

Chapter 15

Employment Basics for Supervisors

Employment Requirements

Applicants for employment by SIBCR will not be hired without a completed employment packet. This packet should be completed *prior* to the date of hire but not later than the first day of employment.

- All SIBCR employees must also secure status as a Without Compensation (WOC) employee to work at VAPSHCS. Fingerprinting is required.
- Employees who work with patients or patient identifiable research data must complete training in Human Subjects and Good Clinical Practices. They must have their credentials verified and a scope of work in their personnel file.
- If the SIBCR employee is to engage in direct patient care activities, the securing of WOC status requires verification of professional credentials for nurses and the obtaining of clinical privileges from VAPSHCS for physicians, physician assistants and ARNPs.
- No patient contact is allowed until license verification is complete or clinical privileges are granted by VAPSHCS. Equivalent permission and/or clinical privileging must be obtained from other institutions if such work is to be performed at these sites (i.e., UW Medical Center, Harborview Medical Center, etc.).
- It is your responsibility as an SIBCR member to ensure your study personnel are properly credentialed to perform work on your research projects. DO NOT allow anyone to work on your research projects before completing this essential process.

Separate Employers

Work policies of VAPSHCS and UW differ slightly from SIBCR policies. If questions arise in the course of your staff's employment because of differences in personnel policies, please refer these questions to the SIBCR administrative office. SIBCR employment policies will apply to SIBCR employees, not the policies of VAPSHCS or UW.

Classifications of Employees

1. *Regular Employee*: An employee who is hired to work at least 30 hours per week and whose appointment is expected to exceed 1000 hours per year. Regular employees with an appointment expected to continue for a year are eligible for all SIBCR benefits.
2. *Part-Time Employee*: An employee who is hired to work less than 30 hours per week and whose appointment is expected to exceed 1000 hours per year. Part-time employees are eligible for all or some SIBCR benefits.
3. *Intermittent Employee*: An employee who is hired to work on an intermittent or as-needed basis. These employees are not eligible for any SIBCR benefits.
4. *Temporary Employee*: An employee who is hired with the expectation that he or she will be needed for a specified period of time of less than 12 months and less than 1000 hours. Temporary employees are not eligible for most SIBCR benefits, but may be eligible for leave accrual (see benefits section).

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In addition, employees will be either exempt or nonexempt as defined by the Fair Labor Standards Act (FLSA).

Exempt Employee: Employees who are paid on a salaried basis and who regularly work in certain executive, administrative, or professional positions are exempt employees. Exempt employees are paid on a salary basis for completion of their job and are not eligible for overtime.

Nonexempt Employee: An employee, whether paid on a salaried or hourly basis, who is covered under FLSA. Nonexempt employees are eligible for overtime pay and certain rest and meal breaks (see below).

Most SIBCR employees are nonexempt. Each employee's status under FLSA will be determined upon hiring. See SIBCR for any questions regarding FLSA status.

Workweek and Scheduling

For payroll and accounting purposes, the workweek normally begins at 12:01 a.m. Monday and ends at midnight the following Sunday. You may establish other workdays or workweeks for individual employees or certain positions. Please send SIBCR notification of this change for the personnel file and payroll purposes.

Rest and Meal Periods

All nonexempt employees must receive a 10 minute paid rest break for each four hours of working time. Ideally, a break will occur near the midpoint of each four-hour work period, but scheduling will be approved by you. Break periods for your employees should not be used to extend a lunch period, work overtime, arrive or leave early.

Nonexempt employees working more than five hours in a day are required to take a meal break two to five hours into their shift. However, they may waive this by signing a Lunch Waiver form, signed by both you and the employee and filed in the employee's personnel file. The normal meal break is a 30 minute unpaid period. Employees who work three or more hours beyond an 8-hour shift should have an additional unpaid meal period before or during the overtime period.

Overtime and Time Reporting

Nonexempt employees will be paid at an overtime rate when they work in excess of forty hours per week for SIBCR. Comp time is not legal for non-governmental employees and may not be used for SIBCR employees. Any overtime work must be authorized by you in advance. All overtime should be calculated prior to you signing the time sheet and before turning the time sheet into SIBCR.

The overtime rate is one and one-half times the regular rate of pay. Overtime is paid for all hours over 40 hours worked plus holiday hours in one workweek. Vacation and sick leave hours are not included as hours worked for the purpose of determining overtime.

All hours worked must be paid. "Off the clock" work is strictly prohibited and any violations could lead to disciplinary action. DO NOT instruct any nonexempt employee to work without putting hours on their timesheet.

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Each employee must fill out and sign a time sheet for the actual hours worked, and submit it with a valid signature (not a stamp) from you or your designee. *Supervisors' signatures on timesheets must be by a VAPSHCS employee.*

Equal Employment Opportunity

SIBCR is an equal opportunity employer. Every employee has the right to work in surroundings that are free from all forms of unlawful discrimination. SIBCR will not engage in nor tolerate unlawful discrimination on any basis prohibited by local, state or federal law. Specifically, SIBCR does not discriminate against any person in any matter of employment on the basis of race, color, creed, religion, national origin, gender, age, physical or mental disability, marital status, sexual orientation, military or veteran status or status as a disabled veteran or a veteran of the Vietnam era.

This policy applies to staff of all levels within the organization and includes (but is not limited to) the following: (1) recruiting and soliciting for employment; (2) hiring, placement, promotion, transfer, and demotion; (3) employment training or selection for training; (4) pay rates, compensation, and benefits; and (5) termination. All selection methods and criteria shall be based on job-related criteria and individual merit.

SIBCR encourages men and women of minority status to apply for positions at all scientific and administrative levels.

Employees should speak to either the Executive Director or Human Resources if he or she has any related questions, complaints or comments on this policy.

SIBCR recognizes that employees with physical or mental conditions which significantly limit their major life activities may need reasonable accommodations to enable them to perform their essential job functions. Any employee who believes he or she needs reasonable accommodation should notify Human Resources. Although the need for accommodations is determined on a case-by-case basis, generally SIBCR and the employee engage in an interactive process with the employee's healthcare provider(s). The employee has an obligation to cooperate with SIBCR in this process, which may include authorizing SIBCR to communicate with the employee's healthcare providers concerning the employee's condition, its limitations, and possible reasonable accommodations.

Sexual and Other Harassment

SIBCR expects all supervisors and employees to accomplish their work in a professional and businesslike manner. Harassment of employees by supervisors, fellow employees, or non-employees in the workplace is a form of unlawful discriminatory behavior and is not permitted. Specifically forbidden is harassment based on gender, sexual orientation, race, color, religion, national origin, age, disability, or engagement in protected activities, e.g., opposition to prohibited discrimination.

Harassment includes unsolicited remarks, gestures, or physical contact, display or circulation of written materials, e-mail or pictures derogatory to either gender or to racial, ethnic, or religious groups; or basing personnel decisions on an employee's response to sexually-oriented requests.

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Engaging in any act which discriminates on the basis of race, color, national origin, sex, religion, creed, marital or veteran status, age, the presence of a disability or any other basis prohibited by local, state, or federal laws will not be tolerated. Harassment is improper and illegal and is grounds for disciplinary action up to and including immediate termination.

If you are aware of conduct of this sort, or feel that the employee's work environment has become a hostile or offensive place to work, you should immediately bring the matter to the attention of the Assistant Director, the President of the Board of Directors or the Executive Director at SIBCR. Do not wait for the harassment to become severe or pervasive. SIBCR will protect the confidentiality of any complainant to the extent possible. It is important to our organization that all claims of discrimination or sexual harassment be thoroughly reviewed and investigated so appropriate steps are taken.

As an SIBCR employee's supervisor at VAPSHCS you should take anti-sexual harassment training through VAPSHCS at least once every two years.

Attendance and Tardiness

If an employee will be unable to report to work or will be late, they must let you know as soon as possible, and always before their scheduled starting time. If you are unavailable, the employee should leave a message for you on your voice mail, stating their reason for being late or absent and a telephone number where you can call back.

If the employee's absence or tardiness is due to an emergency, they should call in as soon as possible, or they may have someone call in for them.

If an employee fails to report to work for three consecutive days without notification to you, the employee will be deemed to have voluntarily resigned their position.

Attendance or tardiness problems, including failure to call in, may result in discipline up to and including termination.

Conflict of Interest

SIBCR expects members and employees to avoid situations that might cause their personal interests to conflict with the interests of our Institute or to compromise its reputation or integrity. A conflict of interest, or the appearance of one, occurs when an employee or a member of their immediate family uses their position with SIBCR for personal benefit through an investment, association, or business relationship that interferes with their ability to exercise independent judgment on our behalf.

Employees are discouraged from accepting meals or other gifts of more than a nominal value from salespeople, vendors, suppliers, or any other solicitors. Also refer to Standards of Conduct and Discipline in the following section.

Employment of Relatives (Nepotism)

Employment of relatives is permitted, except in circumstances where an appointment places related people in supervisory and subordinate roles, or in a situation where influence could be exerted, directly or indirectly, on future decisions concerning the status of employment, promotion, or compensation.

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Alcohol and Drugs

SIBCR has adopted a drug-free workplace policy. All employees of SIBCR are expected to comply with this policy as a condition of their employment.

The unlawful manufacture, distribution, dispensing, possession or use of a controlled substance or alcohol is prohibited in the workplace. Violators are subject to disciplinary action, up to and including termination.

Employees should determine with their physician or pharmacist whether any prescription drugs being taken might impair their ability to perform their jobs safely and effectively. If the employee performance might be so impaired, he/she should not report to work and should discuss the issue with you to determine whether some accommodation may allow them to perform the essential functions of the position safely and effectively.

Any employee convicted of a violation of a criminal drug statute, which occurred in the workplace, must notify you and the Executive Director of SIBCR in writing within five days of the conviction. SIBCR is then required by law to notify all federal agencies providing funds to SIBCR of the infraction within ten days after receiving notice from an employee.

Standards of Conduct and Discipline

SIBCR expects each employee to contribute to the quality and reliability of the Institute within the scope of his or her job responsibilities. Failure to meet this standard of performance may be the basis for adjustment in compensation or disciplinary action, up to and including termination.

We will take appropriate action based on the seriousness of the situation and the circumstances. The evaluation of the facts will be made by you in consultation with the Executive Director and or the Assistant Director.

In addition, 38 USC § 7366 (c)(2) requires that each employee must certify that he or she will comply with the federal laws and regulations applicable to Federal employees with respect to conflicts of interest. The Standards of Ethical Conduct are codified in 5 CFR Part 2635.

Termination

The employment relationship with SIBCR is "at will." It can be terminated, with or without cause, at any time by either employer or employee. The provision of benefits does not constitute a promise that employment will last one year or longer. No agreement inconsistent with this policy is valid, unless it is in writing and signed by the Executive Director. The Employment Request Form does not constitute an exception to the at will policy.

Communications

On occasion you will receive memos about your employees. Most notices are sent to keep you informed about your employee's status, renewal of employment, salary and compliance requirements. It is important that you keep SIBCR well informed of updates and changes that need to be made in the personnel file. It is also important for you to make sure employees follow through with their compliance requirements and other important paperwork pertaining to their employment.

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Safety and Security

SIBCR functions within VAPSHCS facilities. As an SIBCR supervisor, you are expected to take an active part in maintaining the safety of this environment. Please ensure that the R&D Laboratory Safety Manual and Radiation Safety Plan are available in your laboratory and that each employee is aware of and has read these documents. Attendance to the annual safety meeting and other mandatory trainings are required for all SIBCR employees.

No minors (under 18) are allowed in the laboratories of VAPSHCS. This includes in Seattle the 6th and 7th floors of Building 1, Buildings 8, 11, 13, 23, 34; at American Lake Buildings 18N, 18S, 72, and any other space that is designated a laboratory.

Report any accidents or injuries - including any breaches of safety - and report any unsafe equipment, working condition, process or procedure, at once to the R&D Safety Officer.

Your employees may report safety violations or injuries anonymously to the R&D Safety Officer, if they are not the injured or violating party. *No employee will be punished or reprimanded for reporting safety violations or hazards.* However, any deliberate or ongoing safety violation, or creation of hazard, by an employee will be dealt with through disciplinary action by SIBCR, up to and including termination.

Accidents and Accident Reports

An employee must notify you immediately if he/she is injured on the job. It is your responsibility to help them evaluate the situation and assist them in obtaining appropriate medical assistance, should that be necessary.

SIBCR employees are insured under Washington State Industrial Insurance. Please see the Assistant Director for more information.

As soon as practical, but in no case later than 24 hours following the employee's injury or suspected injury, he/she must complete a VAPSHCS accident report, online on the VA intranet, describing the circumstances surrounding the incident. Failure to report the accident to SIBCR may result in a claim denial.

This report will permit us to better assist the employee in obtaining insurance benefits if he/she qualifies for them. Please note that this accident report form is an internal requirement of working at a VAPSHCS facility, and does not register a claim for workmen's compensation.

Snow/Inclement Weather

If there is snow or other inclement weather SIBCR will follow the closure decisions of VAPSHCS. Please have your employees listen to local radio or TV broadcast to find out if VAPSHCS will be closed for all but essential personnel. Employees are to use their best judgment in their decisions to come to work and not put themselves at risk. They should call you or an SIBCR administrator to confirm or leave a message regarding their absence.

Holidays

SIBCR observes the same paid holidays as VAPSHCS. Part-time employees receive pay only for those holidays falling on work days in their scheduled tour of duty, and only for the number of

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hours which they would have been scheduled to work had the holiday not fallen on that date. Intermittent employees and those who work on an unscheduled number of hours per week or month will receive no holiday pay.

Annual Leave

Annual leave should be approved by you at least a week in advance. However, you may grant leave with shorter notice. You may consider workplace coverage in approving leave. Annual leave must be approved by you; unauthorized time off will not be paid.

Sick Leave

A maximum of 240 hours sick leave may be accrued. If an employee who is at the maximum accrual of sick leave uses some of this leave, accrual will restart until the 240 hour cap is reached again. At termination of employment, unused sick leave will not be paid to the employee. For an absence of more than three consecutive days due to illness, the employee may be asked to confirm the illness with a supporting statement from the personal physician of the employee.

Bereavement Leave

An employee is permitted to use a reasonable amount of accrued sick or annual leave when an employee is absent due to the death of a family member.

Military Leave

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 who take military leave are entitled to return to their jobs as provided under federal and state laws.* A copy of the orders must be supplied to the SIBCR administrative office.

Leave for Spouses of Persons in Military Conflict

Any employee who works more than 20 hours per week and whose spouse is deployed or about to be deployed or is on leave from deployment in a military conflict declared by Congress or the President is entitled to up to fifteen (15) days of leave of absence per deployment. The leave is unpaid except that the employee may use their annual leave or sick leave at the same time. An employee wishing to take this leave must notify you within five business days of receiving official notice that the spouse is being deployed or will be on leave from deployment. Upon conclusion of the leave, the employee will return to their position unless the position was eliminated or the employee would otherwise have been terminated during the leave.

Jury Duty

Unless an employee's job responsibilities require it, we will not ask or encourage them to request to be excused from or postpone a call to jury duty. If they are required to perform jury duty, they will be paid their regular pay up to a maximum of 10 days for regular - or part-time employees. The employee will be expected to work their regular schedule on any day they are not required to be present in court. In order to receive compensation during jury duty, they must

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provide SIBCR with a letter or other confirmation from the court clerk indicating the time they served.

Court Appearances

An employee may take annual leave to appear in court as a witness. He/she is responsible for notifying you immediately after receiving the summons to appear for a court appearance during scheduled work hours. A copy of this notice should be given to the Assistant Director attached with their timesheet.

Voting

In most situations, a person should be able to vote before or after work or by absentee ballot. If they are unable to vote during these times due to their work schedule, they may take up to two hours off work with pay to vote. The employee must request this time off in advance from you, and must have a valid reason why they cannot vote by absentee ballot or during non-working hours. They will be expected to take the time off at the time of day which will require the least time missed from work, usually at the beginning or end of the workday.

Family Medical Leave Act (FMLA)

To qualify for Family and Medical Leave, an employee must have worked for SIBCR for a total of at least 12 months, and have worked at least 1250 hours of service during the 12-month period immediately preceding the leave.

An employee must provide notice to you and the SIBCR administrative staff of the need for leave at least 30 days (14 days for a leave due to a child's terminal illness) before the leave is to begin, or if such notice is not feasible, then as soon as is practical. This notice should be in writing.

FMLA Leave Entitlement

Eligible employees are entitled to take up to 12 weeks leave during any 12-month leave period for any of the following reasons: (1) for the birth, adoption or placement for foster care of a child; (2) to care for the employee's spouse, child or parent with a serious health condition; (3) a serious health condition that makes the employee unable to perform at least one of the essential functions of their job. The 12 month leave year or period will be measured backward from the date an employee uses any FMLA leave. For example, for leave requested to start March 1, 2009, SIBCR would look at the previous 12 months (March 1, 2007 - February 29, 2008) to determine the amount of FMLA leave already used. Leave may be taken on an intermittent basis. Please see SIBCR's Assistant Director for more information.

When an employee returns from their leave generally they will be given their former position or an equivalent position with equivalent pay and benefits, unless their position would have been eliminated had they not been on leave or their leave extended beyond their entitlement under the FMLA or applicable state law.

Failure to return from leave as agreed may be treated as a resignation of employment.

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When an Employee is Requesting Family and/or Medical Leave

- Request must be in writing 30 days before the leave is to begin; if such notice is not feasible, then as soon as possible. The dates of leave must be included in the notice.
- If they make contributions to the group benefit plan, arrangements to continue making contributions must be made before the leave begins.
- FMLA and paid leave run concurrently, not in addition to one another (i.e., taking vacation and sick leave at the beginning of FMLA leave does not extend the 12 weeks of FMLA leave by the length of the vacation/sick leave).
- The employee is required to take all accrued sick leave and all accrued annual leave (except in the case of pregnancy).
- During leave for the birth or placement for foster care of a child, the employee must notify SIBCR if they intend to take additional disability leave allowed under Washington state law.
- FMLA leave may be taken intermittently under some circumstances. This will be determined on a pro rata basis, relative to the employee's normal workweek. This intermittent leave must be arranged with Human Resources at SIBCR.

Servicemember Family and Medical Leave Act (FMLA)

The Federal Family and Medical Leave Act (FMLA) entitles employees to take leave for a covered family member's service in the Armed Forces ("Servicemember FMLA"). This policy supplements our FMLA policy and provides general notice of employee rights to such leave. Except as mentioned below, an employee's rights and obligations to Servicemember FMLA Leave are governed by our existing FMLA policy.

Servicemember FMLA provides eligible employees unpaid leave for any one, or for a combination, of the following reasons:

- A "qualifying exigency" arising out of a spouse, son, daughter or parent's active duty or call to active duty in the Armed Forces in support of a contingency operation; and/or
- To care for a spouse, child, parent or other relative for whom the employee is the next of kin who is a member of the Armed Forces, including the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability list for a serious injury or illness.

Duration of Servicemember FMLA

- When leave is due to a "qualifying exigency": An eligible employee may take up to 12 workweeks of leave during any 12-month period.
- When leave is to care for an injured or ill servicemember: An eligible employee may take up to 26 workweeks of leave during a single 12-month period to care for the servicemember. Leave to care for an injured or ill servicemember, when combined with other FMLA-qualifying leave, may not exceed 26 weeks in a single 12-month period.
- Servicemember FMLA runs concurrent with other leave entitlements provided under federal, state and local law.

Any questions regarding Servicemember FMLA leave should be directed to Human Resources.

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Maternity/Parental Leave

Employees are entitled to leave for the actual period of disability associated with pregnancy and childbirth. If the employee is eligible for family leave under the FMLA, described above, FMLA leave will run concurrently with the period of maternity disability. Once the maternity disability period has concluded, an eligible employee may take up to twelve weeks of unpaid leave under the Washington Parental Leave law. The leave is unpaid unless the employee has unused sick and/or annual leave. Sick leave must be used during this leave. This policy will be administered according to the federal FMLA and the regulations interpreting it and any applicable state law. Employees should contact Human Resources with questions about these benefits.

Other Unpaid Leaves of Absence

Unpaid leave of absence for reasons other than those covered under FMLA may be granted under certain conditions, for a specified period of time. Requests for personal leave will be evaluated based on an employee's work record, the department's staffing needs, and the employee's reason for requesting the leave. Circumstances will determine the length of leave granted. During an unpaid leave of absence, the employee may be required to pay their full group health premiums. Employees returning from a personal leave are not guaranteed a return to their former job.

As a supervisor, *all unpaid leaves of absence, including FMLA, must* be approved by you. Employees taking leave without your approval may be considered to have abandoned and resigned their job.

**PLEASE SEE THE FULL PERSONNEL POLICY MANUAL FOR MORE INFORMATION OR
CONTACT THE ASSISTANT DIRECTOR.**