



# **Employee Handbook**

## **ABOUT THIS HANDBOOK / DISCLAIMER**

We prepared this handbook to assist you in finding the answers to many questions that you may have regarding your employment with Foundation for Advancing Veterans' Health Research (FAVHR). Please take the necessary time to read it.

We do not expect this handbook to answer all of your questions. Your Supervisor and Human Resources also will be a major source of information.

Neither this handbook nor any other verbal or written communication by a management representative, is, nor should it be considered to be, an agreement, contract of employment, express or implied, or a promise of treatment in any particular manner in any given situation. FAVHR adheres to the policy of employment at will, which permits FAVHR or the employee to terminate the employment relationship at any time, for any reason, with or without cause or notice.

Employment at-will may only be altered **IN AN INDIVIDUAL CASE OR GENERALLY** in writing signed by the President or CFO of FAVHR.

Many matters covered by this handbook, such as benefit plan descriptions, are also described in separate Company documents. These Company documents are always controlling over any statement made in this handbook or by any member of management.

This handbook states only general Company guidelines. FAVHR may, at any time, in its sole discretion, modify or vary from anything stated in this handbook, with or without notice, except for the rights of the parties to terminate employment at will.

This handbook supersedes all prior handbooks.

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## Section 1 - Governing Principles of Employment

### 1-1. Welcome Statement

#### ***“Supporting research collaborations to improve veterans’ health”***

Congratulations on your employment with the Foundation for Advancing Veterans’ Health Research (FAVHR).

FAVHR is a non-profit entity authorized by Public Law 100-322, Section 204. The congressional intent in enabling the creation of these corporations is to provide VA facilities with a flexible funding mechanism to administer non-VA funding from varied sponsors, private and public. FAVHR provides an administrative infrastructure that facilitates these collaborative efforts between the staff conducting the research and education activities within the South Texas Veterans Health Care System and the organizations sponsoring the activities.

FAVHR is a 501c (3) tax-exempt corporation incorporated in the State of Texas in 1989. It is affiliated with, but legally distinct from, the Department of Veterans Affairs South Texas Veterans Health Care System. The main focus of its mission is to facilitate research collaborations to improve veterans’ health. Your physical place of employment may be at the VA or an off-site location, but as an employee of FAVHR, your employment will always be related to a VA approved activity.

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Mail Address:  
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## 1-2. Equal Employment Opportunity

Foundation for Advancing Veterans' Health Research is an Equal Opportunity Employer that does not discriminate on the basis of actual or perceived race, creed, color, religion, alienage or national origin, ancestry, citizenship status, age, disability or handicap, sex, marital status, veteran status, sexual orientation, genetic information, arrest record, or any other characteristic protected by applicable federal, state or local laws. Our management team is dedicated to this policy with respect to recruitment, hiring, placement, promotion, transfer, training, compensation, benefits, employee activities and general treatment during employment.

FAVHR will endeavor to make a reasonable accommodation to the known physical or mental limitations of qualified employees with disabilities unless the accommodation would impose an undue hardship on the operation of our business. If you need assistance to perform your job duties because of a physical or mental condition, please let your supervisor know. Employees may also contact the ADP TotalSource Employee Service Center at (800) 554-1802.

FAVHR will endeavor to accommodate the sincere religious beliefs of its employees to the extent such accommodation does not pose an undue hardship on FAVHR's operations. If you wish to request such an accommodation, please speak to your supervisor. Employees may also contact the ADP TotalSource Employee Service Center at (800) 554-1802.

Any employees with questions or concerns about equal employment opportunities in the workplace are encouraged to bring these issues to the attention of their supervisor. Note: If your Supervisor is the person toward whom the concern is directed, you should contact any higher level Manager in your reporting chain. Employees may also contact the ADP TotalSource Employee Service Center at (800) 554-1802 if they are uncomfortable for any reason using the above procedure. FAVHR will not allow any form of retaliation against individuals who raise issues of equal employment opportunity. To ensure our workplace is free of artificial barriers, violation of this policy will lead to discipline, up to and including discharge. All employees must cooperate with all investigations.

## 1-3. Non-Harassment

It is Foundation for Advancing Veterans' Health Research's policy to prohibit intentional and unintentional harassment of any individual by another person on the basis of any protected classification including, but not limited to, race, color, national origin, disability, religion, marital status, veteran status, sexual orientation or age. The purpose of this policy is not to regulate our employees' personal morality, but to ensure that in the workplace, no one harasses another individual.



If you feel that you have been subjected to conduct which violates this policy, you should immediately report the matter to your Supervisor. If you are unable for any reason to contact this person, or if you have not received a satisfactory response within five (5) business days after reporting any incident of what you perceive to be harassment, please contact the next level Manager. Note: If your Supervisor or next level Manager is the person toward whom the complaint is directed, you should contact any higher level Manager in your reporting chain. Employees may also contact the ADP TotalSource Employee Service Center at (800) 554-1802 if they are uncomfortable for any reason using the above procedure. Every report of perceived harassment will be fully investigated and corrective action will be taken where appropriate. Violation of this policy will result in disciplinary action, up to and including discharge. All complaints will be kept confidential to the extent possible, but confidentiality cannot be guaranteed. In addition, FAVHR will not allow any form of retaliation against individuals who report unwelcome conduct to management or who cooperate in the investigations of such reports in accordance with this policy. Employees who make complaints in bad faith may be subject to disciplinary action, up to and including discharge. All employees must cooperate with all investigations.

#### 1-4. Sexual Harassment

It is Foundation for Advancing Veterans' Health Research policy to prohibit harassment of any employee by any Supervisor, employee, customer or vendor on the basis of sex or gender. The purpose of this policy is not to regulate personal morality within FAVHR. It is to ensure that at FAVHR all employees are free from sexual harassment. While it is not easy to define precisely what types of conduct could constitute sexual harassment, examples of prohibited behavior include unwelcome sexual advances, requests for sexual favors, obscene gestures, displaying sexually graphic magazines, calendars or posters, sending sexually explicit e-mails, text messages and other verbal or physical conduct of a sexual nature, such as uninvited touching of a sexual nature or sexually related comments. Depending upon the circumstances, improper conduct also can include sexual joking, vulgar or offensive conversation or jokes, commenting about an employee's physical appearance, conversation about your own or someone else's sex life, or teasing or other conduct directed toward a person because of his or her gender which is sufficiently severe or pervasive to create an unprofessional and hostile working environment.

Note that there is a wide range of what could be considered inappropriate behavior under this policy even though such behavior may not be considered illegal. For this reason, a violation of this policy may lead to disciplinary action whether or not it violates the law.

If you feel that you have been subjected to conduct which violates this policy, you should immediately report the matter to your Supervisor. If you are unable for any reason to contact this person, or if you have not received a satisfactory response within five (5) business days after reporting any incident of what you perceive to be harassment, please contact the next level Manager. Note: If your Supervisor or next level Manager is the person toward whom the complaint is directed, you should contact any higher level Manager in your reporting chain. Employees may also contact the ADP TotalSource Employee Service Center at (800) 554-1802 if they are uncomfortable for any reason using the above procedure. Every report of perceived harassment will be fully investigated and corrective action will be taken where appropriate. Violation of this policy will result in disciplinary action, up to and including discharge. All complaints will be kept confidential to the extent possible, but confidentiality cannot be guaranteed. In addition, FAVHR will not allow any form of retaliation against individuals who report unwelcome conduct to management or who cooperate in the investigations of such reports in accordance with this policy. Employees who make complaints in bad faith may be subject to disciplinary action, up to and including discharge. All employees must cooperate with all investigations.

## 1-5. Workplace Violence

Foundation for Advancing Veterans' Health Research is strongly committed to providing a safe workplace. The purpose of this policy is to minimize the risk of personal injury to employees and damage to Company and personal property.

We do not expect you to become an expert in psychology or to physically subdue a threatening or violent individual. Indeed, we specifically discourage you from engaging in any physical confrontation with a violent or potentially violent individual. However, we do expect and encourage you to exercise reasonable judgment in identifying potentially dangerous situations.

Experts in the mental health profession state that prior to engaging in acts of violence, troubled individuals often exhibit one or more of the following behaviors or signs: over-resentment, anger and hostility; extreme agitation; making ominous threats such as bad things will happen to a particular person, or a catastrophic event will occur; sudden and significant decline in work performance; irresponsible, irrational, intimidating, aggressive or otherwise inappropriate behavior; reacting to questions with an antagonistic or overtly negative attitude; discussing weapons and their use, and/or brandishing weapons in the workplace; overreacting or reacting harshly to changes in Company policies and procedures; personality conflicts with co-workers; obsession or preoccupation with a co-worker or Supervisor; attempts to sabotage the work or equipment of a co-worker; blaming others for mistakes and circumstances; demonstrating a propensity to behave and react irrationally.

## **Prohibited Conduct**

Threats, threatening language or any other acts of aggression or violence made toward or by any FAVHR employee **WILL NOT BE TOLERATED**. For purposes of this policy, a threat includes any verbal or physical harassment or abuse, any attempt at intimidating or instilling fear in others, menacing gestures, flashing of weapons, stalking or any other hostile, aggressive, injurious or destructive action undertaken for the purpose of domination or intimidation. To the extent permitted by law, employees and visitors are prohibited from carrying weapons onto Company premises.

## **Procedures for Reporting a Threat**

All potentially dangerous situations, including threats by co-workers, should be reported immediately to any member of management with whom you feel comfortable. Employees may also call the ADP TotalSource Employee Service Center at (800) 554-1802. Reports of threats may be maintained confidential to the extent maintaining confidentiality does not impede our ability to investigate and respond to the complaints. All threats will be promptly investigated. All employees must cooperate with all investigations. No employee will be subjected to retaliation, intimidation or disciplinary action as a result of reporting a threat in good faith under this policy.

If FAVHR determines, after an appropriate good faith investigation, that someone has violated this policy, FAVHR will take swift and appropriate corrective action.

If you are the recipient of a threat made by an outside party, please follow the steps detailed in this section. It is important for us to be aware of any potential danger in our offices. Indeed, we want to take effective measures to protect everyone from the threat of a violent act by an employee or by anyone else.

## Section 2 - Operational Policies

### 2-1. Employee Classifications

For purposes of this handbook, all employees fall within one of the classifications below.

**Full-Time Employees** - Employees who regularly work at least 30 hours per week who were not hired on a short-term basis.

**Part-Time Employees** - Employees who regularly work fewer than 30 hours per week who were not hired on a short-term basis.

**Short-Term Employees** - Employees who were hired for a specific short-term project, or on a short-term freelance, per diem or temporary basis. Short-Term Employees generally are not eligible for Company benefits, but are eligible to receive statutory benefits.

In addition to the above classifications, employees are categorized as either "**exempt**" or "**non-exempt**" for purposes of federal and state wage and hour laws. Employees classified as exempt do not receive overtime pay; they generally receive the same weekly salary regardless of hours worked. Such salary may be paid less frequently than weekly. You will be informed of your classifications upon hire and informed of any subsequent changes to your classifications.

### 2-2. Trial Period

The first three months of your employment is a probationary period. This is an opportunity for FAVHR to evaluate your performance. It also is an opportunity for you to decide whether you are happy being employed by FAVHR. FAVHR may extend the probationary period if it desires. Completion of the probationary period does not alter an employee's at-will status.

Foundation for Advancing Veterans' Health Research will conduct a formal performance review at the end of the probationary period.

### 2-3. Training

The STVHCS Research Service Office will advise Foundation employees of all training that they are required to complete. This would include training required of all Research Service WOCs and specific training required due to the employee's role in the research protocol (e.g., human or animal research).

## 2-4. New Hire Paperwork/Orientation

Each new employee must complete the online onboarding process prior to their first day of work. Employee's I-9 documentation should be provided to the FAVHR office within 2 business days of their start date.

## 2-5. Your Employment Records

In order to obtain your position, you provided us with personal information, such as your address and telephone number. This information is contained in your personnel file.

Please keep your personnel file up to date by informing the HR Department of any changes. Also, please inform the HR Department of any specialized training or skills you may acquire in the future, as well as any changes to any required visas. Unreported changes of address, marital status, etc. can affect your withholding tax and benefit coverage. Further, an "out of date" emergency contact or an inability to reach you in a crisis could cause a severe health or safety risk or other significant problem.

## 2-6. Working Hours and Schedule

Work schedules for each position are established by the supervisor and approved by the Executive Director, who will be advised of any proposed changes.

- *Regular Employees* (Full time or Part Time) - Employee must be on duty during the hours and days scheduled (or on an approved leave to account for the absence). Employee may be full-time (30+ hours per week) or part-time (less than 30 hours per week).
- *Intermittent Employees* – work on an as-needed basis, with no schedule

**Work Week.** FAVHR work week begins on Sunday and ends on Saturday. The supervisor will determine the tour of duty needed to meet the needs of the position.

**Lunch Break.** Non-exempt employees working six hours or longer will take an unpaid 30-minute lunch break. The scheduling of meal breaks is flexible and depends on the length of the workday. Ideally, the break will occur near the midpoint of the work period, but the supervisor will approve scheduling. Lunch may not be taken at the end of the work day.

**Paid Rest Periods.** A ten-minute rest break is provided during each four-hour work period. As possible, rest periods should be scheduled in the middle of the period. An employee unable to take a scheduled break or meal period should notify the supervisor promptly so that the break/meal can be rescheduled. Break periods may not be used to extend a lunch period, work overtime, or to arrive late or leave early.

## 2-7. Timekeeping Procedures

FAVHR uses an online timekeeping system to record and approval all employee time worked. It is the employee's responsibility to complete time records accurately and timely and to ensure the time card is approved by the employee prior to supervisor review/approval. Employees record the number of hours worked each day by project, and the project name on which they worked, and the total amount of leave time taken.

***Supervisor Certification:*** The supervisor will review and approve the time card before submitting it for payroll processing. **Time Cards received without supervisor approval will not be processed.**

***Submission:*** Time cards should be approved on the last day of the payroll period (2<sup>nd</sup> Friday), but not later than the following Monday morning for processing. Deadlines may change due to holidays and employees will be notified via email of any variance in submission deadlines. Time cards not approved in time to meet this deadline will be processed the following pay period.

***Falsification:*** When the employee records his time, he certifies that the times being reported are accurate. Altering, falsifying or tampering with time records (for example, not reporting times absent thereby claiming pay for time not worked) will result in disciplinary action that may include termination of employment.

## 2-8. Overtime

From time to time when operating requirements or other needs cannot be met during regular working hours, the supervisor may require employees to work overtime hours.

***Eligibility.*** Nonexempt employees are eligible to receive overtime pay for hours worked in excess of 40 hours per workweek.

Employees may work overtime only with prior management authorization

***Authorizing Overtime.*** All overtime work must be previously approved in writing by the supervisor. No overtime may be worked without prior authorization unless there is an emergency situation, in which case it should be brought immediately to the supervisor's attention. FAVHR's overtime approval form will be used to document each overtime approval. No employee may make the decision to work beyond their scheduled tour. Employees who work overtime without the direction and pre-approval of the supervisor are subject to disciplinary action with possible termination. Overtime hours worked should be shown on the timecard.

***Hours/Rate.*** The overtime rate is one and one-half times the regular rate of pay. Overtime hours are determined based on the actual hours worked and calculated on a weekly basis. Paid absences, such as leave, holidays, and authorized absence, are not counted as time worked for the purpose of computing overtime.

## 2-9. Safe Harbor Policy for Exempt Employees

It is our policy and practice to accurately compensate employees and to do so in compliance with all applicable state and federal laws. To ensure that you are paid properly and that no improper deductions are made, you must review your pay stubs promptly to identify and report all errors.

If you are classified as an exempt salaried employee, you will receive a salary which is intended to compensate you for all hours you may work for FAVHR. This salary will be established at the time of hire or when you become classified as an exempt employee. While it may be subject to review and modification from time to time, such as during salary review times, the salary will be a predetermined amount that will not be subject to deductions for variations in the quantity or quality of the work you perform.

Under federal and state law, your salary is subject to certain deductions. For example, unless state law requires otherwise, your salary can be reduced for the following reasons:

- Full-day absences for personal reasons.
- Full-day absences for sickness or disability.
- Full-day disciplinary suspensions for infractions of our written policies and procedures.
- Family and Medical Leave absences (either full- or partial-day absences).
- To offset amounts received as payment from the court for jury and witness fees or from the military as military pay.
- The first or last week of employment in the event you work less than a full week.
- Any full work week in which you do not perform any work.

Your salary may also be reduced for certain types of deductions such as your portion of health, dental or life insurance premiums; state, federal or local taxes; social security; or voluntary contributions to a 401(k) or pension plan.

In any work week in which you performed any work, your salary will not be reduced for any of the following reasons:

- Partial day absences for personal reasons, sickness or disability.
- Your absence on a day because your employer has decided to close a facility on a scheduled work day.
- Absences for jury duty, attendance as a witness, or military leave in any week in which you have performed any work (subject to any offsets as set forth above).
- Any other deductions prohibited by state or federal law.

However, unless state law provides otherwise, deductions may be made to your accrued leave for full- or partial-day absences for personal reasons, sickness or disability.

If you believe you have been subject to any improper deductions, you should immediately report the matter to your supervisor. If the supervisor is unavailable or if you believe it would be inappropriate to contact that person (or if you have not received a prompt and fully acceptable reply), you should immediately contact the Manager of Human Resources or any other supervisor in FAVHR with whom you feel comfortable.

## 2-10. Your Paycheck

**Pay Periods, Paydays.** Pay periods are two weeks long beginning on Sunday and ending on Saturday. Payday is the Friday following the end of each bi-weekly pay period

**Direct Deposit.** FAVHR uses an outside payroll service to process its payroll. Paychecks are issued by electronic transfer to the financial institution designated by the employee. Employees are required to provide individual account information to FAVHR office at the time of employment. The first paycheck may be sent directly to the employee pending initiation of the electronic transfer.

**Earnings and Leave Statement.** When the payroll is processed, an earnings and leave statement is provided electronically for all employees. This information can be requested from FAVHR bookkeeper at any time. Employees should promptly inform FAVHR Office of any errors.

**Payroll deductions:** Paychecks reflect total earnings for the pay period, as well as any mandatory or voluntary deductions. Mandatory deductions are deductions that are legally required, such as Federal income tax, Social Security and Medicare. Voluntary deductions are authorized by the employee. FAVHR office should be contacted for deduction questions

**Wage Garnishment.** On occasion FAVHR will receive an order from a court or a government agency directing the withholding of a certain amount of money from an employee's paycheck. Wages can be garnished to pay child support, spousal support, tax debts, outstanding student loans, or a court judgment. If instructed by a court or agency to garnish an employee's wages, the employee will be notified of the garnishment at once. Please note that FAVHR is legally required to comply with these orders. Employees disputing or having concerns about the amount of a garnishment must contact the court or agency that issued the order

## 2-11. Direct Deposit

Foundation for Advancing Veterans' Health Research strongly encourages employees to use direct deposit.

## 2-12. Salary Advances

Foundation for Advancing Veterans' Health Research does not permit advances on paychecks or against accrued paid time off.



## 2-13. Performance Reviews

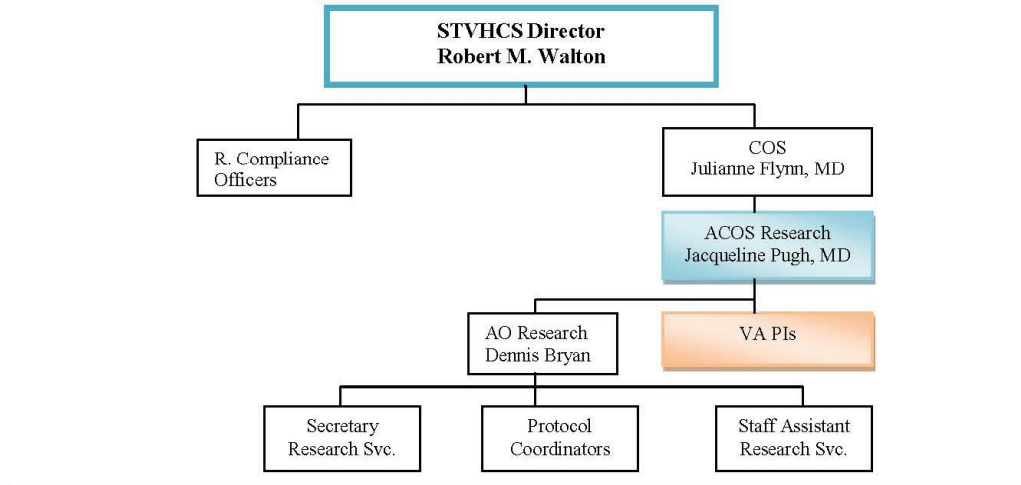
Depending on your position and classification, Foundation for Advancing Veterans' Health Research endeavors to review your performance annually. However, please understand that a positive performance evaluation does not guarantee an increase in salary, a promotion, or continued employment. Compensation increases and the terms and conditions of employment, including job assignments, transfers, promotions, and demotions, are determined by and at the discretion of management.

In addition to these formal performance evaluations, FAVHR encourages you and your Supervisor to discuss your job performance on a frequent and ongoing basis.

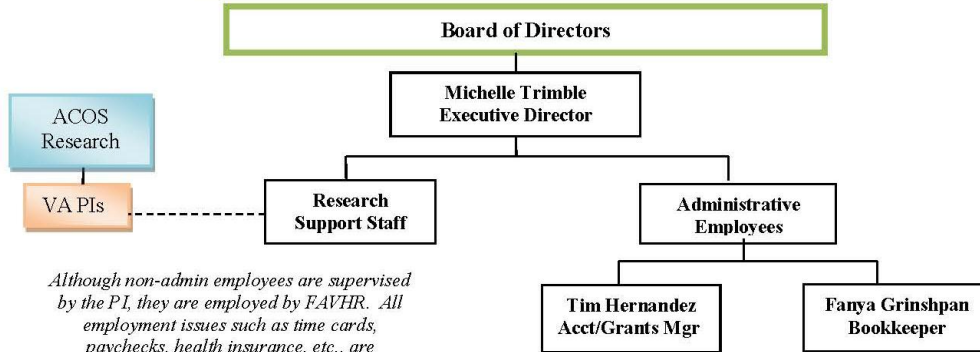
## 2-14. Record Retention

FAVHR acknowledges its responsibility to preserve information relating to litigation, audits and investigations. Failure on the part of employees to follow this policy can result in possible civil and criminal sanctions against FAVHR and its employees and possible disciplinary action against responsible individuals (up to and including termination of employment). Each employee has an obligation to contact the Human Resources to inform them of a potential or actual litigation, external audit, investigation or similar proceeding involving FAVHR that may have an impact on record retention protocols. If you have questions regarding the retention of specific documents, please contact the Executive Director of FAVHR for more information.

## STVHCS Organizational Chart - Research



## FAVHR Organizational Chart



*Although non-admin employees are supervised by the PI, they are employed by FAVHR. All employment issues such as time cards, paychecks, health insurance, etc., are administered by FAVHR*

### FAVHR Board of Trustees

- \* Jacqueline Pugh – President
- \* David Dooley – Sec/Treasurer
- \* Robert M. Walton – Trustee
- \* Julianne Flynn – Trustee
- \* Robert Clark - Trustee
- \* Sunil Ahuja – Trustee
- \* Elcira Bares –Trustee
- \* Terry Green - Trustee
- \* Devjit Tripathy – Trustee
- \* Marcos Restrepo – Trustee
- \* Amrita Kamat - Trustee

\* Denotes VA Employee

## Section 3 - Benefits

### 3-1. Benefits Overview

In addition to good working conditions and competitive pay, it is Foundation for Advancing Veterans' Health Research policy to provide a combination of supplemental benefits to all eligible employees. In keeping with this goal, each benefit program has been carefully devised. These benefits include time-off benefits, such as vacations and holidays, and insurance and other plan benefits. We are constantly studying and evaluating our benefits programs and policies to better meet your present and future requirements. These policies have been developed over the years and continue to be refined to keep up with changing times and needs.

The next few pages contain a brief outline of the benefits programs Foundation for Advancing Veterans' Health Research provides for you and your family. Of course, the information presented here is intended to serve only as guidelines.

The descriptions of the insurance and other plan benefits merely highlight certain aspects of the applicable plans for your general information only. The details of those plans are spelled out in the official plan documents, which are available for review upon your request from the Human Resources Department. Additionally, the provisions of the plans, including eligibility and benefits provisions, are summarized in the summary plan descriptions ("SPDs") for the plans (which may be revised from time to time). In the determination of benefits and all other matters under each plan, the terms of the official plan documents shall govern over the language of any descriptions of the plans, including the SPDs and this handbook.

Further, Foundation for Advancing Veterans' Health Research (including the officers and administrators who are responsible for administering the plans) retains full discretionary authority to interpret the terms of the plans, as well as full discretionary authority with regard to administrative matters arising in connection with the plans and all issues concerning benefit terms, eligibility and entitlement.

While FAVHR intends to maintain these employee benefits, it reserves the absolute right to modify, amend or terminate these benefits at any time and for any reason.

If you have any questions regarding your benefits, please contact the Human Resources Department.

## 3-2. Holidays

The employee must be in an active pay status (worked or on paid leave for their scheduled hours) both the day before and the day after a holiday in order to be paid for the holiday. FAVHR recognizes the following holidays:

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

***Full-time employees*** - receive 8 paid hours for a holiday

If the actual holiday falls on a work day, the employee will be excused for that day. If the holiday falls on a full-time employee's scheduled day off, the "in lieu of" day designated by the Federal government will be recognized for time off.

Full-time employees who are required by the supervisor to work on a holiday will be paid 8 hours for the holiday in addition to pay for the time worked. This holiday work must be pre-scheduled/approved by the supervisor and documented with an overtime approval request that is submitted with the timecard. Exempt employees will be provided time off, but will not be financially compensated for working holidays.

***Part-time employees*** – are entitled to holiday pay only if they would normally be scheduled to work on the actual holiday. They will be paid for their scheduled working hours for that date, not to exceed 10 hours.

Part-time employees do not receive the "in lieu of" holidays that full-time employees receive when the holiday falls on a non-work day. However, if their workplaces are closed due to an "in lieu of" holiday for full-time employees, part-time employees may be granted excused absence not to exceed 10 hours.

***Intermittent employees*** - do not have scheduled tours and are not paid for holidays

***Presidential Closing of Federal Agencies.*** Presidents occasionally issue Executive orders closing Federal departments for part or all of a workday, usually providing that it will be treated like a holiday. Employees will follow FAVHR holiday guidelines. If a "half-day" holiday is granted to Federal employees, a full-time Foundation employee is excused from the last half of his tour not to exceed 4 hours. A part-time employee is excused from the last half of his tour, not to exceed 5 hours. Occasionally, Early Release is granted to STVHCS employees and all employees working that day are allowed to depart earlier than their scheduled tour. FAVHR will follow the same early release; however employees on leave will not receive credit for any early release time provided to working employees.

### 3-3. Paid Time Off

We know how hard you work and recognize the importance of providing you with time for rest and relaxation. We fully encourage you to get this rest by taking your paid time off. Time off under this policy includes extended time off, such as for a vacation, and incidental time due to sickness or to handle personal affairs.

FAVHR provides both Vacation Time and Sick Leave to all employees working at least 20 hours per week. Accruals of both are dependent upon Employee's tenure and work status (part time vs full time)

***Advance Approval.*** All leave must be approved in advance by the supervisor except in cases of emergency. Staffing and workload will be considered by the supervisor when reviewing leave requests. If an emergency of any sort arises, supervisors must be contacted within two hours of the employee's starting time. Any leave not approved may result in leave without pay, suspension, or if chronic, termination. Leave should be requested at least a week prior to enable supervisor to arrange workload.

***Call-in for Unexpected Absences.*** When unable to work a scheduled shift, the employee is expected to call the supervisor or the person designated as the contact person. He should give name, duration of the absence, and reason. He must continue to call in each day of absence. If unable to comply due to emergency or other extenuating circumstances, employee must call as soon as possible, indicating reason unable to call. Failure to follow policy or provide satisfactory reason will be treated as an attendance disciplinary issue.

***Change in Leave Status.*** If an employee leaves a "Regular" position (which receives annual leave) to take an "Intermittent" position (which does not receive leave), the employee will be paid the vacation accrued through the last day in the Regular position at the time the status change becomes effective.

***Calendar Year Carryover.*** A maximum of 240 hours of annual leave may be carried over into the next calendar year.

***Termination of Employment.*** Upon separation, the employee will be paid any accrued and unused annual leave, not to exceed 240 hours.

***Transfer to Another Investigator.*** If an Employee's supervisor changes, leave will continue to accrue at the same rate as with the previous supervisor. All accrued leave is charged to the investigator's account at the time it is accrued, and will continue to be available to the employee until its use or the employee's termination with FAVHR.

***Timecard Reporting.*** The employee must show all annual leave absences on his timecard. Submitting fraudulent timecards, i.e., claiming unearned pay by not entering absences, or not submitting any documentation of leave, is subject to disciplinary including possible termination. All leave requests should be approved in advance of any leave taken.

## **Vacation Leave**

***Accrual.*** All Regular employees (Exempt and Non-Exempt) with a scheduled tour of at least 20 hours per week receive annual/vacation leave with accrual from the start of employment. During the first five years of employment, full-time employees will receive 4 hours of leave each pay period (13 vacation days per year). After completing five years, employees will receive 5 hours per pay period (16.25 vacation days per year). After completing 10 years, employees will receive 6 hours per pay period (19.25 vacation days per year). Part-time regular employees will accrue leave proportionate to their hours. Leave will accrue on worked, holiday, sick leave or annual leave hours paid. It does not accrue on overtime paid. Vacation leave balances roll over annually on January 1 and accrual is capped at 240 hours. Employees who leave FAVHR with a Vacation Leave balance will be paid for this time (up to 240 hours) at their current pay rate.

***Use.*** Leave may be used in ¼ hour increments. All leave requests should be submitted to the supervisor and included on the timecard. Employees may not take more leave than they have actually earned by the end of the previous pay period. If desired absence exceeds accrued leave, employee should request leave without pay for the additional time.

## **Sick Leave**

***Accrual.*** All Regular employees (Exempt and Non-Exempt) with a scheduled tour of at least 20 hours per week receive sick leave with accrual from the start of employment. During the first five years of employment, full-time employees will receive 4 hours of leave each pay period (13 vacation days per year). After completing five years, employees will receive 5 hours per pay period (16.25 vacation days per year). After completing 10 years, employees will receive 6 hours per pay period (19.25 vacation days per year). Part-time regular employees will accrue leave proportionate to their hours. Leave will accrue on worked, holiday, sick leave or annual leave hours paid. It does not accrue on overtime paid.

Sick leave balances roll over annually on January 1 without a cap; however balances remaining upon employee's termination will not be paid to employee.

*Use.* Leave may be used in ¼ hour increments. All leave requests should be submitted to the supervisor and included on the timecard. Employees may not take more leave than they have actually earned by the end of the previous pay period. If desired absence exceeds accrued leave, employee should request leave without pay for the additional time.

### 3-4. Lactation Breaks

FAVHR will provide a reasonable amount of break time to accommodate an employee desiring to express breast milk for the employee's infant child, in accordance with and to the extent required by applicable law. The break time, if possible, must run concurrently with rest and meal periods already provided to the employee. If the break time cannot run concurrently with rest and meal periods already provided to the employee, the break time will be unpaid, subject to applicable law.

FAVHR will make reasonable efforts to provide employees with the use of a room or location other than a toilet stall for the employee to express milk in private. This location may be the employee's private office, if applicable. FAVHR may not be able to provide additional break time if doing so would seriously disrupt FAVHR's operations, subject to applicable law. Please consult the Human Resources Department if you have questions regarding this policy.

Please advise management if you need break time and an area for this purpose. Employees will not be discriminated against or retaliated against for exercising their rights under this policy.

### 3-5. Insurance Programs

Full-time employees (working 30+ hours per week) may participate in FAVHR's insurance programs. Under these plans, eligible employees will receive comprehensive health and other insurance coverage for themselves and their families, as well as other benefits.

There is a mandatory 30 day waiting period upon hire before an employee is eligible for insurance benefits. Upon becoming eligible to participate in these plans, you will receive summary plan descriptions (SPDs) describing the benefits in greater detail. Please refer to the SPDs for detailed plan information. Of course, feel free to speak to Human Resources if you have any further questions.

### 3-6. Workers' Compensation

On-the-job injuries are covered by our Workers' Compensation Insurance Policy, which is provided at no cost to you. If you are injured on the job, no matter how slightly, report the incident immediately to your Supervisor. Failure to follow Company procedures may affect your ability to receive Workers Compensation benefits.

This is solely a monetary benefit and not a leave of absence entitlement. Employees who need to miss work due to a workplace injury must also request a formal leave of absence. See the Leave of Absence sections of this handbook for more information.

### 3-7. Jury Duty Leave

If a regular full- or part-time employee is required to perform jury duty, he or she will receive regular pay up to a maximum of 10 days. A copy of the summons and the verification of days served must be provided in order to have the absence excused. The employee will be expected to work his or her regular schedule on any day he or she is not required to be present in court. The supervisor should be advised as soon as possible after receiving a jury summons so arrangements can be made to accommodate the absence. If employee is chosen to sit on a jury, the supervisor should be informed as to how long the trial is expected to last. Employee should also check in with the supervisor periodically during jury service, so the supervisor knows when to expect the employee to return to work. On days when jury service ends before the end of the usual workday, employee should check in with the supervisor to find out whether he needs to return to work for that day.

### 3-8. Court Cases

An employee required to serve as a witness in a court case or arbitration should immediately notify the supervisor. Available annual leave may be used to cover the time. Employee will not be terminated for an absence necessary for participation.

### 3-9. Bereavement Leave

We know the death of a family member is a time when you wish to be with the rest of your family. If you are a full-time employee and you lose a close relative, you should check with your immediate supervisor for details on the amount of time off allowed to assist in attending to your obligations and commitments. For the purposes of this policy, a close relative includes a spouse, domestic partner, child, parent, sibling or any other relation required by applicable law. Paid leave days only may be taken on regularly scheduled, consecutive workdays following the day of death. You must inform your Supervisor prior to commencing bereavement leave. In administering this policy, FAVHR may require verification of death.



### 3-10. Voting Leave

In the event an employee does not have sufficient time outside of working hours to vote in a statewide election, the employee may take off sufficient working time to vote. This time should be taken at the beginning or end of the regular work schedule, whichever allows the most free time for voting and the least time off from work. An employee will be allowed a maximum of two (2) hours of voting leave on Election Day without loss of pay. The employee's supervisor must be notified of and approve the need for leave at least three (3) working days prior to the Election Day.

### 3-11. Long-Term Disability

Full-time employees are eligible to participate in the Long-Term Disability plan, subject to all terms and conditions of the agreement between FAVHR and the insurance carrier.

This is solely a monetary benefit and not a leave of absence. Employees who will be out of work must also request a formal leave of absence. See the Leave of Absence sections of this handbook for more information.

### 3-12. Employee Assistance Program

Foundation for Advancing Veterans' Health Research provides an employee assistance program for employees. This program offers qualified counselors to help you cope with personal problems you may be facing. Further details can be obtained by contacting an EAP counselor at (855) 268-1006.

### 3-13. Medicaid and the Children's Health Insurance Program (CHIP) Premium Assistance Notice

If you are eligible for health coverage from your employer, but are unable to afford the premiums, some states have premium assistance programs that can help pay for coverage. These states use funds from their Medicaid or CHIP programs to help people who are eligible for employer-sponsored health coverage, but need assistance in paying their health Premiums. If you or your dependents are already enrolled in Medicaid or CHIP, you can contact your state Medicaid or CHIP office to find out if premium assistance is available. If you or your dependents are NOT currently enrolled in Medicaid or CHIP and you think you or any of your dependents might be eligible for either of these programs, you can contact your state Medicaid or CHIP office to find out how to apply. If you qualify, you can ask the state if it has a program that might help you pay the premiums for an employer-sponsored plan. Once it is determined that you or your dependents are eligible for premium assistance under Medicaid or CHIP, your employer's health plan is required to permit you and your dependents to enroll in the plan – as long as you and your dependents are eligible, but not already enrolled in the employer's plan. This is called a "special enrollment" opportunity, and you must request coverage within 60 days of being determined eligible for premium assistance.

State of Texas Medicaid Contacts:

Website: <https://www.gethipptexas.com/>

Phone: 1-800-440-0493

## Section 4 - Leaves of Absence

### 4-1. Military Leave

It is the policy of the organization to abide by rules, regulations, and laws with regard to protection of employee's positions as a result of military obligations. Employees who are required to attend annual military reserve training or other active military duty are granted leave with regular pay for up to 15 working days per year. Leave for additional military service may be taken as regular vacation or as unpaid leave. Employees taking military leave are entitled to return to their jobs as provided under federal and state laws. Employees should bring the orders to the attention of their supervisor and FAVHR Office on the first working day after receiving the notice. If the absence is 30 or fewer days or if on earned vacation time, health insurance will continue as usual. When the military leave lasts longer than 30 days, employee will be required to pay the entire premium after 30 days to continue benefits.

### 4-2. Leave without Pay (LWOP).

When an employee has used all of his earned leave, the supervisor may approve an unpaid absence – leave without pay – depending on circumstances and workload. All absences/leave must be approved by the supervisor whether paid leave or unpaid. Absences without supervisor approval are considered disciplinary issues. Absences that exceed earned leave will be evaluated for their effect on the workload and other employees. The timecard must show all LWOP absences and include the approved leave without pay request. Submitting fraudulent timecards is subject to disciplinary action including possible termination.

### 4-3. Leave of Absence.

FAVHR will consider unpaid leaves of absence on an individual basis for a specified period. Requests are granted at the discretion of the employee's supervisor and the Executive Director, who will consider inconvenience/benefit to organization, staffing needs, the employee's work record, and the reason for the requested leave. Annual and sick leave must be used before unpaid leave will be authorized. A personal leave of absence must be requested in writing and submitted to the supervisor and FAVHR office as soon as the need for such leave is known. Circumstances will determine the length of leave granted. It is the employee's responsibility to compensate FAVHR for all benefits costs in full, such as insurance premiums, while on unpaid leave. Employees are not guaranteed a return to their former job. Where possible, the employee will return to his or her prior job or a similar position. Failure to return to work at the end of the approved leave will be considered abandonment and resignation of the employee's position.

#### 4-4. Training/Seminars

Authorized absence may be granted when an employee requests approval to be absent from work duties in order to attend training, a meeting, seminar, etc. A request for authorized absence must be submitted to FAVHR Office for approval and should include supporting documentation indicating what the training will include, usually the training/meeting brochure. The absence may be approved if the supervisor determines the work load permits and the training provided will benefit the employee's Foundation work duties. If approved, the employee would be excused from duties for the duration of the approved training/meeting.

## Section 5 - General Standards of Conduct

### 5-1. Workplace Conduct

Foundation for Advancing Veterans' Health Research endeavors to maintain a positive work environment. Each employee plays a role in fostering this environment. Accordingly, we all must abide by certain rules of conduct, based on honesty, common sense and fair play.

Because everyone may not have the same idea about proper workplace conduct, it is helpful to adopt and enforce rules all can follow. Unacceptable conduct may subject the offender to disciplinary action, up to and including discharge, in FAVHR's sole discretion. The following are examples of some, but not all, conduct which can be considered unacceptable:

1. Obtaining employment on the basis of false or misleading information.
2. Stealing, removing or defacing Foundation for Advancing Veterans' Health Research property, VA property or a co-worker's property, and/or disclosure of confidential business information.
3. Completing another employee's time records.
4. Violation of safety rules and policies.
5. The unlawful or unauthorized use, abuse, solicitation, distribution, theft, possession, transfer, purchase, or sale of drugs, drug paraphernalia or alcohol by an individual anywhere on Company premises, while on Company business (whether or not on Company premises), or while representing FAVHR, reporting to work, or remaining on duty after using drugs or alcohol in any amount that adversely affects the employee's ability to perform the functions of the job. Please refer to your Company's specific policy (if any) for additional information.
6. Failure to follow lawful instructions of a supervisor.
7. Failure to perform assigned job duties.
8. Violation of the Punctuality and Attendance Policy, including but not limited to irregular attendance, habitual lateness or unexcused absences.
9. Gambling on Company property.
10. Willful or careless destruction or damage to Company assets or to the equipment or possessions of another employee.
11. Wasting work materials.
12. Performing work of a personal nature during working time.

13. Violation of the Solicitation and Distribution Policy.
14. Violation of Foundation for Advancing Veterans' Health Research Harassment or Equal Employment Opportunity Policies.
15. Violation of the Communication and Computer Systems Policy.
16. Unsatisfactory job performance.
17. Any other violation of Company policy.

Obviously, not every type of misconduct can be listed. Note that all employees are employed at-will, and Foundation for Advancing Veterans' Health Research reserves the right to impose whatever discipline it chooses, or none at all, in a particular instance. FAVHR will deal with each situation individually and nothing in this handbook should be construed as a promise of specific treatment in a given situation. However, Foundation for Advancing Veterans' Health Research will endeavor to utilize progressive discipline but reserves the right in its sole discretion to terminate an employee at any time for any reason.

The observance of these rules will help to ensure that our workplace remains a safe and desirable place to work.

## 5-2. Separate Employers

Foundation employees are not VA, Federal, or UTHSCSA employees. The work policies of other institutions may differ from Foundation policies. Those paid by FAVHR are employees of FAVHR and are subject to its employment policies. However, an employee must also follow the institutional conduct standards of the area in which they work (VA/UT), such as personal conduct, dress, safety, and research activities.

## 5-3. Grievances/Complaints

It is the policy to allow employees the opportunity to voice concerns in a confidential manner. Employees with grievances or complaints should first discuss the issues with the responsible investigator supervisor. If the individual is not satisfied with resolution of the issue, the employee may request a meeting with the Executive Director.

## 5-4. Whistleblower Protection Policy

FAVHR requires directors, officers, investigators, and employees to observe high standards of business and personal ethics in the conduct of their duties and responsibilities. FAVHR does not condone any activity that is illegal or improper. The organization encourages complaints, reports or inquiries about illegal practices or serious violations of the organization's policies.

Appropriate subjects under this policy would include financial improprieties, accounting or audit matters, ethical violations, or other similar illegal or improper practices or policies. Other subjects, such as alleged discrimination, should be addressed under separate mechanisms. This policy is not intended to provide a means of appeal from outcomes in other areas.

On February 22, 2013, the United States Department of Labor's Occupational Health and Safety Administration ("OSHA") published an interim final rule ("Rule"), effective February 27, 2013, setting forth procedures governing whistleblower complaints under the Patient Protection and Affordable Care Act ("Affordable Care Act" or "Act").

**Protection from Retaliation** Section 1558 of the Act prohibits retaliation (*e.g.*, intimidation, blacklisting, discipline, etc.) against employees who (i) report violations of Title I of the Act (which contains most of the substantive provisions that relate to employee health plans) or (ii) receive tax credits or cost-sharing reductions in connection with participation in a health insurance exchange. The Act authorizes the Secretary of Labor to conduct investigations into retaliation complaints and issue determinations, and the Rule delegates that duty to OSHA. Retaliating employers can be required to, among other things, reinstate terminated employees, provide back pay with interest, and pay compensatory damages, attorneys' fees, and expert witness fees.

The organization prohibits retaliation against staff for making good faith complaints, reports or inquiries under this policy or for participating in a review or investigation under this policy. This protection extends to those whose allegations are made in good faith but prove to be mistaken. An employee who feels that adverse action has been taken toward him/her due to a report of improper activity should notify the Executive Director. Any allegations that prove not to be substantiated and which prove to have been made maliciously or knowingly to be false will be viewed as a disciplinary offense.

**Reporting.** Activities believed to be illegal or improper should be reported to the person who can address the issues properly. In most cases, an employee's supervisor is in the best position to address an area of concern. However, if the employee is not comfortable speaking with the supervisor or is not satisfied with the supervisor's response, they are encouraged to speak with the Executive Director. Violations may be submitted on a confidential basis or may be submitted anonymously. They should describe in detail the specific facts demonstrating the bases for the complaints, reports or inquiries. Reports of violations will be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation. The organization will conduct a prompt, discreet, and objective review or investigation. Staff must recognize that the organization may be unable to fully evaluate a vague or general complaint that is made anonymously. Appropriate corrective action will be taken if warranted by the investigation.

## 5-5. Without Compensation VA Appointment

Employees must have a current VA Without Compensation (WOC) appointment. WOC appointment processing includes, but is not limited to, a background check, fingerprinting, TB tests, and training.

For employees engaged in direct patient care activities (e.g., nurse), the WOC appointment requires verification of professional credentials and attainment of clinical privileges at the VA facility. Patient contact is not allowed until clinical privileges have been granted. Clinical privileges must also be obtained from other institutions if applicant will be working at other locations.

## 5-6. Punctuality and Attendance

Employees are expected to be at work during the full period of their scheduled hours unless absent on approved leave. Employees are required to report to work punctually and to work all scheduled hours. Tardiness and poor attendance disrupts workflow and customer service. Supervisors are responsible for ensuring employees are not abusing salary benefits or regular workday starting and ending times. Absent employees or those who arrive late or leave early unfairly burden other employees. Regular attendance is a key element of satisfactory job performance. Unsatisfactory attendance, including reporting late or quitting early, may be cause for disciplinary action, including discharge. Employees who fail to report to work for three consecutive days without contacting the supervisor will be deemed to have voluntarily resigned the position. Any wages and vacation pay due will be sent to the employee's home address during the next normal pay period.

## 5-7. Use of Communication and Computer Systems

Foundation for Advancing Veterans' Health Research communication and computer systems are intended for business purposes and may be used only during working time; however limited personal usage is permitted if it does not hinder performance of job duties or violate any other Company policy. This includes the voice mail, e-mail and Internet systems. Users have no legitimate expectation of privacy in regard to their use of the systems. FAVHR utilizes the VA network. Employees are required to abide by all VA data security policies and requirements.



Foundation for Advancing Veterans' Health Research may access the voice mail and e-mail systems and obtain the communications within the systems, including past voice mail and e-mail messages, without notice to users of the system, in the ordinary course of business when FAVHR deems it appropriate to do so. The reasons for which FAVHR may obtain such access include, but are not limited to: maintaining the system; preventing or investigating allegations of system abuse or misuse; assuring compliance with software copyright laws; complying with legal and regulatory requests for information; and ensuring that Company operations continue appropriately during an employee's absence.

Further, Foundation for Advancing Veterans' Health Research may review Internet usage to ensure that such use with Company property, or communications sent via the Internet with Company property, are appropriate. The reasons for which FAVHR may review employees' use of the Internet with Company property include, but are not limited to: maintaining the system; preventing or investigating allegations of system abuse or misuse; assuring compliance with software copyright laws; complying with legal and regulatory requests for information; and ensuring that Company operations continue appropriately during an employee's absence.

FAVHR may store electronic communications for a period of time after the communication is created. From time to time, copies of communications may be deleted.

FAVHR's policies prohibiting harassment, in their entirety, apply to the use of Company's communication and computer systems. No one may use any communication or computer system in a manner that may be construed by others as harassing or offensive based on race, national origin, sex, sexual orientation, age, disability, religious beliefs or any other characteristic protected by federal, state or local law.

Since FAVHR's communication and computer systems are intended for business use, these systems may not be used to solicit for religious or political causes or outside organizations.

Further, since FAVHR's communication and computer systems are intended for business use, all employees, upon request, must inform management of any private access codes or passwords.

Unauthorized duplication of copyrighted computer software violates the law and is strictly prohibited.

No employee may access, or attempt to obtain access to, another employee's computer systems without appropriate authorization.

Violators of this policy may be subject to disciplinary action, up to and including discharge.

## 5-8. Use of Social Media

Foundation for Advancing Veterans' Health Research respects the right of any employee to maintain a blog or web page or to participate in a social networking, Twitter or similar site, including but not limited to Facebook and LinkedIn. However, to protect Company interests and ensure employees focus on their job duties, employees must adhere to the following rules:

Employees may not post on a blog or web page or participate on a social networking, Twitter or similar site during working time or at any time with Company equipment or property.

All rules regarding confidential and proprietary business information apply in full to blogs, web pages, social networking, Twitter and similar sites. Any information that cannot be disclosed through a conversation, a note or an e-mail also cannot be disclosed in a blog, web page, social networking, Twitter or similar site.

Whether an employee is posting something on his or her own blog, web page, social networking, Twitter or similar site or on someone else's, if the employee mentions FAVHR and also expresses either a political opinion or an opinion regarding FAVHR's actions, the poster must include a disclaimer. The poster should specifically state that the opinion expressed is his/her personal opinion and not FAVHR's position. This is necessary to preserve FAVHR's good will in the marketplace.

Any conduct that is impermissible under the law if expressed in any other form or forum is impermissible if expressed through a blog, web page, social networking, Twitter or similar site. For example, posted material that is discriminatory, obscene, defamatory, libelous or threatening is forbidden. Company policies apply equally to employee social media usage. Employees should review their Employee Handbook for further guidance.

Foundation for Advancing Veterans' Health Research encourages all employees to keep in mind the speed and manner in which information posted on a blog, web page, and/or social networking site is received and often misunderstood by readers. Employees must use their best judgment. Employees with any questions should review the guidelines above and/or consult with their manager. Failure to follow these guidelines may result in discipline, up to and including termination.

## 5-9. Personal and Company-Provided Portable Communication Devices

Company-provided portable communication devices (PCDs), including cell phones and personal digital assistants, should be used primarily for business purposes and are required to have installed all applicable security measures per the VA data security policies. Employees have no reasonable expectation of privacy in regard to the use of such devices, and all use is subject to monitoring, to the maximum extent permitted by applicable law. This includes as permitted the right to monitor personal communications as necessary.

Some employees may be authorized to use their own PCD for business purposes. These employees should work with the IT department to configure their PCD for business use. Communications sent via a personal PCD also may be subject to monitoring if sent through FAVHR's networks and the PCD must be provided for inspection and review upon request.

All conversations, text messages and e-mails must be professional. When sending a text message or using a PCD for business purposes, whether it is a Company-provided or personal device, employees must comply with applicable Company guidelines, including policies on sexual harassment, discrimination, conduct, confidentiality, equipment use and operation of vehicles. Using a Company-issued PCD to send or receive personal text messages is prohibited at all times and personal use during working hours should be limited to emergency situations.

If an employee who uses a personal PCD for business resigns or is terminated, the employee will be required to submit the device to the IT department for resetting on or before his or her last day of work. At that time, the IT department will reset and remove all information from the device, including but not limited to, Company information and personal data (such as contacts, e-mails and photographs). The IT department will make efforts to provide employees with the personal data in another form (e.g., on a disk) to the extent practicable; however, the employee may lose some or all personal data saved on the device.

Employees may not use their personal PCD for business unless they agree to submit the device to the IT department on or before their last day of work for resetting and removal of Company information. This is the only way currently possible to ensure that all Company information is removed from the device at the time of termination. The removal of Company information is crucial to ensure compliance with FAVHR's confidentiality and proprietary information policies and objectives.

Please note that whether employees use their personal PCD or a Company-issued device, FAVHR's electronic communications policies, including but not limited to, proper use of communications and computer systems, remain in effect.

## 5-10. Camera Phones/Recording Devices

Due to the potential for issues such as invasion of privacy, sexual harassment, and loss of productivity, no employee may use a camera phone function on any phone on company property or while performing work for FAVHR. Additionally, photos of any VA employees or veterans are strictly prohibited by VA policy without first obtaining the appropriate consent.

The use of tape recorders, dictaphones or other types of voice recording devices anywhere on Company property, including to record conversations or activities of other employees or management, or while performing work for FAVHR, is also strictly prohibited, unless the device was provided to you by FAVHR, is used solely for legitimate business purposes, and all required approvals and consents have been obtained per VA policy.

## 5-11. Inspections

Foundation for Advancing Veterans' Health Research reserves the right to require employees while on Company property, or on client property, to agree to the inspection of their persons, personal possessions and property, personal vehicles parked on Company or client property, and work areas. This includes lockers, vehicles, desks, cabinets, work stations, packages, handbags, briefcases and other personal possessions or places of concealment, as well as personal mail sent to FAVHR or to its clients. Employees are expected to cooperate in the conduct of any search or inspection.

## 5-12. Smoking

Smoking, including the use of e-cigarettes, is prohibited on Company premises and in all Company vehicles except in designated areas.

## 5-13. Personal Visits and Telephone Calls

Disruptions during working time can lead to errors and delays. Therefore, we ask that personal telephone calls be kept to a minimum, and only be made or received after working time, or during lunch or break time.

For safety and security reasons, employees are discouraged from having personal guests visit or accompany them anywhere in our facilities other than the reception areas.

## 5-14. Solicitation and Distribution

Soliciting for any cause and distributing literature of any kind in the workplace shall be guided by the following in order to promote a professional workplace, prevent disruptions in business, and avoid personal inconvenience. Employees may not solicit on property or use facilities, such as e-mail, voicemail or bulletin boards during working time for solicitation. This policy applies to collecting funds, requesting contributions, selling merchandise, gathering employee signatures and promoting membership in clubs or organizations. Nonemployees may not make solicitations or distribute literature at any time. Working time means time during which employees are expected to be actively engaged in their assigned work; it does not include scheduled meal or break periods. Solicitation of another employee may occur only if both employees are not on working time. Employees may distribute literature only in nonworking areas and while not on working time to other employees who are not on working time.

## 5-15. Bulletin Boards

Important notices and items of general interest are continually posted on our bulletin board. Make it a practice to review it frequently. This will assist you in keeping up with what is current at Foundation for Advancing Veterans' Health Research. To avoid confusion, please do not post or remove any material from the bulletin board.

## 5-16. Confidential Company Information

During the course of work, an employee may become aware of confidential information about Foundation for Advancing Veterans' Health Research business, including but not limited to information regarding Company finances, pricing, products and new product development, software and computer programs, marketing strategies, suppliers, customers and potential customers. An employee also may become aware of similar confidential information belonging to FAVHR's clients. It is extremely important that all such information remain confidential, and particularly not be disclosed to our competitors. Any employee who improperly copies, removes (whether physically or electronically), uses or discloses confidential information to anyone outside of FAVHR may be subject to disciplinary action up to and including termination. Employees may be required to sign an agreement reiterating these obligations.

## 5-17. Conflict of Interest and Business Ethics

It is Foundation for Advancing Veterans' Health Research policy that all employees avoid any conflict between their personal interests and those of FAVHR. The purpose of this policy is to ensure that FAVHR's honesty and integrity, and therefore its reputation, are not compromised. The fundamental principle guiding this policy is that no employee should have, or appear to have, personal interests or relationships that actually or potentially conflict with the best interests of FAVHR.

It is not possible to give an exhaustive list of situations that might involve violations of this policy. However, the situations that would constitute a conflict in most cases include but are not limited to:

1. Holding an interest in or accepting free or discounted goods from any organization that does, or is seeking to do, business with FAVHR, by any employee who is in a position to directly or indirectly influence either FAVHR's decision to do business, or the terms upon which business would be done with such organization.
2. Holding any interest in an organization that competes with FAVHR.
3. Being employed by (including as a consultant) or serving on the board of any organization which does, or is seeking to do, business with FAVHR or which competes with FAVHR.
4. Profiting personally, e.g., through commissions, loans, expense reimbursements or other payments, from any organization seeking to do business with FAVHR.

A conflict of interest would also exist when a member of an employee's immediate family is involved in situations such as those above.

This policy is not intended to prohibit the acceptance of modest courtesies, openly given and accepted as part of the usual business amenities, for example, occasional business-related meals or promotional items of nominal or minor value.

It is your responsibility to report any actual or potential conflict that may exist between you (and your immediate family) and FAVHR.

## 5-18. Use of Facilities, Equipment and Property, Including Intellectual Property

Equipment essential in accomplishing job duties is often expensive and may be difficult to replace. When using property, employees are expected to exercise care, perform required maintenance, and follow all operating instructions, safety standards and guidelines.

Please notify your Supervisor if any equipment, machines, or tools appear to be damaged, defective, or in need of repair. Prompt reporting of loss, damages, defects, and the need for repairs could prevent deterioration of equipment and possible injury to employees or others. The Supervisor can answer any questions about an employee's responsibility for maintenance and care of equipment used on the job.

Employees also are prohibited from any unauthorized use of FAVHR's intellectual property, such as audio and video tapes, print materials and software.

Improper, careless, negligent, destructive, or unsafe use or operation of equipment can result in discipline, up to and including discharge.

Further, FAVHR is not responsible for any damage to employees' personal belongings unless the employee's Supervisor provided advance approval for the employee to bring the personal property to work.

## 5-19. Health and Safety

Employees are expected to take an active part in maintaining a safe work environment. Each employee should be provided or have available in the work area a copy of the safety guidelines appropriate for their work area and be aware of the guidelines. Foundation employees must adhere to STVHCS safety training requirements for WOC employees. All employees are required to adhere to all health and safety regulations required of VA employees (and UTHSCSA if duty is conducted at UTHSCSA). New employees must receive a workplace safety orientation by the supervisor prior to starting work. If work will involve animal contact at the VA, the Supervisor of the Veterinary Medical Unit must also be contacted for a VMU orientation. Employees are expected to be safety conscious in the work place at all times and to report any potential hazards to the supervisor. Employees must use any applicable protective equipment prescribed for the job. Employees are expected to complete training assigned by the Research Service and the service in which they are working. An employee must notify the supervisor immediately if injured on the job. It is the supervisor's responsibility to help evaluate the situation and assist in obtaining appropriate medical assistance, should that be necessary. Employees encountering a life-threatening emergency within the medical center should contact Employee Health/Triage in accordance with hospital procedures.

## 5-20. Weather-Related Closures

FAVHR will follow the weather-related guidelines issued by the South Texas Veterans Health Care System for VA employees. If the facility closes with only essential personnel being required to report, only essential Foundation personnel will be required to report. (Essential personnel are those employees who have program-related responsibilities deemed necessary to serve our clients on a daily basis.) If VA indicates it is open but that "liberal leave" policy is recommended, supervisors will approve annual leave whenever possible. If the employee cannot report to work, the supervisor should be contacted immediately. If the facility is closed and VA employees are given authorized absence, Foundation employees will also be excused for the period.

## 5-21. Employee Relationships

### **Hiring Relatives**

A familial relationship among employees can create an actual or at least a potential conflict of interest in the employment setting, especially where one relative supervises another relative. To avoid this problem, Foundation for Advancing Veterans' Health Research may refuse to hire or place a relative in a position where the potential for favoritism or conflict exists.

In other cases such as personal relationships where a conflict or the potential for conflict arises, even if there is no supervisory relationship involved, the parties may be separated by reassignment or terminated from employment, at the discretion of FAVHR. Accordingly, all parties to any type of intimate personal relationship must inform management.

If two employees marry, become related, or enter into an intimate relationship, they may not remain in a reporting relationship or in positions where one individual may affect the compensation or other terms or conditions of employment of the other individual. FAVHR generally will attempt to identify other available positions, but if no alternate position is available, FAVHR retains the right to decide which employee will remain with FAVHR.

For the purposes of this policy, a relative is any person who is related by blood or marriage, or whose relationship with the employee is similar to that of persons who are related by blood or marriage.

### **Hiring Former Employees**

FAVHR may rehire any previous employee provided they were not terminated for misconduct. Rehired employees will be treated as any other new hire, including completion of all employment documents, orientation and benefits status. It is the policy of the organization that prior employees who have terminated their employment and return to work for the organization more than 90 days from their termination date will be considered as new employees with regard to employment-related benefits such as sick and annual leave accrual rates. Approval to rehire a previous employee must be obtained from the Executive Director.

### **Hiring VA Employees**

VA-affiliated foundations are discouraged from hiring VA employees to perform Foundation-paid work. Doing so requires special precautions against dual compensation by ensuring Foundation-paid work is (1) distinct from the employee's VA responsibilities and (2) conducted outside VA duty hours. There are significant fines and penalties (up to five years imprisonment and/or \$50,000 for each violation) for violations of Federal statutes prohibiting supplementation of Federal pay. An agreement with the VA in which FAVHR purchases a portion of the employee's time is preferable.

***In the rare instance where the supervisor determines that hiring a VA employee is necessary, special procedures are required.***

- VA employees who perform work that is outside the scope of their VA duties may receive income from FAVHR provided the work is (1) *entirely different from and not related to the employee's official VA responsibilities* AND (2) *the work is done outside of their VA tour of duty*. If work is within the scope of his/her VA/Federal work, regardless of when the work is done, that activity is part of his/her VAMC employment. Consequently, FAVHR is prohibited from providing any compensation for VA duties, even if work is done outside duty hours.



- Any VA-paid employee requesting salary from FAVHR must complete a VA Employee Request for Compensation form and receive approval prior to receiving compensation from FAVHR. FAVHR form must receive approvals from the VA ACOS for Research, VA Chief of Human Resources, and FAVHR Executive Director. The employee should seek advice from VA regional counsel to ensure that there is no evidence of dual compensation for the same work.
- To document that the duties are distinct, the VA position description will be provided. VA General Counsel has recommended that the VA position should not be research related.
  - If similar to FAVHR position description, it is unlikely that the work performed for VA and FAVHR are sufficiently different to allow Foundation pay.
  - If the VA employee will have the same VA supervisor for both the VA and Foundation paid work, it is unlikely that the work performed for VA and FAVHR is sufficiently different to allow Foundation pay.
- The employee's Foundation timecard must reflect both the VA and Foundation hours worked (i.e., 8 hours from 8:00 am to 4:30 pm for VA and 2 hours from 4:30pm to 6:30 pm for FAVHR).

### **Hiring UTHSCSA Employees**

Per Federal regulations (29 CFR 779.221 "Common Control"), if two organizations operate with "Common Control" over a single employee (interpreted to mean said employee has the same supervisor and performs the same work), those two companies are considered to be an enterprise under federal employment law.

§ 779.221 "Common control" defined.

*Under the definition the "enterprise" includes all related activities performed through "common control" for a common business purpose. The word "control" may be defined as the act of fact of controlling; power or authority to control; directing or restraining domination. "Control" thus includes the power or authority to control. In relation to the performance of the described activities, the "control," referred to in the definition in section 3(r) includes the power to direct, restrict, regulate, govern, or administer the performance of the activities. "Common" control includes the sharing of control and it is not limited to sole control or complete control by one person or corporation. "Common" control therefore exists where the performance of the described activities are controlled by one person or by a number of persons, corporations, or other organizational units acting together. This is clearly supported by the definition which specifically includes in the "enterprise" all such activities whether performed by "one or more corporate or other organizational units." The meaning of "common control" is discussed comprehensively in part 776 of this chapter.*

For the purposes of calculating overtime in instances where this applies, this means the combined work hours conducted for both institutions contributes toward the calculation of overtime eligibility. The employee is entitled to overtime pay for all time worked above 40 hours per week, regardless of the location or employer under which that time is accumulated.

Due to the close proximity to the University of Texas Health Science Center and the overlap of responsibilities of Principal Investigators and employees, FAVHR discourages PIs from hiring UTHSCSA employees at FAVHR. If it is determined that it is necessary to hire a UTHSCSA employee within FAVHR, a copy of the employee's UTHSCSA job description and FAVHR job description must be kept on file in FAVHR's files to ensure that the employee is performing two separate, distinguishable jobs. If the employee is paid by FAVHR via federal funds, the PI must also provide record of the employee's pay sources at the UTHSCSA to ensure the employee is not paid more than 100% from federal fund sources.

## 5-22. Employee Dress and Personal Appearance

Employees who are not required to wear uniforms are expected to be dressed in a manner suitable for a medical center environment. All employees should present a clean and neat appearance in grooming and attire. Employees should be familiar with the STVHCS's current policy on clothing guidelines, including prohibited clothing. Employee dress must also adhere to established safety guidelines.

## 5-23. Publicity/Statements to the Media

All media inquiries regarding the position of FAVHR as to any issues must be referred to the Executive Director. Only the Executive Director is authorized to make or approve public statements on behalf of FAVHR. No employees, unless specifically designated by the Executive Director, are authorized to make those statements on behalf of Company. Any employee wishing to write and/or publish an article, paper, or other publication on behalf of FAVHR must first obtain approval from the Executive Director.

## 5-24. Operation of Vehicles

All employees authorized to drive Company-owned or leased vehicles or personal vehicles in conducting Company business must possess a current, valid driver's license and an acceptable driving record. Any change in license status or driving record must be reported to management immediately.

A valid driver's license must be in your possession while operating a vehicle off or on Firm property. It is the responsibility of every employee to drive safely and obey all traffic, vehicle safety, and parking laws or regulations. Drivers must demonstrate safe driving habits at all times.

Firm-owned or leased vehicles may be used only as authorized by management.

## **Portable Communication Device Use While Driving**

Employees who drive on Company business must abide by all state or local laws prohibiting or limiting portable communication device (PCD) use, including cell phones or personal digital assistants, while driving. Further, even if use is permitted, employees may choose to refrain from using any PCD while driving. "Use" includes, but is not limited to, talking or listening to another person or sending an electronic or text message via the PCD.

Regardless of the circumstances, including slow or stopped traffic, if any use is permitted while driving, employees should proceed to a safe location off the road and safely stop the vehicle before placing or accepting a call. If acceptance of a call is absolutely necessary while the employee is driving, and permitted by law, the employee must use a hands-free option and advise the caller that he/she is unable to speak at that time and will return the call shortly.

Under no circumstances should employees feel that they need to place themselves at risk to fulfill business needs.

Since this policy does not require any employee to use a PCD while driving, employees who are charged with traffic violations resulting from the use of their PCDs while driving will be solely responsible for all liabilities that result from such actions.

Texting and e-mailing while driving is prohibited in all circumstances.

## **5-25. Business Expense Reimbursement**

Employees will be reimbursed for reasonable approved expenses incurred in the course of business. These expenses must be approved by your Supervisor, and may include air travel, hotels, motels, meals, cab fare, rental vehicles, or gas and car mileage for personal vehicles. All expenses incurred should be submitted to your Supervisor along with the receipts in a timely manner.

Employees are expected to exercise restraint and good judgment when incurring expenses. You should contact your Supervisor in advance if you have any questions about whether an expense will be reimbursed.

## **5-26. References**

Foundation for Advancing Veterans' Health Research will respond to reference requests through the Human Resources Department. FAVHR will provide general information concerning the employee such as date of hire, date of termination, and positions held. Requests for reference information must be in writing, and responses will be in writing. Please refer all requests for references to the Human Resources Dept.

**Only the Human Resources Department may provide references.**

## 5-27. If You Must Leave Us

Should you decide to leave FAVHR, we ask that you provide your Supervisor with at least two (2) weeks advance notice of your last day worked. Your thoughtfulness will be appreciated.

All Company & VA property including, but not limited to, keys, security cards, parking passes, laptop computers, fax machines, uniforms, etc. must be returned at separation. Employees also must return all of FAVHR's Confidential Information upon separation. To the extent permitted by law, employees will be required to repay FAVHR (through payroll deduction, if lawful) for any lost or damaged Company property.

As noted previously, all employees are employed at-will and nothing in this handbook changes that status.

Per policy, any accrued vacation leave will be paid out with the next scheduled payroll after deductions for applicable insurance premiums. Termination will be effective as of the employee's last day physically worked. Vacation or sick leave cannot be used to extend an employee's employment date.

## 5-28. Exit Interview

Employees who resign are requested to participate in an exit interview with Human Resources, if possible.

## 5-29. A Few Closing Words

This handbook is intended to give you a broad summary of things you should know about Foundation for Advancing Veterans' Health Research. The information in this handbook is general in nature and, should questions arise, any member of management should be consulted for complete details. While we intend to continue the policies, rules and benefits described in this handbook, Foundation for Advancing Veterans' Health Research in its sole discretion, may always amend, add to, delete from or modify the provisions of this handbook and/or change its interpretation of any provision set forth in this handbook. Please do not hesitate to speak to management if you have any questions about FAVHR or its personnel policies and practices.



## General Handbook Acknowledgment

This Employee Handbook is an important document intended to help you become acquainted with Foundation for Advancing Veterans' Health Research. This document is intended to provide guidelines and general descriptions only; it is not the final word in all cases. Individual circumstances may call for individual attention.

Because FAVHR's operations may change, the contents of this Handbook may be changed at any time, with or without notice, in an individual case or generally, at the sole discretion of management.

Please read the following statements and sign below to indicate your receipt and acknowledgment of this Employee Handbook.

**I have received and read a copy of Foundation for Advancing Veterans' Health Research Employee Handbook. I understand that the policies, rules and benefits described in it are subject to change at the sole discretion of FAVHR at any time.**

**I further understand that my employment is terminable at will, either by myself or FAVHR, with or without cause or notice, regardless of the length of my employment or the granting of benefits of any kind.**

**I understand that no contract of employment other than "at will" has been expressed or implied, and that no circumstances arising out of employment will alter "at will" status except IN AN INDIVIDUAL CASE OR GENERALLY in writing signed by the President or CFO of FAVHR.**

**I understand that my signature below indicates that I have read and understand the above statements and that I have received a copy of FAVHR's Employee Handbook.**

Employee's Printed Name: \_\_\_\_\_ Position: \_\_\_\_\_

Employee's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

The signed original copy of this acknowledgment should be given to management - it will be filed in your personnel file.



## Receipt of Sexual Harassment Policy

It is Foundation for Advancing Veterans' Health Research policy to prohibit harassment of any employee by any Supervisor, employee, customer or vendor on the basis of sex or gender. The purpose of this policy is not to regulate personal morality within FAVHR. It is to ensure that at FAVHR all employees are free from sexual harassment. While it is not easy to define precisely what types of conduct could constitute sexual harassment, examples of prohibited behavior include unwelcome sexual advances, requests for sexual favors, obscene gestures, displaying sexually graphic magazines, calendars or posters, sending sexually explicit e-mails, text messages and other verbal or physical conduct of a sexual nature, such as uninvited touching of a sexual nature or sexually related comments. Depending upon the circumstances, improper conduct also can include sexual joking, vulgar or offensive conversation or jokes, commenting about an employee's physical appearance, conversation about your own or someone else's sex life, or teasing or other conduct directed toward a person because of his or her gender which is sufficiently severe or pervasive to create an unprofessional and hostile working environment. Note that there is a wide range of what could be considered inappropriate behavior under this policy even though such behavior may not be considered illegal. For this reason, a violation of this policy may lead to disciplinary action whether or not it violates the law. If you feel that you have been subjected to conduct which violates this policy, you should immediately report the matter to your Supervisor. If you are unable for any reason to contact this person, or if you have not received a satisfactory response within five (5) business days after reporting any incident of what you perceive to be harassment, please contact the next level Manager. Note: If your Supervisor or next level Manager is the person toward whom the complaint is directed, you should contact any higher level Manager in your reporting chain. Employees may also contact the ADP TotalSource Employee Service Center at (800) 554-1802 if they are uncomfortable for any reason using the above procedure. Every report of perceived harassment will be fully investigated and corrective action will be taken where appropriate. Violation of this policy will result in disciplinary action, up to and including discharge. All complaints will be kept confidential to the extent possible, but confidentiality cannot be guaranteed. In addition, FAVHR will not allow any form of retaliation against individuals who report unwelcome conduct to management or who cooperate in the investigations of such reports in accordance with this policy. Employees who make complaints in bad faith may be subject to disciplinary action, up to and including discharge. All employees must cooperate with all investigations.

I have read and I understand Foundation for Advancing Veterans' Health Research Sexual Harassment Policy.

Employee's Printed Name: \_\_\_\_\_ Position: \_\_\_\_\_

Employee's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

The signed original copy of this receipt should be given to management - it will be filed in your personnel file.





## Receipt of Non-Harassment Policy

It is Foundation for Advancing Veterans' Health Research policy to prohibit intentional and unintentional harassment of any individual by another person on the basis of any protected classification including, but not limited to, race, color, national origin, disability, religion, marital status, veteran status, sexual orientation or age. The purpose of this policy is not to regulate our employees' personal morality, but to ensure that in the workplace, no one harasses another individual. If you feel that you have been subjected to conduct which violates this policy, you should immediately report the matter to your Supervisor. If you are unable for any reason to contact this person, or if you have not received a satisfactory response within five (5) business days after reporting any incident of what you perceive to be harassment, please contact the next level Manager. Note: If your Supervisor or next level Manager is the person toward whom the complaint is directed, you should contact any higher level Manager in your reporting chain. Employees may also contact the ADP TotalSource Employee Service Center at (800) 554-1802 if they are uncomfortable for any reason using the above procedure. Every report of perceived harassment will be fully investigated and corrective action will be taken where appropriate. Violation of this policy will result in disciplinary action, up to and including discharge. All complaints will be kept confidential to the extent possible, but confidentiality cannot be guaranteed. In addition, FAVHR will not allow any form of retaliation against individuals who report unwelcome conduct to management or who cooperate in the investigations of such reports in accordance with this policy. Employees who make complaints in bad faith may be subject to disciplinary action, up to and including discharge. All employees must cooperate with all investigations.

Employee's Printed Name: \_\_\_\_\_ Position: \_\_\_\_\_

Employee's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

The signed original copy of this receipt should be given to management - it will be filed in your personnel file.



## Conflict Of Interest Policy and Procedures and Acknowledgement

### I. Purpose.

The purpose of this policy is to protect the interests of FAVHR when contemplating a new hire, a transaction or an arrangement that might cause an officer, director or employee to choose between personal interests and the interests of FAVHR or that may call into question their independence or impartiality.

### II. Application of Policy

Pursuant to 38 U.S.C. § 7366(c), as amended by Public Law 111-163, § 801-806, all directors, officers, and employees of FAVHR are subject to this conflict of interest policy. This policy is intended to supplement, but not replace, applicable federal and state laws governing conflicts of interest including those VA policies pertaining to research conflicts of interest.

### III. Definitions

**Conflict of interest:** A conflict of interest may exist when the interests of a director, officer or employee may be seen as competing with the interests of FAVHR. A director, officer or employee may be considered to have a conflict of interest whenever they or their relative has an existing or potential financial or other material interest that impairs or might appear to impair their independence or objectivity in the discharge of their responsibilities to FAVHR. Additionally, personal and business relationships may cause “dual loyalties” that are unrelated to personal financial gain, but nonetheless may raise conflict of interest concerns.

A financial or other interest is not necessarily a conflict of interest. A financial or other conflict of interest exists only when FAVHR board of directors (Board) decides a person with an interest has a conflict of interest.

**Relatives:** For purposes of this policy, “relatives” include the spouse, parent, child and any other relative by blood or marriage with whom a Foundation officer, director or employee has similarly close personal ties as well as any other member of their household.

**Financial interest:** A Foundation director, officer or employee has a “financial interest” if through business, investment or a relative they have an ownership or investment interest in, or a compensation arrangement with, any entity or individual with which FAVHR has or is contemplating a transaction or arrangement.

**Business associate:** A “business associate” is any person or entity with which a Foundation officer, director or employee, or any of their relatives, engage in the exchange of goods or services for remuneration.

### IV. Duty to Disclose Potential Conflicts of Interest

All FAVHR directors, officers and employees have a duty to disclose any situation that involves personal, familial or business relationships that may give rise to a real or perceived conflict of interest as soon as it is known.

## V. Disclosure Procedures

In addition to the ongoing duty to disclose described in Section IV above:

- All FAVHR directors, officers (including the executive director), and employees will complete a Disclosure Questionnaire (Attachment A) and an Affirmation of Compliance (Attachment B) upon initiating their association with FAVHR.
- All directors and officers, and any employees with decision making authority (“key employees”), will submit a new disclosure and affirmation statement any time a change in their circumstances may result in a potential conflict of interest, but at least annually.

**Disclosure Questionnaires will be submitted and reviewed as follows:**

- **Board members, officers and key employees** will submit their completed Disclosure Questionnaire and Affirmation of Compliance to the executive director. Any questionnaire with a disclosure will be provided to the Board to review. The Board will decide whether any disclosures (“yes” responses) represent actual, perceived or potential conflicts of interest.
- **Administrative personnel other than key employees and employees working directly on VA research or education** will submit their completed Disclosure Questionnaire and Affirmation of Compliance to the executive director upon initiating their employment. The executive director will review the forms and will provide any with disclosures to the chair and the employee’s supervisor. Together the supervisor, executive director and chair will decide whether any disclosures represent actual, perceived or potential conflicts of interest that require consideration by the Board.

**Confidentiality.** Disclosure Questionnaires may contain confidential information and will be treated as confidential documents.

**Retention.** The executive director will file Disclosure Questionnaires and Affirmations of Compliance with the official records of FAVHR and will retain annual disclosures for three years. Disclosure Questionnaires of employees subject to the requirement for one-time disclosure will be retained until the end of the individual’s Foundation relationship.

**If a potential conflict of interest arises subsequent to submitting a Disclosure Questionnaire or between submissions,** a director, officer or employee will promptly bring the situation to the attention of the appropriate person as follows:

- Members of the Board, officers and the executive director: the chair of the Board
- FAVHR administrative employees: the executive director
- Employees directly or indirectly engaged in VA research or education: supervisor and the executive director

Such disclosures will be reviewed in accordance with the procedures described above for disclosures made on Disclosure Questionnaires.

## VI. Procedures for Review of Potential Conflicts

Whenever there is reason to believe that a potential conflict of interest exists between FAVHR and any board member, officer or employee, the Board will promptly convene a meeting to determine whether a conflict exists and the appropriate response.

Any response by the Board will include, but may not necessarily be limited to, invoking the procedures described below with respect to a specific proposed matter.

If there is reason to believe that a potential conflict affects VA interests, the Board will bring the potential conflict to the attention of the appropriate VA authorities which may include the facility Research Conflict of Interest Committee and/or the facility's designated ethics official (DEO) in the Office of Regional Counsel.

## VII. Procedures for Addressing Conflicts of Interest

When a potential conflict exists between the interests of FAVHR and a director, officer or employee, the Board will consider the matter during a meeting of the board.

Other than taking steps necessary to protect the interests of FAVHR until a meeting of the Board may be convened and a decision made, FAVHR will refrain from acting on the matter that invoked the potential conflict of interest. The following procedures will apply:

- **Board Review.** A director, officer or employee who has a potential conflict of interest with respect to a proposed Foundation decision, policy or transaction or arrangement (an “interested party”) will not participate in any way in, or be present during, the deliberations and decision-making vote of FAVHR with respect to such matter (recusal). However, that person will have an opportunity to provide factual information about the proposed conflict and/or matter that provoked the potential conflict. Also, the Board may request that an interested party be available to answer questions. Board options include, but are not limited to:
  - Allowing the proposed matter to go forward upon finding that it is in the best interests of FAVHR;
  - Prohibiting the proposed matter;
  - Approving mitigating actions (including but not limited to recusal, limitation of duties, transfer or reassignment, additional supervisory review or other action considered appropriate by the Board); or
  - Recommending an alternative arrangement.
- **Vote.** A decision by the disinterested members of the Board will be made by vote of a majority of members in attendance at a meeting at which a quorum is present. An interested director will not be counted for purposes of determining whether a quorum is present, or for purposes of determining what constitutes a majority vote of directors in attendance.

- **Minutes.** The minutes of the Board meeting will reflect that the conflict disclosure was made to the Board, the vote taken and, when applicable, the abstention from voting and participation by any interested party. Whenever possible, the minutes should frame the decision in such a way that it provides guidance for consideration of future conflict of interest situations.

### **VIII. Violations of Conflict of Interest Policy**

If a director, officer, employee, or the supervisor of a Foundation employee, has reason to believe that any other director, officer or employee has failed to disclose an actual or potential conflict of interest, such person has a responsibility to inform the chair of the Board or the executive director of the basis for their belief. In such event, the chair of the Board or the executive director will refer the matter to the Board. The Board will inform the person of the allegation and will allow the person an opportunity to explain the alleged failure to disclose.

If after affording a Foundation director, officer or employee with a potential or actual conflict an opportunity to disclose all material facts, the Board decides that such an individual has in fact failed to disclose a possible conflict of interest, the Board will determine the corrective steps to be taken and/or disciplinary action.

### **IX. Training**

All Directors, Officers (including the Executive Director), and employees of FAVHR will complete training on FAVHR Conflict of Interest policy within 90 days of employment or affiliation with FAVHR. Additionally, all Directors, Officers (including Executive Director), and other key employees who are required to file an annual Conflict of Interest Disclosure will complete training on FAVHR Conflict of Interest policy annually. Documentation of training will be maintained in the individual's Foundation file during affiliation with FAVHR.

## Attachment A: Conflict of Interest Confidential Disclosure Questionnaire

Please complete the questionnaire below, indicating any potential conflicts of interest. If you answer "yes" to any of the questions, provide a written description of the details in the space allowed. Attach additional sheets as needed. Submit your completed form to FAVHR Executive Director.

**Financial Interests** - A conflict may exist when a Foundation director, officer or employee or any of their relatives may directly or indirectly benefit or profit as a result of a decision, policy, transaction or arrangement made by FAVHR.

During the past 12 months (for each "yes" response, please describe below or on a separate page):

1. Has FAVHR proposed to contract or contracted to purchase or lease goods, services, or property from you, a relative or a business associate?  Yes  
 No
  
2. Are you related to any current or prospective Foundation director, officer or employee, or to the supervisor of any Foundation employee?  Yes  
 No
  
3. Have you, a relative or a business associate been provided with a gift, gratuity or favor of a substantial nature from a person or entity that does business or seeks to do business with FAVHR?  Yes  
 No
  
4. Have you, a relative or business associate been gratuitously provided use of the facilities, property, or services of FAVHR?  Yes  
 No
  
5. Are you, a relative or a business associate in a position to benefit financially from decision, policy, transaction or arrangement made by FAVHR?  Yes  
 No

**Other Interests** - A conflict may also exist when a Foundation officer, director, employee or any of their relatives may obtain a non-financial benefit or advantage that they would not have obtained absent their relationship with FAVHR, or when their duty or responsibility owed to FAVHR conflicts with a duty or responsibility owed to some other organization.



During the past twelve months (for each “yes” response, please describe below or on a separate page.):

1. Did you obtain for yourself or any other person or organization preferential treatment, promotion, recognition or a non-salaried appointment as a consequence of your association with FAVHR?  Yes  
 No
  
2. Did you make use of confidential information obtained from FAVHR for your own benefit or for the benefit of any person or organization?  Yes  
 No
  
3. Did you take advantage of an opportunity or enable any person or organization to take advantage of an opportunity that you had reason to believe would be of interest to FAVHR?  Yes  
 No
  
4. Were you in a position to benefit in a nonfinancial way from a decision, policy, transaction or arrangement made by FAVHR?  Yes  
 No

**Other** - Describe any other circumstances or relationships you or a relative may have that you believe may assist FAVHR in protecting its interests and preventing conflicts of interest:

I hereby certify that I am aware of and am in compliance with the Foundation for Advancing Veterans' Health Research's conflict of interest policy with respect to conflicts of interest related to the performance of my official functions at the Foundation for Advancing Veterans' Health Research's.

Employee's Printed Name: \_\_\_\_\_ Position: \_\_\_\_\_

Employee's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

The signed original copy of this receipt should be given to management - it will be filed in your personnel file.

# VA Nonprofit Corporation Nondisclosure Policy

## 1.0 PURPOSE

To require all Foundation for Advancing Veterans' Health Research employees to maintain the confidentiality of VA, third party, and Foundation for Advancing Veterans' Health Research confidential information. Such confidential information includes, but is not limited to Research data, findings, and activities.

## 2.0 SCOPE

This policy applies to all Foundation for Advancing Veterans' Health Research employees, including those who hold a VA Without Compensation (WOC) appointments and employees of affiliated organizations (UTHSCSA & VA) conducting work administered by the Foundation for Advancing Veterans' Health Research.

## 3.0 DEFINITION

Confidential Information is defined as information of any kind, nature, or description concerning any matters affecting or relating to employees' services for NPCs as further described under part 4.0.

## 4.0 POLICY

Foundation for Advancing Veterans' Health Research employees are required to maintain the confidentiality of information obtained in the performance of their duties. There are three main categories of confidential information that NPC employees will encounter:

- 1) *VA Confidential Information.* – VA is subject to various laws regarding confidentiality, including but not limited to the Privacy Act, the Health Insurance Portability and Accountability Act of 1996 (Public Law 104-191), the Freedom of Information Act, and 38 U.S.C. §§5701, 5705, and 7332. VA may only use or disclose Confidential Information consistent with applicable legal authority. Examples of VA Confidential Information include Individually Identifiable Information contained in VA patient files, VA data, VA research and VA employee records including but not limited to licensure and credentialing.
- 2) *Third Party Confidential Information.* – Confidential Information obtained from federal or nonfederal sponsors and research collaborators in the context of potential and actual collaborative research and/or education. This information includes, but is not limited to, trade secrets, Intellectual Property, commercial or financial information, protocols and data.
- 3) **Foundation for Advancing Veterans' Health Research Confidential Information.** – Confidential information of NPCs, such as budget, personnel, and information pertaining to internal business operations matters in addition to scientific information pertaining to current, past, or upcoming research activities.

For New Employees – New employees shall be provided a copy of this policy and shall be required to execute a nondisclosure agreement substantially equivalent to the attached sample template (see attached NDA agreement) as part of their orientation process within 15 days of hiring.

For Existing Employees – Existing employees who have not executed a nondisclosure agreement shall be provided a copy of this policy and will be required to execute a nondisclosure agreement substantially equivalent to the attached sample template (see attached NDA agreement) within 45 days of the effective date of this policy.

For VA WOC Employees - NPC employees who hold a VA Without Compensation appointment are subject to various laws regarding confidentiality, including but not limited to the Privacy Act, Freedom of Information Act, 38 U.S.C. §§5701, 5705, and 7332. VA WOC employees may only use or disclose confidential information consistent with applicable authorities. Requests for disclosure of confidential information will be handled in accordance with 5 U.S.C. §552, E.O. 12600, and 38 C.F.R. 1.554a. VA employees are bound by 18 U.S.C. § 1905, known as the Federal Trade Secrets Act, to not disclose confidential and proprietary information disclosed to them in the conduct of their official duties. Additionally, the Economic Espionage Act of 1996 makes the theft or misappropriation of a trade secret by VA employees a federal crime. 18 U.S.C. §§ 1831-1839.

NDA Record Maintenance – NDAs shall be maintained in the NPC employee’s personnel file.

## **5.0 RELATED DOCUMENTS**

- A) VHA Handbook 1200.17, ¶ 12(e)
- B) Nondisclosure Agreement Template

## Attachment B: Employee Non-Disclosure Agreement

FOR GOOD CONSIDERATION, and in consideration of being employed by the **Foundation for Advancing Veterans' Health Research (NPC)**, a nonprofit corporation created under state law of Texas to serve as a flexible funding mechanism for VA approved research and education pursuant to 38 U.S.C. §§ 7361-7366, the undersigned employee hereby agrees and acknowledges the following:

1. During the course of my employment, there may be information disclosed to me that may be considered confidential information. This information includes, but is not limited to:

A. VA patient and employee information, including but not limited to: personnel files, credentialing and licensure files, VA research or other records protected by the Privacy Act (5 U.S.C. § 552a), the Health Insurance Portability and Accountability Act of 1996 (Public Law 104-191), or other federal laws, such as 38 U.S.C. §§ 5701, 5705, and 7332.

B. Trade secrets, Intellectual Property, commercial, financial and other confidential information from third parties, such as for-profit and nonprofit business entities, academic affiliates, public and private foundations, and government agencies, obtained during discussions or engagements in collaborative research with VA. Other confidential information may consist of but not necessarily be limited to:

(1) Technical information: Methods, processes, formulae, compositions, systems, techniques, inventions, machines, computer programs and research projects.

(2) Business information: Customer lists, pricing data, sources of supply, financial data and marketing, production, or merchandising systems or plans.

C. NPC internal information of a confidential nature, such as budget, personnel, and information related to internal business operations matters, etc.

2. During or at any time after the termination of my employment with the NPC, I shall not use for myself or others, or disclose to others, any confidential information of VA, external third party, or NPC in violation of this agreement.

3. The NPC reserves the right to take disciplinary action, up to and including termination, for my violations of this agreement.

4. I am not under any preexisting obligations inconsistent with the provisions of this Agreement.

5. Upon the termination of my employment from the NPC:

A. I shall return to the NPC all documents and property obtained by me in the performance of my duties. I further agree that I shall not retain copies, notes, or abstracts of the foregoing.

B. The NPC may notify any future or prospective employer or third party of the existence of this agreement, and shall be entitled to all remedies including injunctive relief for any breach.

6. NPC employees who hold VA Without Compensation appointments are also subject to various laws regarding confidentiality, including but not limited to the Privacy Act, Freedom of Information Act, 38 U.S.C. §§5701, 5705, and 7332. VA employees may only use or disclose confidential information consistent with applicable authorities. Requests for disclosure of confidential information will be handled in accordance with 5 U.S.C. §552, E.O. 12600, and 38 C.F.R. 1.554a. Additionally, VA employees are bound by 18 U.S.C. § 1905, known as the Federal Trade Secrets Act, to not disclose confidential and proprietary information disclosed to them in the conduct of their official duties. Additionally, the Economic Espionage Act of 1996 makes the theft or misappropriation of a trade secret by VA employees a federal crime. 18 U.S.C. §§ 1831-1839.

7. This agreement shall be binding upon me, my personal representatives, and any successors in interest, and shall inure to the benefit of the NPC, its successors and assigns.

Signed this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_

NPC Employee signature

Print Name: