

**BIOMEDICAL RESEARCH INSTITUTE OF NEW MEXICO**

**POLICY GUIDELINES**

**TABLE OF CONTENTS**

BOARD OF DIRECTORS.....2

MISSION STATEMENT, GUIDING PRINCIPLE, GOALS..... 3

ORGANIZATIONAL DESCRIPTION.....4

GENERAL POLICY STATEMENT.....5

EMPLOYMENT POLICIES.....10

FISCAL POLICIES.....19

TRAVEL REIMBURSEMENT POLICIES.....25

December 2008

## BOARD OF DIRECTORS

### Officers:

President	Thomas Byrd, M.D.
Vice President	Curtis Kapsner, M.D.
Treasurer	Henry Lin, M.D.
Secretary	Henry Lin, M.D.

### Directors:

George Marnell  
Meghan Gerety, M.D.  
Thomas Byrd, M.D.  
Curtis Kapsner, M.D.  
John Lauriello, M.D.  
Pope Mosely, M.D.  
Henry Lin, M.D.

## **MISSION STATEMENT**

By supporting the VA research program in Albuquerque, the Biomedical Research Institute of New Mexico's (BRINM) mission is to promote high quality scientific research and education improving healthcare, medical treatment and quality of life for our nation's veterans and, ultimately, the general public.

## **GUIDING PRINCIPLE**

BRINM exists to support VA investigators in making successful advances in medical diagnosis and treatment through research and education. Therefore, we are committed to providing quality administrative services.

## **GOALS**

- ❖ To be the institution of choice for administration of research and education funding
- ❖ To foster collaboration that will further the BRINM mission
- ❖ To create a rewarding and challenging environment in which to conduct research
- ❖ To educate the public about VA research

## **THE BIOMEDICAL RESEARCH INSTITUTE** **OF NEW MEXICO**

BRINM is classified as a public nonprofit organization under the Internal Revenue Code 501(c)(3). It is one of more than 90 similar nonprofit organizations associated with VA medical centers nationwide. Passed in 1988, Public Law 100-322, Section 204 authorizes the establishment at any Department of Veterans Affairs medical center of a nonprofit corporation to provide a flexible mechanism for the receipt and administration of research/education funds other than VA appropriations. The purpose of BRINM is to advance the research/education mission of the Department of Veterans Affairs through the support of research/education-related activities at the New Mexico VA Healthcare System (NMVAHS).

Sources of funding may be grants, contracts, or gifts from for-profit companies, charitable foundations, the National Institutes of Health or other federal agencies, professional societies or other nonprofit entities, and individuals. Because the only statutory purpose of BRINM is to facilitate VA research, all funds received must be administered for purposes relating to VA approved research or to further research related education.

The mandated members of the BRINM board of directors are the medical center's Chief Executive Officer (CEO), Chief Medical Officer (CMO), the Associate Chief of Staff for Research (ACOS/R) and the Associate Chief of Education (ACOS/E). In addition, at least two members are required who are not officers or employees of the Federal Government, but are familiar with issues involving medical and scientific research. At this time, BRINM has two non-federally employed members on its board of directors, all of whom are associated with the University of New Mexico.

Currently, BRINM administers funding for approximately 95 different VA approved research projects and employs more than 80 full-time and part-time individuals. Some projects are funded entirely through BRINM and for others BRINM administers supplemental funding. Although the majority of the research on these projects is conducted at the NMVAHS facility in Albuquerque, some of the work is carried out as cooperative studies at other locations. A few of the medical disciplines encompassed in these studies are audiology, cardiology, endocrinology, gastroenterology, immunology, neurology, oncology, psychology, and psychiatry.

BRINM has proven to be invaluable as a means for handling medical research funding. This mechanism has enabled investigators to conduct their research in an expeditious manner, free from much of the usual red tape. Because of this, BRINM has become a well-established institution with a growing number of active investigators and research/education projects. As the Institute's activities evolve, its mission has expanded to provide funding for research/education projects including those of young investigators who are just beginning their research careers. The first occasion to provide funding in this way was a cosponsored grant with the Albuquerque VA Research Service awarded on October 1, 1997. It is anticipated that

this award will be granted annually.

BRINM is located on the NMVAHS Albuquerque campus in Building 14. Thomas F. Byrd, M.D. is the President. If you have any questions or would like additional information about BRINM, please call 260-1033.

### **GENERAL POLICY STATEMENT**

These policies are intended to serve as guidelines. No policy guidelines can anticipate every circumstance or question that may arise. As BRINM continues to grow, the need may arise to change policies described in these guidelines. Therefore, BRINM reserves the right to revise, supplement, or rescind any policy or portion of the guidelines from time to time as it deems appropriate, in its sole and absolute discretion. Principal investigators (PI) and BRINM employees, if applicable, will be notified of such changes as they occur. The programs and operations of BRINM are subject to the scrutiny and review of the VA Inspector General (I.G.).

No policy of BRINM shall be knowingly carried out if it conflicts with Federal, State or Local authority or to the common ethical principles of academic medicine. In keeping with this, no activities of BRINM shall involve monies, income or any direct personal benefit to members of the corporation.

Money may be accepted by BRINM from such sources as private, non-profit agencies engaged in the support of research and/or education in medicine, from commercial organizations involved in the development of new drugs and devices, federal grants (i.e., NIH, DOE, etc.) or in the support of medical research and/or education, from honoraria or consultant's fees obtained elsewhere. All checks must be made payable to the Biomedical Research Institute of New Mexico. Funds received in support of a particular activity can be accepted only if the principal investigator (PI) holds an appointment at the NMVAHS and only if the VA Research Committee has approved the project. A letter, memorandum or contract stating whether the funds are for restricted or unrestricted research, continuing research and/or education, must accompany all checks.

It is important to contact the BRINM administrative office as soon as possible once a decision has been made to apply for a (non-VA) peer reviewed grant or enter into a clinical trial. This will help avoid unnecessary delays and may even prove to be helpful. In the case of grant submissions, there are often many forms to be completed, some of which require signatures from BRINM and/or VA officials that are not always easy to obtain. In addition, the BRINM administrative office may have the necessary application information, forms, etc. to assist the PI with a grant submission. For clinical trials, the sponsor of the study will usually have a legal agreement that must be reviewed and signed by a BRINM officer. In most cases the agreement will require modifications; therefore, the sooner it reaches the BRINM administrative office the sooner it can be processed. **Under no circumstances can a PI sign a clinical trial agreement on behalf of BRINM or VA.** For more information regarding grant proposals or clinical trials, please contact the BRINM administrative office.

An administrative fee is charged on all funds deposited into BRINM. These funds are used for administrative expenses such as salaries, legal and accounting fees, office expenses, insurance and other necessary operational expenses. Exceptions to the administrative fees are made when donations are received from Veteran's Service Organizations or private individuals contributing less than \$2,000. If you need information for a grant proposal please contact the BRINM administrative office.

## **GENERAL POLICIES**

### **Conflict of Interest**

All BRINM employees are subject to federal statutes and regulations applicable to federal employees with respect to conflicts of interest in the performance of official duties. At the time of hire, each employee signs and submits to BRINM a "Standards of Ethical Conduct and Related Responsibilities of Employees" statement certifying awareness of, and compliance with, these laws and regulations.

BRINM expect employees to avoid situations that may cause personal interests to conflict with the interests of BRINM or to compromise BRINM reputation or integrity. A conflict of interest, or the appearance of one, occurs when an employee or a member of the employee's immediate family uses his/her position with BRINM for personal benefit through an investment, association, or business relationship that interferes with the employee's ability to exercise independent judgment on BRINM's behalf. Disclose any unavoidable conflicts of interest to BRINM.

Employees may not accept meals or other gifts of more than a nominal value from salespeople, vendors, suppliers, or any other solicitors. A request for an exception to this rule must be submitted to BRINM before acceptance.

BRINM encourages the employee to disclose potential conflicts to BRINM when situations occur that could cause concerns about conflicts of interest.

### **Whistle-Blower Protection**

In compliance with the Sarbanes-Oxley Act of 2002, BRINM has enacted a policy for the protection of whistle blowers, and in that respect, the following provisions are hereby listed:

1. **Anonymous reporting.** All employees are encouraged to report to the appropriate level of management on any activity that an employee reasonably believes to constitute fraudulent activity or is in violation of any governmental regulation. All employees have the assurance that these reports will be considered completely confidential, and the identity of the reporting employee will not be disclosed under any circumstance.
2. **Retaliation prohibited.** The organization will not tolerate any retaliation in

any form, including harassment or discrimination, against any employee who has raised concerns about possible fraudulent activity. Any reports of retaliation will be thoroughly investigated, and any offending employees will be dealt with accordingly.

3. **Training.** In addition to written documentation in the employee handbook, the organization will mandate training sessions to educate all employees as to what may constitute fraudulent activity and appropriate action to take if fraudulent activity is suspected.

BRINM encourages its employees to report suspected or actual illegal or improper activity, financial or otherwise. BRINM will not condone any activity that is illegal or improper, whether done by a Board Member or employee.

Report to the Executive Director or Chair any activities that you believe to be illegal or improper. Employees will be protected against retaliatory actions resulting from reporting unethical conduct. Any employee who feels that adverse action has been taken toward him/her due to a report of improper activity should notify the Executive Director or the Chair as soon as possible.

## **DOCUMENT RETENTION AND DESTRUCTION**

BRINM shall retain records for the period of their immediate or current use, unless longer retention is necessary for historical reference or to comply with contractual or legal requirements. Records and documents outlined in this policy includes paper, electronic files (including e-mail) and voicemail records regardless of where the document is stored, including network servers, desktop or laptop computers and handheld computers and other wireless devices with text messaging capabilities.

In accordance with 18 U.S.C. Section 1519 and the Sarbanes Oxley Act, BRINM shall not knowingly destroy a document with the intent to obstruct or influence an "investigation or proper administration of any matter within the jurisdiction of any department agency of the United States . . . or in relation to or contemplation of such matter or case." If an official investigation is underway or even suspected, document purging must stop in order to avoid criminal obstruction.

In order to eliminate accidental or innocent destruction, BRINM has the following document retention requirements:

<b>Type of Document</b>	<b>Minimum Best Practice Requirement</b>
Accounts receivable & payable ledgers & schedules	7 years
Affirmative Action Plan* - (EO 11246, Vietnam Era Veterans Readjustment Act and the Rehabilitation Act of 1973)	Updated annually then 1 year after expiration of plan

Articles of Incorporation, charter, bylaws, minutes and other incorporation records	Permanently
Audit reports, Financial Statements (year end): general/private ledgers, trial balance, journals	Permanently
Bank Reconciliation	5 years
Bank statements, deposit records, electronic fund transfer documents, & cancelled checks	5 years
Chart of accounts	Permanently
Checks (for important payments & purchases)	Permanently
Contracts, mortgages, notes and leases (expired)	7 years
Contracts (still in effect)	Permanently
Correspondence (general)	3 years
Correspondence (legal and important matters)	Permanently
Correspondence (with customers and vendors)	2 years
Deeds, mortgages, and bills of sale	Permanently
Depreciation schedules	Permanently
Donations	7 years
EEOC reports	Permanently
Employee demographic info & compensation records* (Davis-Bacon Act, Service Contract Act & Walsh-Healy Public Contracts Act)	3 years
Employment applications* (depending on the # of employees, employers must retain applications & other personnel records relating to hires, rehires, tests, promotions, transfers, demotions, selection for training, layoff, recall, termination or discharge) (Civil Rights Act of	3 year from making the record or taking the personnel action

1964, Title VII, ADA, ADEA)	
Expense Analyses/expense distribution schedules	7 years
Garnishments	7 years
Grants (un-funded)	1 year
Grants (funded)	7 years after closure
I-9's*	3 years after date of hire or 1 year after termination
Insurance Policies (expired)	5 years
Insurance records, current accident reports, claims, policies, etc.	Permanently
Internal audit reports	3 years
Invoices (to customers, from vendors)	7 years
Inventory records	7 years
Loan documents and notes	Permanently
OSHA logs* (Records related to medical exams – 30 years after termination)	5 years
Patents and related papers	Permanently
Payroll records & summaries including records related to employee's leave* (Equal Pay Act, FLSA)	7 years
Personnel files (terminated employees) (Title VII, ADA, ADEA)	7 years after termination
Polygraph test results and records* (Employee Polygraph Protection Act)	3 years
Purchase orders	7 years
Retirement and pension records including Summary Plan Descriptions* (ERISA)	Permanently
Tax returns and worksheets	Permanently
Timesheets	7 years
Trademark registrations and copyrights	Permanently

Withholding tax statements* (FICA, FUTA, Federal Income)	Permanently
Workers compensation documentation	10 years after 1 <sup>st</sup> closure

## **Inclement Weather**

Employees are expected to make an effort to get to work during periods of inclement weather, but it is not the intention of BRINM to require employees to take risks which may endanger their safety. Employees should call BRINM's voice mail system in the event of a snow emergency as BRINM will communicate with employees by leaving messages on the system. It is BRINM's policy to follow Kirtland's Air Force Base in delays/closures due to inclement weather. This information is provided through the public broadcast system (television, radio, internet, etc.). Employees at non-VA sites should check with their supervisor or call BRINM for guidance when a weather emergency occurs. If the office is closed due to inclement weather, employees should not report to work and will be paid their normal pay for the day. If the office is open, employees should report to work. If the employee cannot report to work, he/she should notify his/her supervisor immediately.

## **EMPLOYMENT POLICIES**

### **General**

BRINM may employ full- and part-time employees to carry out the research and educational mission of this corporation. Employment with BRINM is on an at-will basis. This means that the employment relationship can be terminated at any time by either the employee or the employer for any reason not prohibited by law. All employment decisions shall be based upon the recommendation of the PI with final approval by the human resources administrator.

BRINM is an equal opportunity employer. Our policy is clearly and simply stated as follows:

It is the policy of this organization to offer equal opportunity to all qualified employees and applicants for employment without regard to race, religion, color, sex, national origin, age, sexual orientation, gender identity, disability, or veteran status ("protected class status"). BRINM also complies with applicable state and local laws governing nondiscrimination in employment. We will take positive action to ensure fulfillment of this policy in all areas, including hiring, placement, promotion, transfer or demotion, recruitment, employment ads, wage rates or other forms of compensation, and selection for training, layoff, or termination. All such decisions are based on individual merit, qualification and competence, and on promotion of the principle of equal employment opportunity.

This policy is part of our commitment to comply with the requirements and objectives set forth by presidential Executive Order 11246, Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Americans with Disabilities Act of 1990, the Uniformed Services Employment and Reemployment Rights Act, the Vietnam-Era Veterans Readjustment Assistance Act of 1974, the Rehabilitation Act of 1973 and any applicable federal, state and local laws, as amended.

Our policies and objectives regarding equal employment opportunity and affirmative action programs will be regularly reviewed to determine the progress toward our stated goals.

Non-citizens of the United States are eligible for employment only under certain alien status. Please contact the human resources administrator for more information.

An Employment Request Memorandum (See Appendix A) listing the duties, responsibilities, qualifications, estimated start date and proposed salary of the position shall be submitted to the BRINM human resources administrator when a PI wishes to hire an employee with BRINM funds. The executive director and the human resources administrator must approve this request. The job opening will be posted at the BRINM office, the Cooperative Studies Program Clinical Research Pharmacy Coordinating Center (CSPCRPCC) and any other requested location for a minimum of seven days. The posting requirement is not necessary when hiring for a position that requires less than twenty (20) hours of work per week. Arrangements for a classified advertisement in the Albuquerque Journal can be made through the BRINM administrative office. BRINM will collect original resumes and forward copies to the hiring PI. As BRINM receives resumes, the applicants' names will be recorded on an applicant flow record. The PI will handle the contacting and interviewing. Once the selection has been made, the human resources administrator will hire the applicant(s). Upon selection of an applicant, the PI must provide applicant flow information to the human resources administrator.

It should be noted that employees have an obligation to conduct business within guidelines that prohibit actual or potential conflicts of interest. Therefore, individuals cannot be hired to work under the direct supervision of a relative. 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. An actual or potential conflict of interest occurs when an employee is in a position to influence a decision that may result in a personal gain for that employee or for a relative as a result of this organization's daily activities.

Sufficient Funding Requirement: Hiring research staff is discouraged unless the PI has sufficient funds to cover at least six months of employment related expenses. These expenses include salary, applicable benefits (see Benefits section), employer's share of payroll taxes, unemployment insurance and workers compensation. Deductions from each project account for these expenses will be made as incurred.

BRINM's Responsibilities Concerning New Employees: It is BRINM's responsibility to arrange a Without Compensation (WOC) appointment for new employees through the VA research office in building 12 with sufficient time for the paperwork to be processed before the individual is to begin working. All newly hired employees must have an orientation with the BRINM human resources administrator in building 14 before the timesheet collection for the first pay period that he/she works. The new employee will complete necessary administrative paperwork and receive an employee handbook.

Intergovernmental Personnel Act (IPA): The Intergovernmental Personnel Act (IPA) mobility program is intended to facilitate cooperation between federal and state agencies and both nonprofit and for profit private sector organizations through temporary assignments of skilled personnel. IPA assignments may not be used to circumvent personnel ceilings for federal hiring practices. Not may they be used to meet the personal interests of employees or to avoid unpleasant personnel decisions.

The Biomedical Research Institute of New Mexico (BRINM) is certified as eligible to participate in the IPA mobility assignment program.

BRINM has a policy not to exceed two (2) IPA assignments per investigator. The employee who is assigned to an IPA must have been employed by BRINM for no less than ninety (90) days. The IPA will be carried for two (2) years with one (1) opportunity to extend one (1) time for an additional two (2) years. All directives, procedures and policies concerning IPA that have been established by the NMVAHCS and the US Office of Personnel Management must be adhered to.

To initiate an IPA, a memo must to send to both BRINM and the Research Office. The memo to BRINM must state that an IPA is requested, the individual's name, the start date and the duration of the requested IPA. The memo to the Research Office is a standard form. Please request the sample memo from either BRINM or the Research Office. The approval process for an IPA may take up to six (6) weeks.

Non-Exempt Employee Time Keeping: All non-exempt employees are paid on the basis of hours worked and they complete a biweekly timesheet for each pay period. When operating requirements or other needs cannot be met during regular working hours, employees will be given the opportunity for overtime work assignments. All overtime work must receive the supervisor's prior authorization. Overtime assignments will be distributed as equitably as possible to all employees qualified to perform the required work. Overtime compensation is paid to non-exempt employees at one and one-half times straight rate for all hours worked over 40 in a week and in accordance with federal and state laws.

As required by law, overtime pay is based on actual hours worked. Time off on any leave of absence will not be considered hours worked for purposes of performing overtime calculations. Employees who work overtime without receiving prior authorization from the supervisor may be subject to disciplinary action including possible discharge.

When a non-exempt employee travels to a special assignment in another city, the time spent traveling in excess of normal commuting time is counted as hours worked. Travel delays caused by outside factors, such as bad weather, need not be counted as working time.

Exempt Employees: Exempt employees will be compensated at a set salary rate. An employee who is classified as “exempt” will complete a leave sheet for each biweekly pay period. Exempt employees cannot earn overtime.

Pay Periods: Employees of BRINM will be paid on a biweekly basis. Each pay period will consist of fourteen days. Paychecks and vouchers will be issued on the Tuesday following the end of the pay period. BRINM currently uses an outside company for its payroll processing. It is the employee's responsibility to ensure that accurate time/leave sheets are provided to the PI or direct supervisor with enough time to be processed. It is the PI's or direct supervisor's responsibility to review, approve, and sign the employee's time/leave sheet. Time/leave sheets are due in the BRINM administrative office by no later than 12:00 p.m. on the last Thursday of the pay period unless a holiday requires a schedule adjustment, in which case employees will be notified in advance.

Periodic Pay Increases: Employees are eligible for a 3% increase of base salary after each year of service or last pay increase based upon the recommendation of the employee's direct supervisor. Although a formal written performance evaluation is not required by BRINM to support a pay increase, supervisors and employees are strongly encouraged to discuss job performance and goals on an informal, day-to-day basis. BRINM has performance appraisal forms available in the administrative office.

BRINM will provide yearly cost of living adjustments (COLA) based on the U.S. Department of Labor, Bureau of Labor Statistics' Urban Consumer Price Index (CPI-U) to all employees.

## BENEFITS

The following benefit programs are available to eligible employees:

- Health Insurance
- Dental Insurance
- Life Insurance
- Paid Holidays
- Paid Vacation and Sick Leave
- Flexible Spending Account
- Supplemental Life Insurance
- Disability Insurance
- Accident Insurance
- Sick Insurance

Retirement Program  
Family Medical Leave (FMLA)  
Unpaid Leave of Absence

Health, Dental and Life Insurance: BRINM employees who have a regularly scheduled work week of at least 30 hours may elect to enroll in health insurance coverage. BRINM pays for the premium for employee-only coverage. Premiums for the employee and one dependent or family coverage are paid one-half by BRINM and one-half by the employee. All employee payments for their health insurance premiums are automatically deducted each pay period. The annual "Open Enrollment" period for the health plan is the month of February with an effective start date of March 1.

BRINM employees who have a regularly scheduled workweek of at least 30 hours may elect to enroll in dental insurance coverage. BRINM pays one-half of the premiums for all types of coverage. The employee pays the remainder of the premium. All employee payments for dental premiums are automatically deducted each pay period.

Term life insurance coverage is offered through the health insurance company. The benefit amount is \$20,000.00. It is available to all employees who have a regularly scheduled workweek of at least 30 hours and the low-cost premiums are paid entirely by BRINM.

Health and dental coverage will begin on the first day of the month following the date of hire and application approval by the respective insurance company.

Outstanding premiums for monthly health and/or dental insurance will be deducted from an employee's final paycheck. Employees who cease their employment with BRINM and who were participating in the health or dental plan have the option to convert their coverage under the Consolidated Omnibus Budget Reconciliation Act (COBRA). Employees who elect COBRA are responsible for 100% of the premiums for health and/or dental coverage for up to 18 months after their conversion.

Retirement Program: BRINM employees who have completed their 90-day eligibility period and have a regularly scheduled workweek of at least 20 hours are eligible to participate in the retirement program. Upon enrollment in the plan, voluntary contributions will be automatically deducted from each paycheck. BRINM matches the employee's contribution dollar for dollar up to 5.0% of an employee's biweekly earnings.

Holiday Policy: BRINM will grant paid holiday time off to all eligible employees on the holidays listed below.

New Year's Day (January 1)  
Martin Luther King, Jr. Day (third Monday in January)  
Presidents' Day (third Monday in February)  
Memorial Day (last Monday in May)  
Independence Day (July 4)

Labor Day (first Monday in September)  
Columbus Day (second Monday in October)  
Veterans' Day (November 11)  
Thanksgiving Day (fourth Thursday in November)  
Christmas Day (December 25)

BRINM will grant paid holiday time off to all employees who are regularly scheduled to work at least ten hours per week and have completed at least one full workday. Eligible employees will receive holiday pay based on his or her straight-time rate of pay (as of the date of the holiday) for the number of hours regularly scheduled to work that day. For part time employees working inconsistent hours, holiday pay will be calculated based on the average number of hours worked that weekday for the last three pay periods.

To be eligible for holiday pay, employees must not be on leave without pay. An employee scheduled to perform work on a designated holiday that does not report and is not excused will forfeit the holiday pay.

Holidays are observed as established by the federal government. If the holiday falls on a Saturday, the proceeding Friday will be observed. If it falls on Sunday, the following Monday will be observed.

If a non-exempt employee works on a recognized holiday with prior approval from his/her supervisor will receive holiday pay wages at one and one-half times his or her straight-time rate for the hours actually worked on the holiday.

Vacation and Sick Leave Policy: Full-time and part-time employees can earn paid vacation allowance and sick leave from the date of hire. The vacation becomes available after the 90-day eligibility period has been completed. The sick hours become available once accrued. Part-time employees who are regularly scheduled to work less than twenty (20) hours per week are not entitled to earn vacation allowance or sick leave.

Full-time employees who have been employed for less than three (3) years earn four (4) hours of paid vacation allowance and four hours of paid sick leave every two-week pay period. Full-time employees who have been employed for three (3) years but less than fifteen (15) years earn six (6) hours of paid vacation

allowance and four (4) hours of sick leave every two-week pay period. Full time employees with fifteen (15) or more years of employment will earn eight (8) hours of paid vacation allowance and four (4) hours of sick leave every two-week pay period.

The maximum amount of vacation leave that can be carried forward from one calendar year to the next is 240 hours. There is no limit on the amount of sick leave hours that can be accumulated.

All vacation and sick leave used will be recorded each pay period on time/leave sheets and approved by a supervisor before they are submitted to the BRINM administrative

office. Vacation or sick leave cannot exceed the number of hours an employee is regularly scheduled to work that workday.

When employment with BRINM is terminated, any unused vacation time will be paid to the employee by check. Before payment is made, the BRINM administrative staff will verify the amount of unused vacation hours. Sick leave is strictly considered a benefit; therefore, when an employee leaves BRINM they are not entitled to payment for the hours of unused sick leave.

Vacation Policy: The use of vacation time should be negotiated between the employee and his/her supervisor and should not exceed the number of hours available. Employees are urged to provide as much notice as possible when requesting vacation time off so that appropriate scheduling adjustments can be made in advance.

Sick Policy: An employee who is incapacitated for duty should request approval from his/her supervisor within two hours of normal starting time. If the employee cannot call personally, he/she should have a responsible person report the illness or incapacitating injury as early as possible. Generally, this would be at the beginning of the scheduled workday but no later than two hours thereafter. If the absence is for more than one day, the employee is required to keep in touch with his/her supervisor so arrangements may be made to handle the employee's work assignments during the period of absence. Failure to follow the above instructions, without sufficient justification, may result in the absence being charged as leave without pay.

Sick leave can also be requested from a supervisor for medical or dental appointments and procedures for either the employee or a dependent member of his/her immediate family. An employee may also use sick leave for recuperation from surgery, illness, accident, etc. as deemed necessary by his/her physician.

Medical certification, signed by a physician, may be requested by a supervisor to verify evidence of the need for sick leave during the period of absence. Failure to furnish a timely medical certification can be cause for disapproval of sick leave.

When illness occurs during a period of vacation, sick leave may be substituted if reported promptly to the supervisor and, if requested, a medical certificate or other acceptable evidence can support it.

Other Leaves of Absence: BRINM grants the following leaves of absence to employees who wish to take time off from work to fulfill personal obligations: FMLA leave, bereavement leave, leave without pay, jury duty leave, military leave and voting leave. Please contact the human resources administrator for more details regarding leaves of absence.

## **NO HARASSMENT POLICY**

**Biomedical Research Institute of New Mexico (BRINM) *absolutely prohibits* in the workplace any form of sexual harassment or other form of harassment based on race, national origin, ethnic status, gender, age, religion or disability.**

BRINM is committed to maintaining a pleasant workplace environment for all employees, which is free from harassment of any kind, including sexual harassment. The core guiding principles of our Company, by committing all employees to “treat all with dignity and respect” and to be “professional in everything we do,” set the standard of workplace behavior. Although this policy focuses primarily on sexual harassment, it applies equally to all forms of harassment and the procedures and guidelines within this policy apply to all kinds of harassment. Consequences for violations of this policy include immediate termination of employment.

### **ALL HARASSMENT IS PROHIBITED**

Harassment is not limited to only sexual harassment. Harassment at work may include other categories, such as race, color, national origin, religion, age, and disabilities. It may also include retaliation against an employee who has made a charge of discrimination, or testified, assisted or participated in an investigation or inquiry into alleged misconduct. These and related forms of aggressive acts that deprive a reasonable employee of the right to work in an environment free from discriminatory intimidation, ridicule, insult or violence will not be tolerated. Appropriate measures shall be taken to correct such conduct, up to and including termination of employment.

### **SEXUAL HARASSMENT**

Sexual harassment is a violation of the laws of the State of New Mexico as well as a violation of Title VII of the Federal Civil Rights Act of 1965.

The Federal Equal Employment Opportunity Commission (EEOC) defines sexual harassment as:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is made either implicitly or explicitly a term or condition of employment;
2. Submission or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
3. Such conduct has the purpose or effect of unreasonably interfering with the individual's work performance or creating an intimidating, hostile, or offensive working environment.

Many forms of offensive behavior constitute sexual harassment. Examples of this type of behavior include, but are not limited to, the following:

1. **Unwelcome, unwanted or harmful Physical actions** such as: Hugging, kissing, massaging, touching, pinching, physical assault, impeding or blocking movements intentionally, and hostile physical interference with normal work.
2. **Unwelcome, unwanted or harmful Verbal actions** such as: Using foul languages and slurs; commenting about another person's physical appearance; telling sexual jokes or stories, commenting about anyone's sexual activities, fantasies or history; indirect or direct requests for sexual activity; whistling or other inappropriate noises; instigating gossip and rumors about another person's sex life, and unwelcome and repeated requests for dates.
3. **Unwelcome, unwanted or harmful Non-Verbal actions** such as: Making sexually oriented gestures with facial or mouth expressions, leering, suggestive body language; displaying in the workplace sexually oriented pictures, cartoons, objects, and calendars; suggestive, obscene or inappropriate written communication of any kind.

Any conduct, whether physical, verbal, non-verbal or visual that is of a sexual nature, which is unwelcome, unwanted or harmful is sexual harassment and it will not be tolerated by BRINM in the workplace or any Company-sponsored event. Any employee violating this harassment policy, whether the harassment is sexual or of another form, will be subject to disciplinary action, up to and including discharge.

## **NON-DISCIPLINARY GRIEVANCE POLICY**

A non-disciplinary grievance is any problem of an employee or a group of employees resulting from work requirements under which work is performed. The following procedure is established to enable employees to get prompt action on a personal request or grievance.

The employee shall take the matter up with his/her immediate supervisor and try to work out a satisfactory settlement. If the employee's immediate supervisor is involved in the grievance, then the BRINM human resources administrator should be contacted. It may be determined that it is necessary to designate another party to assist in resolving the grievance. In the event a satisfactory settlement is not reached in a reasonable amount of time, additional action will be taken as necessary.

Our goal is to find equitable solutions at the lowest possible level. These procedures will be kept as informal and confidential as possible. This is to ensure equality and fair play for all concerned.

Records must be kept of all grievances (exception: minor grievances settled with the immediate supervisor). Copies of all records will be sent to the BRINM human resources administrator.

## **EMPLOYEE ASSISTANCE PROGRAM**

BRINM recognizes that employees may wish to seek professional assistance in overcoming problems with drugs, alcohol, work and family pressures. BRINM offers a VA sponsored Employee Assistance Program (EAP) to all employees. Please contact the human resources administrator for further information.

## **FISCAL POLICIES**

Acceptance and Deposit of Funds: All receipts must be made payable to BRINM, not to an individual. All funds accepted by BRINM must be accompanied by appropriate documentation as to the nature and use of the funds. PIs will be notified of receipt of funds. Separate accounting is kept for restricted and unrestricted funds. Separate accounting is also kept for each research project being conducted through BRINM. PIs will receive monthly financial statements that list a beginning balance, receipts and expenditures for the month and available balance.

Expenditures: Funds on deposit with BRINM may only be used in support of VA research or related education activities. Expenditures for personnel costs, materials and supplies, equipment, travel, etc. must qualify as pertinent. Upon request for disbursement of funds from a BRINM project account, a brief explanation of the relationship that the expenditure has to VA research must be provided. Medical licenses or other expenses that would benefit an individual personally cannot be paid through BRINM. In addition, all expenses in excess of \$100 that are to be paid through BRINM require prior approval.

Reimbursement of VA Services: Specific medical center costs incurred for clinical/diagnostic/support services provided solely for the purpose of obtaining data on patients in a funded study, exclusive of routine patient care should be reimbursed. These reimbursements will be made from the appropriate research project account. Reimbursable services may include, but are not limited to: Imaging, Laboratory and Pharmacy. Projected medical center costs that may be generated beyond normal patient care are to be budgeted by the PI and reserved for payments against bills of collection from the NMVAHCS.

Purchase Requisition Orders: All requests for purchases over the amount of \$100 should be submitted on BRINM purchase requisition form. This form should be completed by the PI or designated individual. Once the Purchase Requisition is completed and signed, the original copy must be forwarded to the BRINM, for approval. The approval process will ensure that sufficient funds are available and costs are reasonable.

With prior approval, a PI may purchase required supplies or equipment with personal funds or credit card and be reimbursed by BRINM when the purchase is substantiated with an original vendor receipt. Credit card receipts alone are not sufficient. The PI must complete the "Reimbursement of Personal Payments for Research Expenditures" and submit it to the BRINM accountant (See Appendix A).

Payment Authorization: Upon receipt of an invoice in the BRINM administrative office, BRINM will forward a payment authorization form with a copy of the invoice to the PI or the designated individual to approve payment. The signature indicates that the item(s) being invoiced is correct and accounted for and authorizes payment from the stated project account. Once the signed payment authorization is returned, a check will be issued for the invoice total in the next check disbursement.

Payment for Patient Participation: A research protocol may involve payment to subjects using BRINM funds for participation in the project. Before a participant can be paid, the Research Committee must approve the project. The project must also have Human Research Review Committee (HRRC) approval. Finally, an approved Consent Form must also be completed and signed by the participant(s).

A PI can request payment for a participant by completing the BRINM memorandum entitled, "Request for Check Payment for Patient Participation" or "Request for Check Payment for Patient Travel Reimbursement" and submitting it to BRINM. (See Appendix A, Forms 4 or 5) On approval by BRINM and with sufficient notice, a check will be issued to the participant. The check will be given to the study coordinator for distribution, in person, after visit or mailed, whichever is preferred.

#### Subscriptions/Memberships:

BRINM is committed to fostering access to scientific information that allows VA and NPC personnel to remain current in their fields and apprised of cutting edge developments for the benefit of VA research and education. This involves subscribing to published journals and e-journals as well as facilitating VA investigators' full participation in scientific and educational organizations and conferences.

Expenditures for continued education, including scientific books, conference and registration fees, society memberships, etc., specifically relating to a research activity may be requested by submitting the appropriate paperwork to BRINM. Subscriptions or professional association dues, with the exclusion of license fees, may be paid from appropriate research or general operating funds upon approval by the Executive Director. All dues and subscriptions must list the address of the VA.

Expenditures for published journals and e-journals must be made from the investigator's residual account unless an approved protocol specifically calls for the subscription then the project account may be charged.

Everything paid for by BRINM on behalf of an Investigator must support approved research programs or education activities. If the fund account indicated is a general donation, the investigator must certify that the expense is within the scope of the donor's intent.

Organizational memberships cannot be paid for by BRINM funds unless that membership is necessary to receive the organization's journal or publications.

Everything that is ordered and paid for by BRINM must come directly to the VA facility. This means that subscriptions to journals and other publications cannot be sent to the investigator's home or to another location. If the address information is different from the VA facility, all changes must be made by the investigator. Any incomplete requests will be returned to the investigator. Renewals can only be made for one year at a time.

The investigator must complete a BRINM payment request indicating in what way the particular publication or subscription impacts on the specific research project.

Honoraria for Guest Speakers and Consultants: Occasionally, speakers or consultants may be invited by a PI to give lectures or perform consulting work relating to his/her research project. Payment to the speaker/consultant will be in the form of an honorarium. In order to assure that proper payment is made, the PI should submit a memorandum to BRINM in advance of the event with the following information concerning the speaker/consultant:

- Full name
- Social Security Number
- Complete home address
- A statement describing the nature of work that will be conducted and how it will benefit the research project
- The anticipated amount to be paid the speaker/consultant, which will include airfare, per diem, speaker/consultant fee, and other incidental expenses

Upon completion of lecture or consulting work, the PI should complete the "Honoraria Form" and submit to the BRINM accountant for payment. Payment will be released once the BRINM accountant has received all original receipts and confirmation of the speaker/consultant fee (See Appendix A).

Equipment: Upon approval by the NMVAHCS IRM department, BRINM will order the approved equipment. If equipment is delivered directly to the PI's office, BRINM must be notified that the delivery has been made. The PI or his/her designee must make arrangements for the NMVAHCS IRM to inspect and network the new equipment. Many computer components, software, hardware, and etc will qualify as equipment due to cost. Therefore, it is advised that arrangements for inspection be made prior to installation of internal components to avoid unnecessary hassle. A physical inspection of inventory is performed annually.

Equipment purchased with BRINM funds will be donated to the NMVAHCS. Under no circumstances shall the equipment be removed from its recorded location without a written request from the PI and written approval from NMVAHCS.

Transfer of Funds: If the investigator is moving to another VA, an academic nonprofit or other nonprofit research institution to continue an ongoing VA-approved research project, remaining BRINM funds attributable to that project may be transferred to that institution at the discretion of the BRINM Board of Directors. Equipment purchased with BRINM funds attributable to that project may also be transferred at the discretion of the Board of Directors. Sponsor notification and approval is usually required.

A letter must be received from the new corporation requesting the transfer and advising that they will accept responsibility for the research project, funds and equipment.

If such funds retain donor-imposed restrictions, BRINM may be required to return remaining funds to the donor.

If an investigator resigns before a project is completed, the investigator may request that another BRINM investigator assume responsibility for research or education activities with BRINM funding. This request requires either R&D Committee approval and/or IRB approval, and may require the approval of the BRINM Board of Directors and sponsor approval.

No funds or equipment may be transferred to for-profit organizations.

The investigator should submit a written request to the Board of Directors for review. This request should be sent through the Executive Director as soon as possible in order to obtain necessary information for review by the Board.

If the request is approved, the transfer will be completed within a reasonable time. For transfer amounts above \$25,000 a longer period of time may be required to complete the transaction. Investigators are encouraged to notify BRINM well in advance of the need for major fund transfers.

Any residual funds and equipment attributable to completed research projects or educational activities must continue to benefit VA research or education. The Board may consider a request to transfer these funds to another VA-affiliated nonprofit corporation established under 38 U.S.C. §§7361-7368. A request may be made to the Board of Directors for those residual funds which are not eligible for transfer to be used to support another investigator's research or education activity.

Option for Additional Research Time: This policy addresses an option where the PI wishes to use his/her residual funds in BRINM to pay the New Mexico VA Healthcare System (NMVAHS) for additional research time. BRINM is able to assist investigators who wish to protect additional time for research and qualify to do so. The following steps should be used as a guide when an investigator is interested in this opportunity:

1. PI determines that he/she would like to spend time in addition to that currently available for the conduct of VA approved research. The PI must determine that he/she has sufficient funds available to consider this option.
2. PI discusses the use of a replacement clinician to cover the additional research time with his/her Service Chief.
3. PI, Service Chief and the NMVAHS CEO (or designee) negotiates the number of hours to be covered and the rate, which will be a fixed monthly cost.
4. PI must have no less than six (6) months worth of funding for the replacement clinician available in BRINM prior to initiating the arrangement.
5. NMVAHS will be responsible for hiring or contracting for the replacement clinician.
6. A BRINM account will be established specifically for reimbursement to the NMVAHS and the amount of funding necessary to cover the term of the arrangement will be reserved.
7. The NMVAHS will periodically bill BRINM for the amount agreed upon by the PI and NMVAHS Administration. BRINM will pay NMVAHS from the established account.
8. A Memorandum of Understanding (MOU) will be used to outline the terms of the agreement (See Appendix A).
9. The term of the arrangement will be the shorter of either, the length of time the PI desires to spend additional time on his/her research or the length of time the PI has funds available in BRINM to cover a replacement clinician. In any case, such arrangements shall be made for no less than six (6) months.
10. Some sources of federal funding prohibit the use of grant funds for purposes described in this policy. Therefore, the investigator must determine in advance whether any restrictions exist on the use of funds to reimburse VA for additional research time.

## Support of Business Meetings and Small Conferences

Meetings, conferences, workshops, seminars, grand rounds, town halls, symposia, and other similar meetings are accepted features of conducting research and education. Additionally, certain events, such as retreats and board meetings as well as fundraising and public relations, are necessary for the conduct of business. Incidental to the business purpose of such meetings, it may be appropriate to serve meals or refreshments. The meals/refreshments (non-alcoholic) must be secondary to the activities.

Various regulations, the federal ethics standards and the statute that authorizes BRINM influence whether expenditures related to such events are appropriate for BRINM support. Consequently, in order to be considered for BRINM support by direct payment or reimbursement, BRINM has established the following policy.

1. In order to be eligible for BRINM support, a meeting must have a documented research, education or BRINM business purpose. BRINM will not support “entertainment” expenses such as social activities, parties, ceremonial occasions or those that provide amusement.
  - For a **research related meeting**: A request for BRINM support must include an explicit statement about the research rationale for the event; that is, its research related purpose and how it will further VA research. Accompanying documentation should include the program, agenda or topic of discussion and a roster of attendees. When appropriate, the request should tie the meeting to an approved research project.
  - For an **educational program not related to research**: The education activity itself must first be approved by the VAMC Education Committee. Documentation should include an explicit statement of the purpose and how the program will further the VAMC’s and/or VA’s education and training mission, the agenda, program or topic of discussion, and a roster of attendees.
  - For **other BRINM business events**: A request must include an explicit statement of how the meeting will further the BRINM’s ability to facilitate research and education. Appropriate events include, but are not limited to retreats and board, annual membership and investigator meetings as well as fundraising, and public relations. Documentation should include the purpose, agenda, program or topic of discussion and a roster of attendees.
2. The types of meetings that may be eligible for BRINM support are too numerous to list and the characteristics of appropriate meetings may vary. However, factors that BRINM will consider when evaluating a meeting for support include:
  - Whether at least one speaker makes a research presentation or presents educational instruction.

- Whether there is a non-VAMC speaker and/or non-VAMC personnel are among the expected attendees.
- The frequency of similar meetings that may involve the same personnel. Irregularly scheduled meetings and/or those that occur no more than monthly may be eligible for support; weekly meetings generally will not.
- Whether support is requested for routine VAMC staff, committee or department meetings. Generally, BRINM will not support meal expenses for such meetings.
- Whether the meeting involves at least one individual who is being recruited to conduct research or education at the VAMC.
- Whether the meeting lasts more than two hours or extends through a normal mealtime.

Regardless of the type of meeting, the documentation required in #1 above is a prerequisite for BRINM support.

3. Requests for BRINM support will be reviewed and approved by the individual designated by the board, generally the executive director or the executive director's designee. BRINM will provide direct payment or reimbursement for reasonable meeting costs based on submission of original receipts. In the event of disagreement, the request will be referred to a designated member of the board of directors or to the full board as appropriate.
4. BRINM encourages meeting organizers to obtain pre-approval of BRINM support for meetings. Such approval is not mandatory, but events lacking pre-approval may be denied support or may receive only partial support.

### **TRAVEL REIMBURSEMENT POLICIES**

BRINM may support expenses for the domestic or foreign travel of authorized individuals to bona fide scientific meetings or for other research or research-related educational purposes. The travel support will be consistent with BRINM policies and the stipulations of any relevant funding source(s).

If the travel reimbursement is for a visiting fellow or scholar, the visa status of the individual must allow such reimbursement. BRINM must pre-approve travel for foreign fellows or scientists.

**Note: Original receipts are required for reimbursement.**

Cash advances of 80% of per diem and hotel as well as pre-paid airfare may be requested by using a BRINM Travel Advance form.

Travel advances must be requested prior to travel and will be advanced five (5) business days prior to the travel date. Requests for reimbursement should be submitted within 60 days after travel has been completed.

If another organization is providing partial reimbursement for a trip, sufficient information must be provided to BRINM to show that we are reimbursing appropriately. For example, the VA travel documents showing which items have been reimbursed and the amount.

Documentation of the meeting dates, location, and topic or theme must be provided. A program guide or brochure (a copy of the cover is sufficient if all the information is stated on it); an invitation letter; or other written documentation that includes the dates, location and purpose must be submitted with the reimbursement request.

Individual items \$25 or greater in cost must be accompanied by receipts. Items costing less than \$25 need only be itemized.

Registration: Meeting registrations can be pre-paid through BRINM directly to the meeting organizer. Alternatively, the registration cost will be reimbursed after the meeting along with other travel expenses.

Lodging: Full reimbursement of reasonable hotel expenses with appropriate documentation will be made. The original itemized hotel bill must be submitted with the reimbursement request. Any additional charges from the hotel for an extra person stay must be documented and provided to BRINM. BRINM will not reimburse for this additional charge.

Per Diem: The per diem reimbursement (meal and incidental expenses) will be at the federal per diem rate. Travel days will be paid at 75% of the federal rate, regardless of the time of departure.

If an investigator hosts a special meal meeting with research collaborators, these costs may be paid separately with a clear research rationale and compliance with the policy on "Support for Meetings and Conferences". Such events must be discussed with the Executive Director or designee to ensure that reimbursement will be allowable.

Transportation: Reimbursement for travel costs will be based on the most reasonable method of travel to the location, generally coach airfare. Travelers are encouraged to plan their travel far enough in advance to be able to receive the lowest available air fare.

If the traveler chooses to take an indirect route, interrupt the business travel or utilize a mode of travel that requires additional accommodations en route, any resulting expense will be borne by the traveler.

Please note:

- Reimbursement for ground transport is limited to travel between the home or place of business and the airport; the airport and meeting site and return.

- Mileage expenses for private automobile use will be at published government rates. Reimbursements for travel using a private automobile will not exceed the cost of roundtrip coach airfare or the most reasonable travel method.
- Coach airfare will be reimbursed. Any exceptions require prior approval from the Executive Director or designated authority.

Vehicle Rental: Travelers are encouraged to use cost effective public transportation when available but are authorized to rent vehicles when necessary. Travelers are encouraged to seek the lowest possible rate for compact vehicles.

BRINM recognizes the particular requirements of persons with disabilities and will make every effort to accommodate those needs. Please contact the BRINM administrative office for further information.

BRINM and VA employees are prohibited from accepting cash for reimbursement of expenses from other sources while being fully funded for travel by BRINM.

**Alcoholic beverages:** Please be reminded that BRINM will not pay for alcoholic beverages consumed on your trip.

Foreign Travel: **All** foreign travel should be reported to the foundation as soon as possible. An e-mail should be sent to the executive director specifying the following items:

- Name of Traveler
- Location of Travel
- Purpose of Travel
- Dates of Travel

VA Requirements: If you are a VA employee seeking reimbursement from BRINM for travel related to your research or education programs, there are additional procedures you must follow. As a government employee going on domestic or foreign travel, you are responsible for complying with the requirements of your employer.

### **For VA employees:**

All travel by VA employees paid by BRINM must be pre-approved in accordance with the appropriate policies of the Veterans' Health Administration (a request for authorized absence). This approval allows the VA salaried employees to travel on Authorized Leave.

You are responsible for filling out [VA Authorized Absence Request Form OPM-71](#) if you plan to use "Authorized Absence" to attend any meeting. Attach a copy of this form to BRINM's Travel Request form.

**NOTE:** Persons traveling on BRINM funds cannot use government rate airfares. All BRINM paid travel will be at the basic coach rate. If you make changes to your ticket for which there are charges, you or your project will be charged for the changes.

# Appendix A