for spouses and dependent children) is available by paying the supplemental premium per University guidelines. To enroll in the individual or family plan, a Research Associate must complete an enrollment form. Research Associates who participate in the University health insurance plan may elect to purchase optional dental and vision coverage.

ACCESS TO UNIVERSITY LIBRARIES, RECREATIONAL FACILITIES, COMPUTING AND TRANSPORTATION SERVICES

The University photo I.D. card issued to all Research Associates guarantees access to the University libraries and recreational facilities on the same basis as faculty members and staff. They will also receive e-mail accounts and access to the University's computing and network services, which accounts and access are subject to the University's computer use and access policies. In accordance with the University's current contract with Port Authority Transit of Allegheny County, the University I.D. card can also be used to access PAT bus services in a manner comparable to faculty, staff and students.

OTHER BENEFITS

Vacation

Research Associates on 12-month contracts receive 20 days of paid vacation each year.

Leaves Under the Family and Medical Leave Act (FMLA)

The University provides for family and medical leaves in accordance with the Family and Medical Leave Act (FMLA). A government notice that fully explains employee rights and responsibilities under the FMLA is included in the Appendix to these Guidelines. In

² That minimum compensation level is currently \$23,660.

brief, Research Associates who have worked for the University for at least 12 months and for a minimum of 1,250 hours in the preceding 12 months are eligible for a total of 12 weeks per year of unpaid leave for the following reasons: incapacity due to pregnancy, prenatal medical care or child birth, to provide care following the birth or adoption of a child, to care for an immediate family member who has a serious health condition, incapacity due to a serious health condition, and/or to address qualifying exigencies due to an immediate family member's active military duty or call to active duty status. Eligible Research Associates are also entitled to up to 26 weeks of unpaid leave to care for an injured covered service member during a single 12 month period. Research Associates are subject to the same FMLA policy and procedure as regular University staff (see Policy 07-07-02, *Leave Under the Family and Medical Leave Act for Staff* (<http://www.bc.pitt.edu/policies/policy/07/07-07-02.html>); and Procedure 07-07-02 (<http://www.bc.pitt.edu/policies/procedure/07/07-07-02.html>). Additional information on the FMLA is also available online at <http://www.dol.gov/elaws/esa/fmla/faq.asp>.

Retirement Plan Participation

As University employees, Research Associates are eligible to participate in the University's retirement plans. Eligibility for benefits typically includes a vesting period for the retention of the University's contribution. Information on retirement plan options is available online (<http://www.hr.pitt.edu/benefits/retirement.htm>) or from the Office of Human Resources.

Life Insurance

Research Associates are provided with the University paid basic group life insurance coverage at one times base salary up to a maximum of \$50,000. Additionally, they are eligible for participant-paid optional life insurance as well as spouse and dependent life insurance coverages. Additional life insurance coverage information can be found at <http://www.hr.pitt.edu/benefits/Insurance.htm>.

Tuition Scholarships

Research Associates and their families are eligible to participate in the University's tuition scholarship program. As is the case for faculty and staff, the value of tuition scholarships is subject to IRS reporting as imputed income. (Information on this program is available online at: <http://www.bc.pitt.edu/policies/policy/02/02-07-01.html>).

APPENDIX

EMPLOYEE RIGHTS AND RESPONSIBILITIES UNDER THE FAMILY AND MEDICAL LEAVE ACT

Basic Leave Entitlement

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- For incapacity due to pregnancy, prenatal medical care or child birth;
- To care for the employee's child after birth, or placement for adoption or foster care;
- To care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or
- For a serious health condition that makes the employee unable to perform the employee's job.

Military Family Leave Entitlements

Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintroduction briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the servicemember medically unfit to perform his or her duties for which the servicemember is undergoing medical treatment, recuperation, or therapy, or is in outpatient status; or is on the temporary disability retired list.

Benefits and Protections

During FMLA leave, the employer must maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

Eligibility Requirements

Employees are eligible if they have worked for a covered employer for at least one year, for 1,250 hours over the previous 12 months, and if at least 50 employees are employed by the employer within 75 miles.

Definition of Serious Health Condition

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

Use of Leave

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

Substitution of Paid Leave for Unpaid Leave

Employers may choose or employers may require use of accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the employer's normal paid leave policies.

Employee Responsibilities

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer's normal call-in procedures.

Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

Employer Responsibilities

Covered employers must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the employer must provide a reason for the ineligibility.

Covered employers must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the employer determines that the leave is not FMLA-protected, the employer must notify the employee.

Unlawful Acts by Employers

FMLA makes it unlawful for any employer to:

- Interfere with, restrain, or deny the exercise of any right provided under FMLA;
- Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

Enforcement

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.

FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

FMLA section 109 (29 U.S.C. § 2619) requires FMLA covered employers to post the text of this notice. Regulations 29 C.F.R. § 825.300(a) may require additional disclosures.



For additional information:
1-866-4US-WAGE (1-866-487-9243) TTY: 1-877-889-5627
WWW.WAGEHOUR.DOL.GOV



U.S. Department of Labor | Employment Standards Administration | Wage and Hour Division

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