

## TAMPA VA RESEARCH AND EDUCATION FOUNDATION, INC

### Standard Operating Procedure TVAREF SOP- 03 – Employee Handbook April 15, 2012

#### Employee Handbook

This handbook does not constitute a contract for employment for any period of time but merely sets forth policies and procedures in effect on the date it was issued. This handbook may be amended from time to time without prior notice to employees. Both the Tampa VA Research and Education Foundation, Inc. (TVAREF), the Board of Directors and an employee have the right to terminate the employment relationship at anytime, with or without cause or notice. Please understand that no supervisor, manager, or representative of the TVAREF other than the Executive Director, has the authority to enter into any agreement with you for employment for any specified period of time or to make any promises or commitments contrary to the foregoing. Further, any employment agreement entered into by the Executive Director will not be enforceable unless it is in writing. The Executive Director will issue an offer letter outlining the salary and benefits which requires an acceptance signature from the employee.

#### Compensation for Full-Time VA Investigators and Research Staff

Regardless of the source of funding for a project (federal or private), TVAREF will not directly pay compensation to full time VA investigators or research staff for work above the normal 40 hours per week on VA research even if it is clearly stated that the work to be performed is outside of VA duty hours and is not related to VA duties. For example, a VA Research Nurse conducting VA research during a VA tour of duty cannot be compensated by TVAREF for work performed on the same research activity, even if the work is performed during non-VA duty hours. However, full time VA employees (40 hours/week ) will be compensated through a MOU that will be established with the James A. Haley Veterans' Hospital (JAHVH) that outlines the services to be furnished by (JAHVH). This MOU will be specific to the project and the individual PI. Any VA-compensated employee requesting salary from TVAREF must comply with established MOU. The form is obtained on line by clicking on Human Resources, and filling out form, securing signed approvals from the PI, TVAREF Executive Director, and the VA Medical Center Director. **A TVAREF employee will be paid the same salary as they are receiving from their VA position appointment, unless an exception is approved by the Executive Director and Chairperson and President of TVAREF.**

#### Compensation for Part-Time VA Investigators and Research Staff

TVAREF will pay employees directly for time spent on TVAREF administered VA research if less than 40 hours for VA investigators or research staff. However, TVAREF must ensure that there is no possibility of dual compensation or conflicts of interest; therefore, as outlined on Page 6 – Time Sheets , **employee must furnish TVAREF**

with a timesheet for time worked each pay period signed by their immediate supervisor, and a copy of the established tour of duty must be furnished to TVAREF along with the MOU. If timesheets are not submitted on the last day of the pay period, the employee will not be paid until the following pay period. A TVAREF employee will be paid the same salary as they are receiving from their VA position appointment. WOC's (i.e., employees receiving no salary from the VA) will be paid solely by the Foundation. The WOC must have an equivalent VA position description on file in the TVAREF office in order to determine applicable salary for work to be performed on the research project.

### **Conflicts of Interest**

Employees are expected to devote their best efforts, time and attention to the performance of their work duties. Employees are also expected to adhere to high ethical standards, and to avoid situations that create an actual or potential conflict of interest. A conflict of interest exists when:

1. Employees' loyalties or actions are divided between the interests of TVAREF and employees' own personal interests or outside activities;
2. Employees' loyalties or actions are divided between the interests of TVAREF and those of a competitor, supplier, customer, client, or other party; or
3. Employees' financial investments or activities adversely affect their ability to carry out their responsibilities to TVAREF or its clients.

Employees who are unsure as to whether a certain transaction, activity, or relationship constitutes a conflict of interest should discuss it with the Executive Director, who must approve in writing any exceptions to this policy. Once a potential conflict of interest situation is brought to the attention of the Executive Director, (s)he will consult with an ethics official, which may include VA counsel.

While it is not feasible to describe all possible conflicts of interest that could develop, employees should avoid the following examples of situations that may give rise to a conflict of interest:

1. Soliciting or accepting personal gifts, entertainment or payments from competitors, clients, vendors or suppliers that conduct business with TVAREF;
2. Simultaneously working for a competitor, customer, client, supplier or vendor while making business decisions on behalf of TVAREF;
3. Having a direct or indirect financial or ownership interest in a competitor, customer, client, supplier or vendor, that could potentially conflict with business decisions made on behalf of TVAREF;
4. Engaging in self-employment in direct competition with TVAREF;
5. Misusing or improperly disclosing confidential or proprietary information belonging to TVAREF;
6. Using TVAREF's property or labor for personal or third party use;
7. Committing TVAREF's financial resources or other forms of support to any outside activity or organization without prior approval from the Executive Director;
8. Developing a personal, familial or intimate relationship with an employee of a competitor, customer, client, supplier, or vendor that might interfere with the exercise of impartial judgment in decisions affecting TVAREF; or

9. Using TVAREF's letterhead or stationary for correspondence for personal purposes unrelated to TVAREF business.

If an employee or someone with whom an employee has a close relationship (e.g., a family member or close companion) has a financial or employment relationship with a competitor, customer, client, supplier, or vendor with whom the employee is transacting business on behalf of TVAREF, the employee must disclose this fact in writing to the Executive Director.

Failure to comply with this policy, including failure to disclose any conflicts or to seek an exception, may result in discipline, up to and including termination of employment.

### **Nepotism**

In general, relatives are not to be hired or supervised by other members of their family. This includes, but is not limited to; domestic partnerships, spouses, children, siblings, aunts, uncles, cousins and others, at the discretion of the Board of Directors. The Board of Directors, at their discretion, may make a decision for an exemption that is either permanent or temporary based on segregation of duties and reporting hierarchy. Violation of this policy may result in discipline, including but not limited to termination of employment. (See SOP 3 Appendix A for Policy & Procedures)

### **Rights & Responsibilities**

The Standards of Ethical Conduct and Related Responsibilities of Employees, located in Title 38, Code of Federal Regulations, sections 0.735-10 to 0.735-23 provide in section 0.735-15 that "an employee shall not, except as specifically authorized, disclose any official information which represents a matter of confidence or trust or any other official information of such character that its disclosure or use would be contrary to the best interest of the Government, the Veterans Administration, or the veterans being served by the Veterans Administration".

As TVAREF employees, it is our responsibility to protect the confidentiality of all patient information. This responsibility extends to all employees and not only to those who provide actual patient care or maintain medical records. Any patient information, whether overheard, noticed at a copy machine or desk, read during hand-carry, seen in correspondence, etc., must be kept confidential by all employees. Our patients have a legal right to privacy and we, as their care-givers, have a legal and moral responsibility to protect that right.

We may not discuss patient information with anyone when off-duty. When on-duty, we must refrain from discussing our patients with anyone, including other patients, visitors, and other employees who do not need to know the information in order to carry out their official duties. Increased diligence must be exercised in protecting patient information in cases where patients have sensitive medical conditions where the inappropriate disclosure of information could be medically, psychologically, socially or economically harmful.

The Privacy Act and other Federal statutes provide penalty and fine provisions for the knowing and willful misuse or disclosure of confidential information to any person or agency that is not entitled to receive it.

### **Non-Discrimination and Anti-Harassment:**

The TVAREF is an Equal Opportunity Employer. Our policy is to offer equal opportunity to all qualified employees and applicants for employment without regard to race, religion, color, sex, national origin, age, sexual orientation, status as a parent, disability, or veteran status. TVAREF also complies with applicable state and local laws governing nondiscrimination in employment.

This policy is our commitment to comply with the requirements and objectives set forth by Presidential Executive Orders 11246, 11478, 13087 and 13152, Title VII of the Civil Rights Act of 1964, the Civil Rights Act of 1991, the Age Discrimination in Employment Act of 1967, Age Discrimination Act of 1975, Equal Pay Act of 1963, the Americans with Disabilities Act of 1990, the Uniformed Services Employment and Reemployment Rights Act, the Vietnam-Era Veterans Readjustment Assistance Act of 1974, and the Vocational Rehabilitation Act of 1973. We seek to obtain individuals qualified or trainable for a position by virtue of job-related education standards, training, experience, and personal qualifications.

In addition to this policy, the TVAREF is committed to the mission that all employees should be able to enjoy and work in an environment free from discriminatory harassment. Harassment of any person or group of persons on the basis of race, religion, color, sex, national origin, age, sexual orientation, status as a parent, disability, or veteran status is a form of discrimination specifically prohibited by the TVAREF. Any employee who violates this policy will be subject to disciplinary action up to and including termination.

Discriminatory harassment includes conduct (oral, written, graphic, or physical) directed against any person or group of persons because of race, religion, color, sex, national origin, age, sexual orientation, status as a parent, disability, or veteran status and that has the purpose or reasonably foreseeable effect of creating an offensive, demeaning, intimidating, or hostile environment for that person or group of persons. Such conduct includes, but is not limited to, objectionable epithets, demeaning depictions or treatment, and threatened or actual abuse or harm. Any employee that feels that he or she has been a victim or witness of such harassment should report the incident to the TVAREF's Executive Director immediately.

### **Sexual Harassment Statement**

To emphasize the TVAREF position on sexual harassment, managers and supervisors should review this policy and periodically discuss it with all employees.

Sexual harassment will not be tolerated. It is the managers' responsibility to assure that their work areas are free from all forms of sexual harassment. Prompt action must be taken when an allegation of sexual harassment is made. All employees should treat

each other with respect. All employees have the right to work in an environment free from such harassment. Sexual harassment includes, but is not limited to, unwelcome verbal behavior such as comments, suggestions, jokes, or derogatory remarks based on sex, unsolicited physical behavior, visual harassment (such as posters and pictures in the work areas), and unwanted sexual advances. These acts will not be tolerated in our work environment.

All employees should avoid contact that undermines the policies and practices of TVAREF. Any employee who is aware of any instances of sexual harassment should report the alleged act immediately to his/her supervisor. If the employee is uncomfortable in discussing this matter with the supervisor or if the supervisor is not available, the employee should report the alleged act immediately to the Executive Director.

### **Whistleblowers Policy & Guidelines for Reporting Improper Activity**

TVAREF supports the conscientious reporting of improper activity. TVAREF does not condone any activity that is illegal or improper, whether by a Board Member, the Executive Director, a Principle Investigator, a supervisor or employee. TVAREF encourages its employees to report any suspected or actual illegal or improper activity.

Behavior that falls into the category of illegal or improper conduct includes: fraud, theft, safety violations, improper use of authority, gross waste of funds, harassment, or retaliation. If an employee in good faith believes that an improper or illegal action or event has occurred, he or she should report the incident to the Executive Director or if that is not possible, the employee should report the incident to the Chairman of the Board of Directors. If an employee is unsure who the current Chairman is he or she may refer to [www.tampavaref.org](http://www.tampavaref.org).

Complaints, reports or inquiries may also be made on a confidential or anonymous basis by calling the Tampa VA Hotline. Employees should describe in detail the specific facts demonstrating the bases for the complaints, reports or inquiries. TVAREF will conduct a prompt, discreet, and objective review or investigation. Employees must recognize that TVAREF may be unable to fully evaluate a vague or general complaint, report or inquiry that is made anonymously. Alternatively, employees may also call the VA's Confidential Hotline (Compliance Helpline Anonymous) – 404.417.2962 to report improper activity. You can contact OSC toll-free at 800-872-9855

TVAREF will strive to keep a whistleblower's identity confidential, but this cannot be guaranteed. An employee may be called as a witness in any criminal investigation. TVAREF will seek to protect the employee from any retaliation. Any employee who feels that adverse action has been taken toward him or her due to a report of improper activity should report it as soon as possible in writing (including email) to the Executive Director or the Chairman of the Board.

You may file a disclosure claim either on-line using OSC Form 12 (E-File button), via fax numbers 202-653-5151 or 202-653-5161, or mail: Office of Special Counsel, 1730 M Street, N.W., Suite 218, Washington, DC 20036

**Disclosure Unit Hotline Number:**  
1-(800)-572-2249

ORO does its best to honor the confidentiality of persons who file complaints about VA research.

**However, persons who do not wish to identify themselves and would rather remain ANONYMOUS may call ORO's toll-free COMPLAINT LINE at 1-877-343-6562.**

Complaints in the following areas should be directed to the appropriate office listed below:

- **Medical Treatment** – VHA Medical Inspector Hotline (1-800-634-4782)
- **Fiscal Waste/Fraud/Abuse** – VA Inspector General (1-800-488-8244)
- **Billing/Payment** – VHA Compliance & Business Integrity (866-842-4357)
- **VA Benefits** – Veterans Benefits Administration (1-800 827-1000; 1-800-4833 TDD).

### **Pay Periods, Paydays, and Paychecks**

Pay periods are bi-weekly. Paychecks will be paid by direct deposit on Friday following the close of the pay period. Your first paycheck will be issued as a "live" check.

### **Deductions**

The Foundation is responsible for paying the statutory deductions (i.e., workmen's compensation, FL unemployment compensation, Medicare, social security, etc.) in addition to the employee's established salary, therefore, the deductions will be paid out of the Principal Investigator's funds.

As part of the pay stub, employees will receive an earnings and leave statement summarizing annual leave and sick leave balances and current deductions from gross pay.

The amount withheld for Federal and state of Florida income taxes depends on an employee's gross earnings and the number of exemptions claimed.

Health coverage is **not** offered at the current time.

### **Hours of Duty**

**Full-Time Employee:** The standard basic tour of duty is generally eight (8) hours a day, five days a week. Employees must obtain approval from their supervisor and notify the TVAREF before any changes are implemented.

**Part-Time Employee:** The standard tour of duty is determined by the direct supervisor and the employee and submitted to the TVAREF's Executive Director.

Lunch Hour: Employees are required to take a half (1/2) hour lunch for every six (6) hours worked. This means an employee must work 6 1/2 hours (i.e. 9-3:30) to get paid 6 hours, and 8 1/2 (i.e. 9-5:30) for 8 hours.

### **Time Sheets**

All TVAREF employees are required to track their time and attendance using the TVAREF's time and attendance (T&A) sheet. The T&A sheet must be signed by their immediate supervisor and turned in by close of business (COB) on the last day of each pay period, but if not received by COB on the last day of each pay period, the T&A will not be processed until the end of the next pay period. There are no exceptions to this policy. Tour of duty attached to MOU must be submitted.

All time must be annotated on the TVAREF's T&A sheet. This includes all time worked and all absences that occurred during the pay period. Absences should be indicated by requested type of leave (i.e., AL, SL, AA, LWOP and H) and noted along with the number of hours requested. AL = vacation, SL= sick leave, AA = administrative absence (jury duty, work related travel), LWOP = Leave without pay, and H = holiday.

All instances of Sick Leave and Administrative Absence that are not documented properly on the timesheet, the employee will be charged annual leave for that time. If the employee does not have an adequate annual leave balance to cover the amount of time taken, the employee will be placed on leave without pay and receive no compensation for those hours.

### **Acceptable uses of Sick Leave are:**

- Personal Illness;
- Illness of an immediate family member;
- Personal medical appointment;
- Medical appointment for an immediate family member;
- Condolence leave for the death of an immediate family member of up to 3 days (requires documentation from a physician, funeral home or an obituary).

### **Acceptable uses of Administrative Absence are:**

- Work-related travel (specific reason and purpose for travel);
- Jury Duty (requires documentation from the court within five business days upon return to the office).

### **Acceptable uses of Leave Without Pay are:**

- Supervisor and/or Executive Director's approved leave in cases of emergencies when Sick and/or Annual Leave are insufficient.

## **Procedure for Requesting Leave**

Except where leave is not foreseeable, all employees requesting leave under this policy must submit the request in writing to the Executive Director 30 days prior to the commencement of leave.

If it is not possible to give 30 days notice, the employee must give as much notice as is feasible. An employee undergoing planned medical treatment is required to make a reasonable effort to schedule the treatment to minimize disruptions to TVAREF operations. If an employee fails to provide 30 days notice for foreseeable leave with no reasonable excuse for the delay, the leave request may be denied until at least 30 days from the date the employer receives notice.

While on leave, employees may be requested to report periodically the status of the medical condition and their intent to return to work.

## **Leave Benefits**

### **Annual Leave**

Full or part-time employees (20 hours or more each week), on regularly scheduled tours of duty, earn annual leave for vacations and other personal uses. The amount of annual leave earned each year depends on the length of service and the number of hours worked per pay period.

- Less than 3 years service earn annual leave at Level 1. Level 1 employee earns leave at the rate of 0.05 hour for each hour worked (*approximately 2 hours of annual leave for 40 hours worked*).
- More than 3 years service earns annual leave at Level 2. Level 2 employees earn 0.075 hours for each hour worked (*approximately 3 hours of annual leave for 40 hours worked*).
- More than 15 years service earns annual leave at Level 3. Level 3 employees earn 0.100 hours for each hour worked (*approximately 4 hours of annual leave for 40 hours worked*).

### **Accrued Annual Leave**

A maximum of 240 hours may be carried over from one year to the next. Any time not used over this threshold will be lost at the end of each calendar year.

Upon voluntary separation from service, employees will be paid for annual leave to their credit.



## **Sick Leave**

Full or part-time employees (working 20 hours or more each week), on regularly scheduled tours of duty, earn leave at the rate of 0.05 hour for each hour worked (approximately 2 hours of sick leave for 40 hours worked). Sick leave is charged in quarter hour increments.

Sick leave may be used for medical examinations and treatment, or when a member of the immediate family has a contagious disease (as determined by local health authorities) and requires care. Any absence of 3 or more days requires a doctor's note. Sick leave can be considered as insurance against lost income during periods of extended illness and its responsible use is encouraged.

Condolence leave for up to three days may be taken for a death in the immediate family and will be deducted from sick leave. A copy of an obituary or a letter from the funeral home or hospital is required.

Any time that is used as sick leave must be documented in the notes field of your electronic time sheet. All instances of sick leave that are not documented properly in the system will be charged to annual leave. If the employee does not have an adequate annual leave balance to cover the amount of time taken, the employee will be placed on leave without pay.

### **Acceptable uses of sick leave are:**

- Personal illness.
- Illness of an immediate family member.
- Personal medical appointment.
- Medical appointment for an immediate family member.
- Condolences leave for the death of an immediate family member.

- **Work Injuries**

The various locations of work will provide employees with a safe and healthful place to work as well as approved protective and safety equipment as necessary to protect them from hazardous working conditions. Employees are required to observe established practices and to report unsafe conditions to their supervisor.

- If an employee is injured at work, they must notify their supervisor immediately. If applicable, the employee will be provided with information about their benefits under the TVAREF's Worker's Compensation Program.

### **Certification of a Serious Health Condition**

TVAREF may ask that the employee provide certification of the serious health condition to the TVAREF Executive Director. Certification must be provided by a qualified, licensed physician, as determined by the state of Florida. Failure to provide certification may result in a denial of the leave.

- Certification of a serious health condition shall include: the date when the condition began, its expected duration, diagnosis, and a brief statement of treatment. For the employee's own medical condition, the certification must also include a statement that the employee is unable to perform work of any kind or a statement that the employee is unable to perform the essential functions of the employee's position. For a seriously ill family member, the certification must include a statement that the patient requires assistance and that the employee's presence would be beneficial or desirable.
- TVAREF, at its own expense, has the right to ask for a second opinion. If it becomes necessary to resolve a conflict between the original and the second opinion, TVAREF, at its own expense, may require the opinion of a third doctor. This third opinion will be considered final.

### **Overtime Pay Versus Compensatory Time Off**

Because the TVAREF is considered a private corporation, we are precluded by federal and state law from utilizing comp time in lieu of overtime payment for hours worked over forty hours in a workweek. The TVAREF defines a workweek as Sunday through Saturday.

From time to time a project may necessitate the use of overtime. In this circumstance, the employee's supervisor must authorize any overtime hours to be worked in advance. The overtime rate is one and one-half times the regular rate of pay for all hours actually worked over forty hours in one workweek. Vacation and sick leave hours do not count as hours worked for the purpose of determining overtime.

Employees who are normally compensated for overtime and wish to miss scheduled work as a result of personal obligations may request the opportunity to make up the amount of time missed by working on another day or days only in the same workweek. In order to qualify, the make-up time must not cause the employee to exceed forty hours in the workweek.

### **Holidays**

The following federal holidays are recognized as holidays for TVAREF employees:

New Year's Day  
Martin Luther King, Jr. Day  
Presidents' Day  
Memorial Day  
Independence Day  
Labor Day  
Columbus Day  
Veterans Day  
Thanksgiving Day  
Christmas Day

Some agencies may recognize different days for any of the above holidays. TVAREF employees may follow the holiday schedule of the agency in which they work upon approval by one's supervisor and the Executive Director. If that agency does not recognize a particular holiday, it is the employee's responsibility to inform the TVAREF. We will notify the supervisor that leave is authorized for that particular day.

If a holiday falls on a full time employee's scheduled day off, another will be designated as the day off in lieu of the holiday (e.g. work week is Monday through Friday, the holiday is Sunday then Monday is taken for the paid holiday). If a holiday falls on a part-time employee's day to work, they will be paid for normal working hours for that date. If a holiday falls on a full-time employee's day to work, they will be paid double time for that day if worked and unable to schedule another day in lieu of the holiday.

An employee must be on paid leave the day before and the day after a holiday period to receive holiday pay while on the previously approved duration of leave.

### **Discipline and Adverse Actions**

Although few employees have to face disciplinary or adverse actions, it should be realized that this could occur.

Such actions may be in the form of admonishment, reprimand, suspension or removal. Supervisors will maintain discipline, provide leadership, and establish policies and standards of personal conduct.

Appropriate disciplinary action may be initiated for reasons of professional or personal misconduct, professional inaptitude or inefficiency. Removals may be based either on conduct or performance.

### **Drug Free Workplace**

All employees are hereby notified that it is unlawful to manufacture, distribute, dispense, possess or use any controlled substance in the workplace. Employees will be subject to the Drug Free workplace policies in effect at the research sites in which they are found. A signed agreement is required. TVAREF employees are expected to comply with all federal, state and local drug laws regardless of location where duties are performed. An employee who violates any of these drug laws during the performance of his or her duties, during work hours, or as a representative of TVAREF by or through the unlawful manufacture, distribution, dispensation, possession or use of alcohol or any non-physician prescribed controlled substance on company premises or while conducting TVAREF business is prohibited. Employees are also required to abide by all drug/alcohol policies in effect at the research sites in which TVAREF employees perform duties. Any employee who violates any of these policies will be subject to disciplinary actions, which may include legal consequences and/or termination.

## **Attendance and Punctuality**

Employees are required to report to work punctually and to work all scheduled hours and any required overtime (with appropriate compensation for non-exempt employees). Excessive tardiness and poor attendance disrupts workflow and customer service and will not be tolerated. Abuse of this policy may result in disciplinary action including termination.

## **Inclement Weather**

Employees generally are expected to report to work during inclement weather conditions if TVAREF does not declare an emergency closing. Employees at non-VA sites should check with their supervisor or call TVAREF office for guidance. Non-exempt employees who are unable to report because of weather conditions will be granted an authorized unpaid absence. However, a non-exempt employee may request annual leave, if available, for the period of the closing. Non-exempt employees who are late because of weather conditions will be given a chance to make up their missed time if work schedules and conditions permit.

## **Exempt Employees**

Exempt employees are paid on a salary basis and their compensation is not based on the number of hours they work.

## **Non-Exempt Employees**

All non-exempt employees are paid on the basis of hours worked.



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William R. Gower, Jr., Ph.D.  
TVAREF, Chairman of the Board

## **Acknowledgement of Receipt of Employee Handbook And Employment Application Disclaimer**

I hereby acknowledge that I have received a copy of the Tampa VA Research and Education Foundation's (TVAREF) Employee Handbook. I understand that the information contained in this manual is merely a summary of present policies and procedures and is not intended to be construed as a contract of employment nor a legal document. I further understand that the TVAREF reserves the right to revise such policies or procedures at any time, with or without notice to me.

I also understand and agree in consideration of my employment to conform to the rules and regulations of the Corporation, and that my employment and compensation can be terminated, with or without cause, and with or without notice, at any time, at the option of either the TVAREF or myself. I understand that no supervisor, manager, or representative of the TVAREF, other than the Executive Director of the TVAREF, has any authority to enter into any agreement contrary to the foregoing. Termination of employment by the TVAREF shall be in writing and signed by the Executive Director.

I recognize that it is my responsibility to read and understand the policies and procedures outlined in the Employee Handbook, which I have been given.

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**Employee Signature**

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**Employee Name (Typed or Printed)**

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**Date of Receipt**

**Give this to your supervisor after you sign and date it.**