

**BIOMEDICAL RESEARCH AND EDUCATION FOUNDATION OF SOUTHERN ARIZONA  
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HIRING & PERSONNEL**

**Hiring Overview**

- Equal employment opportunity will be provided to all staff and applicants without regard to race, color, religion, disability, sex, age or national origin.
- All Foundation employees must receive a VA “Without Compensation” (WOC) appointment prior to reporting to work.
- The Foundation may employ full and part-time employees for support of the management, administrative, and research activities of the corporation.
- The Foundation adheres to the Fair Labor Standards Act (FLSA). FLSA is the main federal law regulating wages paid and hours worked; establishing minimum wage levels and overtime pay rates (time and one half the regular rate for non-exempt employees working over forty hours per workweek); and establishing categories of employees that exempt employees from overtime pay rates.
- Employment with the Foundation is voluntarily entered into, and the employee is free to resign at will at any time, with or without cause. Similarly, the Foundation may terminate the employment relationship at will, with or without cause, so long as there is no violation of applicable federal or state laws.
- The Foundation does not hire VA employees and does not violate the dual compensation statute and/or the federal ethics regulations at 5 CFR 2635. Additional information below.
- The Foundation may enter into agreements with nonprofit private and public institutions to cover the cost of salaries of personnel conducting Foundation research or education related business.
- No first-degree relatives (*spouse, parents, children or their spouses*) may be hired under the supervision of a Principal Investigator or employee of the Foundation.

**Employment Applications.**

The Foundation relies upon the accuracy of information contained in the Employment Application Packet, as well as the accuracy of other data presented throughout the hiring process and employment. Any misrepresentations, falsifications, or material omissions in any of this information or data contained in the employee hiring packet may result in the exclusion of the individual from further consideration for employment or, if the person has been hired, termination of employment. The Employment Application Packet consists of the following:

- Employment Request Memorandum
- Employment Agreement with BREFSA
- Application for Employment
- Standards of Ethical Conduct and Related Responsibilities of Employees
- Without Compensation Employee(s) (WOC) Packet
- Form W-4
- Arizona Form A-4
- Employment Eligibility Verification (Form I-9)
- Direct Deposit Form (option)
- Timesheet master
- Payroll Calendar
- Review Professional Exemption Test

The completion of the Employment Application Packet is not to be considered a commitment to hire or an employment contract and is not intended to create contractual obligations of any kind.

The VA WOC Application required is available at the Research office. Processing time for WOC appointments runs between 2-4 weeks. Employees may not start work duties until they have a valid VA WOC appointment.

**Employment Reference Checks:**

- a. Applicants for Hire. It is the policy of the Foundation to check the employment references of all applicants. An appointed official from the department (PI) hiring the new employee will check the references provided by the employee. Responses to such inquiries will be kept strictly confidential.

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b. Employment Inquiries From the Outside. It is the policy of the Foundation to refer prospective employers from the outside to the appointed supervisors of the employee who will respond to all reference check inquiries. Responses to such inquiries will be limited to factual information that can be substantiated by Foundation records. No employment data will be released without written authorization and a release signed by the individual who is the subject of the inquiries.

**Types of Employees**

It is the intent of BREFSA to clarify the definitions of employment classifications so those employees understand their employment status. These classifications do not guarantee employment for any specified period of time. Accordingly, the right to terminate the employment relationship *"at will"* at any time is retained by both the employee and BREFSA.

**Full-Time Employees:** Full-time employees are those who are regularly scheduled to work a 40 hour week.

**Part-Time Employees:** Part-time employees are those who are regularly scheduled to work less than 40 hours per week. Leave eligibility status begins at 20 hours or more per week.

**Intermittent Employee:** An employee who is hired to work on an intermittent or as-needed basis. These employees are not eligible to earn leave.

**Exempt Employee:** An employee who is paid on a salaried basis and who regularly works in certain executive, administrative, or professional positions as defined by the Fair Labor Standards Act (FLSA) is an exempt employee. Exempt employees are paid on a salary for completion of their job and are not eligible for overtime. To be exempt, a professional employee must meet the following conditions.

Performs work, as a primary duty, that:

1. requires advanced knowledge or creativity in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study, such as (a) teaching, tutoring, instructing, or lecturing by an employed teacher certified or recognized in the school system, etc., for which the teacher works, or (b) computer systems analysis, computer programming, software engineering, or other similarly skilled computer software work; or is original and creative in a recognized field of artistic endeavor, with a result that depends primarily on the invention, imagination, or talent.
2. Consistently exercises discretion and judgment in carrying out job duties
3. Performs work that is mainly intellectual and varied, with a result that cannot be standardized for a given period of time
4. Spends no more than 20 percent of the work week on activities that are not essential and necessary to the professional duties described above
5. Earns a salary or fee of at least \$170 a week, excluding board, lodging, etc. (\$200 a week in Puerto Rico, the Virgin Islands, and American Samoa, except for U.S. government employees)

**Exceptions:**

An employee who does not meet the above tests is still an exempt professional if he or she meets the following conditions:

1. Earns a salary or fee of at least \$250 a week excluding board, lodging, etc. (\$200 a week for Puerto Rico, the Virgin Islands, and American Samoa, except for U.S. government employees)
2. Performs, as a primary duty, learned professional work that requires consistent discretion and judgment or artistic professional work that requires invention, imagination, or talent.

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The following employees can earn less than the minimum salary requirement and still qualify as exempt professionals:

• Holders of valid certificates or licenses to practice law or medicine who are actually practicing law or medicine

• Physicians with degrees who are in intern or resident programs, or

• Teachers who are certified or recognized in the school system, etc., where they are employed.

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

**Personnel Agreements:**

The Foundation may enter into direct agreements with eligible institutions as needed replenishment of personnel salaries. For example, these agreements can be executed with the SAVAHCS, Office of Personnel Management (*Interagency Personnel Agreement, IPA*, and/or the University of Arizona, Arizona Board of Regents (*Joint Personnel Agreement, JPA*.) Authorization for reimbursing salary expenses furnished by other public or private nonprofit institutions must be obtained in advance from the administration of the participating institution. Authorization is obtained from appropriately executed agreements between the Foundation and the participating institution. Reimbursement payment schedules will be part of the agreements. The investigator will be responsible for attesting invoices and time keeping records are accurate and in support of VA research before payment will be initiated to the participating institution.

The Foundation meets IPA mobility assignment program requirements and is eligible to participate in the IPA program. IPA mobility program regulations provide for the certification of a nonprofit organization which has as one of its principal functions the offering of professional advisory, research, education, or development services, or related services, to governments or universities concerned with public management. IPA assignments require at least 90 days prior employment with the Foundation.

**VA Employees:**

The Foundation may support salary expense for SAVAHCS employees who are qualified to provide needed research related services *ONLY DURING OFF DUTY HOURS*. VA employees may not be remunerated on the Foundation's payroll. The receipt by VA employees of compensation from a private source, such as the Foundation, for performing VA duties is a violation of Federal law 18 U.S.C. § 209. Willful engagement of conduct constituting an offense is punishable with imprisonment for up to five years and/or \$50,000 for each violation. Both the payer and the payee may be subject to these penalties.

VA employees who perform work that is outside the scope of their VA duties **can** receive income from the Foundation funding provided the work is 1) performed outside Government duty time (see note below) **and** 2) the work is different from the employee's official VA responsibilities. A VA employee may not be a BREFSA employee and VA employee may only receive remuneration from the VA as a single source.

With the approval of VA Supervisor, VA employees will record time spent for performing work on a BREFSA project on VA timecard. The time must be outside of the VA employee's tour of duty. In the event that overtime occurs, the Foundation will reimburse the VA for 1.5 times the regular pay.

Investigators who wish to pay VA employees for work performed on BREFSA studies must submit a **Payment of Research/Education Related Expense** form to reimburse the VA appropriation.

- The Foundation will need the following from the Supervisor, who authorizes the VA timecard of said VA employee: a printout from the VA Time and Attendance System. It is the investigator's responsibility to attach the printout to the expense payment form with clear justification for the employee's time.

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- The Foundation's office staff will contact the Fiscal Service to verify the billing amount and the reimbursement's control point.
- The Foundation will process a check payable to the Department of Veterans Affairs with clear identification provided by the Fiscal Service.

If a VA employee is full time, the reimbursement to the VA will include a pay rate at time and a half (1.5) plus associated payroll taxes. Some VA overtime caps may apply.

If a VA employee is part-time, (for example 4/8) the reimbursement to the VA will include straight hourly pay for hours contributed to the employee up to 40 hours per week, plus associated payroll taxes and possible benefit expenses. If a part-time VA employee performs work on a BRFSa project that contributes hours in excess of 40 hours total per week; the Foundation will reimburse the VA for a pay rate at time and half (1.5) plus associated payroll taxes for the portion of hours exceeding 40.

Work done for Foundation payment support must be clearly distinguishable from the work the VA employee performs during his/her normal VA tour of duty. Any research project funded or administered by VA cannot be administered by the Foundation. Consequently, any work done on those projects, no matter when the work is done, is by definition VA work. Only VA can pay for work on VA funded or administered projects.

Similarly, if a principal investigator or a VA-paid employee works on a project funded by a drug company or any other non-VA source during his/her VA tour of duty, or if such work is part of his or her official VA duties (within the scope of his/her government work), regardless of when the work is done that research activity is part of his/her VAMC employment. Consequently, the Foundation is prohibited from providing any compensation for work on that project, even if some of the work is done on the investigator's or employee's own time.

Questions should be directed to local VA attorney or ethics official.

**Hiring of Relatives.** The employment of relatives in the same area of an organization may cause serious conflicts and problems with favoritism and employee morale. In addition to claims of partiality in treatment at work, personal conflicts from outside the work environment can be carried into day-to-day working relationships. Relatives of persons currently employed by the Foundation may be hired only if they will not be working directly for or supervising a relative or will not occupy a position in the same line of authority within the organization. This policy applies to any relative, higher or lower in the organization, who has the authority to review employment decisions. Foundation employees cannot be transferred into such a reporting relationship. In other cases 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. Employees in a supervisory relationship who become related while working at the Foundation must end the supervisory relationship by resigning or transferring to a open position in another department. 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.

**Commitment to Hire.** A commitment to hire personnel shall be undertaken **ONLY** after the employee's (non-VA personnel) Without Compensation (WOC) application, and Employment Request Memorandum have been approved, and with the prior approval of the Foundation. The time required to process an employment application can take up to 3 weeks. **No one may start working without a WOC (Without Compensation) appointment approved.** PIs hiring personnel will be responsible to adhere to standard hiring procedures.

**Tour of Duty.** The employee's supervisor will set the specific tour of duty for each individual employee. **SAVAHCS employees** hired to perform research related services may ***work ONLY during OFF duty hours.***

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**Employee Benefits.** The Foundation contributes to Social Security, Workers' Compensation, and unemployment insurance in the manner prescribed by law. Annual and sick leave, as well as holidays are earned by employees working 20 or more hours per week, and all employees are eligible to participate in a 403 (b) Tax Deferred Plan.

**Holidays.** Full-time employees of the Foundation receive ten (10) paid holidays per year, and part time employees receive pay only for those holidays falling on their regularly scheduled workdays and for their regularly scheduled work hours. The Foundation recognizes the following holidays:

- New Year's Day (January 1)
- Martin Luther King, Jr. Day (Third Monday in January)
- President's 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 (December 25)

**Responsibilities of Supervisors.** It is the PI supervisor's (or designee) responsibility to keep track of annual leave time accrued by full-time employees. PI supervisor's are responsible for scheduling and approving annual leave of their employees prior to actual absences, and shall accommodate employee requests to the extent that the workload and department requirements permit. The signature of the PI supervisor on the Foundation Time Sheet constitutes approval of annual leave. The Foundation office tracks reported leave usage and accrued leave earned.

**Annual Leave.** Eligible full-time employees may earn and accrue vacation time. Although full-time employees accrue vacation benefits from the date of hire, they are not eligible to be paid for vacation until they have successfully completed the six (6) months initial period. Annual leave requests should be made in advance with the approval of the employee's supervisor. A maximum of 240 hours may be carried over from one year to the next. Any time not used over this threshold will be lost at the end of the calendar year. Upon separation from service, employees will be paid for annual leave to their credit.

**ACCRUAL:** Eligible full-time employees, working 40 hours per week, accrue vacation at the following rate:

<b>Full Time Employee Annual Leave Accrual Rate:</b>		
<b>Length of Service</b>	<b>Hours Per Pay Period</b>	<b>Days Per Year</b>
First 2 years of continuous service	3.38	11
3rd and 4th years of continuous service	4.92	16
5th year and thereafter of continuous service	6.77	22

Eligible Part-time employees who work 20 or more hours per week and have been employed for six (6) months or more are entitled to accrue Annual Leave at "Hours per Hours Worked rate listed in the following schedule. Eligible Part-time employees accrue leave time based on hours worked up to 80 hours per pay period. Annual leave requests should be made in advance with the approval of the employee's supervisor.

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**Part Time Employee Annual Leave Accrual Rate:**

<b>Length of Service</b>	<b>Hours Per Hours Worked</b>
First 2 years of continuous service	.042250
3rd and 4th years of continuous service	.0611500
5th year and thereafter of continuous service	.084625

**Sick Leave.** The purpose of sick leave is to provide a continuation of salary or wages to eligible employees during periods of illness. Sick leave may be used for medical examinations and treatment. Sick leave can be considered as insurance against lost income during periods of extended illness and its responsible use is encouraged. Full-time employees are eligible and accrue sick leave from the most recent date of hire. Part-time employees are eligible for sick leave benefits if 20 or more hours are worked per week. A maximum of 96 hours may be carried over from one year to the next. Any time not used over this threshold will be lost at the end of the calendar year. Upon separation from service, employees will not be paid for sick.

**ACCRUAL.** A full-time employee accrues sick leave at the rate of 3.69 hours per 80-hour pay period. Eligible Part-time employees accrue sick leave at the rate of .046125 per hour worked.

**Employee and Supervisor Responsibilities** It is the responsibility of the employee to report inability to work before the start of the shift or as soon as possible thereafter. It is the PI supervisor's (or designee's) responsibility to maintain an accurate record of sick leave for each eligible employee, confirm that the employee has or will have the requested time available, and to ensure accurate designation of sick leave used on the employee Foundation Time Sheet. The signature of the supervisor on the Foundation Time Sheet constitutes approval of sick leave. No accrued sick leave will be paid upon separation from the Foundation.

**REQUIREMENTS.**

**Sick Leave - Employee Illness / Injury.** Eligible employees may be granted sick leave when unable to perform duties because of illness, injury, or when absent for the purpose of obtaining health-related services not available outside of regular working hours.

Should there be reason to believe that sick leave is being abused, supervisors may request that verification of illness by means of a physician's statement be provided upon the employee's return to work. A supervisor who requests such verification shall provide the employee with reasonable opportunity to obtain the physician's statement for *that* absence, or, upon the employee's return to work, the supervisor may request a physician's statement for subsequent absences. Three (3) day absence requires a doctor's notice.

**Sick Leave - Serious Illness within an Employee's Immediate Household.** An eligible employee may also be granted sick leave when absence is the result of serious illness or communicable disease within the employee's immediate household. For purposes of this section, serious illness within the immediate household means that the employee's presence is required temporarily until other arrangements can be made to provide essential care of a family member who resides at the employee's residence and who is under the care of a physician.

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**Termination of Employment.** Employment with the Foundation is based on mutual consent, both the employee and the Foundation have the right to terminate employment "at will", with or without cause, at any time. Employees will receive their final pay in accordance with applicable state laws. Employees are required to provide written resignation to their supervisor. A copy of the resignation notice will be forward to the Foundation office to retain in employment file. The PI supervisor is responsible to conduct an exit interview. The employee is responsible for turning in badge, keys and any equipment to the PI supervisor. The supervisor is responsible for communicating to the Foundation office when the employee has fulfilled the obligations.

Eligible full-time or part-time employees who resign or are discharged shall be paid for accumulated annual leave hours not to exceed the amount earned or capped. Payment of accumulated annual leave shall be computed at the employee's current compensation rate. The employing investigator is responsible for funding vacation benefits earned by the employee. Sick leave is not paid to an employee upon termination.

**Return of Property.** Employees are responsible for all property, materials, or written information issued to them or in their possession or control. Employees must return all Foundation property immediately upon request or upon termination of employment. The Foundation may also take all action deemed appropriate to recover or protect its property.

**Timekeeping and Paychecks.** The Foundation is required by federal and state laws to keep an accurate record of time worked in order to calculate employee pay. Time worked is defined as all the time actually spent on the job performing one's assigned duties. Employees are required to accurately record the time they begin and end their work.

**Attendance and Punctuality.** To maintain a safe and productive work environment, the Foundation expects employees to be reliable and to be punctual in reporting for scheduled work. Absenteeism and tardiness place a burden on other employees and on the Foundation. In the rare instances when employees cannot avoid being late to work or are unable to work as scheduled, they should notify their supervisor as soon as possible in advance of the anticipated tardiness or absence. Poor attendance and excessive tardiness are disruptive. Either may lead to disciplinary action, up to and including termination of employment.

**Responsibilities of the Employee and the Supervisor.**

- It is the employee's responsibility to sign their time sheet to certify the accuracy of all time recorded, and to turn in (or fax to 629-4681) the signed time sheet to the BREFSA accountant every other Monday by Close of Business.
- It is the PI supervisor's responsibility to review and sign the employee time sheet before submitting it for payroll processing.
- Every effort should be made by the employee and the supervisor to submit timesheets for the current pay period. BREFSA will not process payroll incurred during a previous fiscal year.

If corrections or modifications are made to the time sheet, both the employee and the supervisor must verify the accuracy of the changes by initialing the time sheet.

**Rest and Meal Periods.** Full-time employees are provided with two rest periods of ten minutes in length. To the extent possible, rest periods will be provided in the middle of work periods. Since this time is counted and paid as time worked, employees must not be absent from their workstations beyond the allotted rest period time.

All full-time employees are provided with one meal period of 30 minutes in length each workday. Supervisors will schedule meal periods to accommodate operating requirements. Employees will be relieved of all active responsibilities and restrictions during meal periods and will not be compensated for that time.

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**Paychecks.** Employees of the Foundation are paid biweekly. Paychecks are issued every other Friday for the two-week pay period ending the previous Sunday. Paychecks may be picked up after 9:00AM in Bldg. 52, Room 5A. If check is not picked up by the end of the day on Friday they will be mailed in Monday's mail.

- Direct Deposit. Employees may have pay directly deposited into their bank accounts once the authorization process has been completed. Authorization forms may be picked up from the Foundation office.
- If a payday falls on a holiday, paychecks will be issued on the next workday.

**Pay Advances.** The Foundation does not provide pay advances on unearned wages to employees.

**Administrative Pay Corrections.** The Foundation will take all reasonable steps to ensure that employees receive the correct amount of pay in each paycheck and that employees are paid promptly on the scheduled payday. In the unlikely event that there is an error in the amount of pay, the employee should promptly bring the discrepancy to the attention of the Foundation accountant so corrections can be made as quickly as possible.

**Pay Deductions.** The law requires that the Foundation make certain deductions from every employee's compensation. Among these are applicable federal, state, and local income taxes. The Foundation must also deduct Social Security taxes on each employee's earnings up to a specified limit that is called the Social Security "*wage base*". The Foundation matches the amount of Social Security taxes paid by each employee. Employees may authorize deductions for a 403 (b) Tax Deferred Plan.

**Education and Training.** Employees are responsible for completing required training as assigned by the VA R&D office. Annual completion of the MAR (Mandatory Annual Review) training is available on TucNet. Certificates of completion must be turned in to the VA R&D office prior to close of the fiscal year (September 30<sup>th</sup>). Human Subject Compliance training will be assigned from year to year. Training non-compliance can result in loss of WOC appointment.

**Access to Personnel Files.** The Foundation maintains a personnel file on each employee. The personnel file includes such information as the employee's job application, resume, records of training, salary increases, and other employment records. Personnel files are the property of the Foundation, and access to the information they contain is restricted. Generally, only supervisors and management personnel of the Foundation who have a legitimate reason to review information in a file are allowed to do so. Employees who wish to review their own file should contact the Executive Director, and with reasonable advance notice, employees may review their own personnel files in the Foundation's offices.

**Personnel Data Changes.** It is the responsibility of each employee to promptly notify the Foundation office of any changes in personnel data. Personal mailing addresses, telephone numbers, individuals to be contacted in the event of an emergency, and other such status reports should be accurate and current at all times.

**Equipment Use.** 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 the supervisor if any equipment, machines, or tools appear to be damaged, defective, or in need of repair. Prompt reporting of 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. The improper, careless, negligent, destructive, or unsafe use or operation of equipment can result in disciplinary action, up to and including termination of employment.

**Computer and E-Mail Usage.** Computers, computer files, the E-mail system, and software furnished to employees are the Foundation's property intended for business use. The Foundation strives to maintain a workplace free of harassment and sensitive to the diversity of its employees. Therefore, the Foundation



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prohibits the use of computers and the E-mail system in ways that are disruptive, offensive to others, or harmful to morale. For example, the display or transmission of sexually explicit images, messages, and cartoons is not allowed. Other such misuse includes, but is not limited to, ethnic slurs, racial comments, off-color jokes, or anything that may be construed as harassment or showing disrespect for others. Employees should notify their immediate supervisor, or any member of the Foundation management upon learning of violations of this policy. Employees who violate this policy will be subject to disciplinary action, up to and including termination of employment.

**Conflict of Interest.** We expect employees to avoid situations that might cause their personal interests to conflict with the interests of the Foundation or to compromise its reputation of integrity. A conflict of interest, or the appearance of one, occurs when you or a member of your immediate family uses your position with us for personal benefit through an investment, association, of a business relationship that interferes with your ability to exercise independent judgment on our behalf.

Employees are discouraged from accepting meals or other gifts from salespeople, vendors, suppliers, or any other solicitors. Your supervisor may approve exceptions to this rule. Employees must sign a statement certifying awareness of and compliance with federal conflict of interest statutes and regulations.

**Employee Conduct and Rules.** To ensure orderly operations and provide the best possible work environment, the Foundation expects employees to follow rules of conduct that will protect the interests and safety of all employees and the organization. It is not possible to list all the forms of behavior that are considered unacceptable in the workplace. The following are examples of infractions of rules of conduct that may result in disciplinary action, up to and including termination of employment:

- Theft or inappropriate removal or possession of property
- Falsification of timekeeping records
- Working under the influence of alcohol or illegal drugs
- Possession, distribution, sale, transfer, or use of alcohol or illegal drugs in the workplace, while on duty, or while operating employer-owned vehicles or equipment
- Fighting or threatening violence in the workplace
- Boisterous or disruptive activity in the workplace
- Negligence or improper conduct leading to damage of employer-owned property
- Insubordination or other disrespectful conduct
- Violation of safety or health rules
- Smoking in prohibited areas
- Sexual or other unlawful or unwelcome harassment
- Excessive absenteeism or any absence without notice
- Unauthorized absence from work station during the workday
- Unauthorized disclosure of confidential information
- Violation of personnel policies
- Unsatisfactory performance or conduct
- Acting in disregard of the best interests of the Foundation
- Non-compliance with training requirements

**Sexual Harassment.** It is the policy of the Foundation that it will not tolerate any action whether verbal, non-verbal, or physical by an employee that generates a harmful and threatening atmosphere and undermines the integrity of the employment relationship.

Sexual harassment is a form of sex discrimination that is prohibited under Title VII, Section 703, of the Civil Rights Act of 1964. Sexual harassment weakens morale and interferes in the work productivity of employees and their co-workers. While all forms of harassment are prohibited it is the Foundation's policy to emphasize that sexual harassment is specifically prohibited. The three (3) basic forms of sexual harassment are:

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- **Verbal** - The unwelcome suggestive remarks, sexual insults, innuendoes, jokes and humor about sex or gender-specific traits, sexual propositions and threats;
- **Non-Verbal** - The unwelcome suggestive or insulting sounds, leering/ogling, whistling, obscene gestures and obscene graphic materials and,
- **Physical** - The unwelcome touching, pinching, brushing the body, cornering, and actual or attempted rape or assault.

The key word for defining sexual harassment is “unwelcome”. When any unwanted, unwelcome, or unsolicited sexual conduct is imposed on a person who regards it as offensive or undesirable, it is considered sexual harassment. Even if the conduct is implicit in nature - hidden in subtlety or innuendo - as long as it is unwelcome, it is unlawful and will not be tolerated by the Foundation.

Prevention is the key to elimination of sexual harassment in the work environment. Each employee is responsible for playing a role in preventing or eliminating sexual harassment by: (1) examining his/her behavior on the job; (2) understanding the issue of sexual harassment; (3) supporting the Foundation’s policy against sexual harassment; (4) identifying and taking individual action to stop inappropriate behavior by communicating directly and immediately with the person(s) who’s behavior is offensive; and (5) bringing the matter to the attention of their supervisor, or the Foundation’s Executive Director if the employee feels sexually harassed.

**Smoking.** In keeping with the Foundation's intent to provide a safe and healthful work environment, smoking in the workplace is prohibited except in those locations that have been specifically designated as smoking areas. In situations where the preferences of smokers and nonsmokers are in direct conflict, the preferences of nonsmokers will prevail.

**Drug and Alcohol Use.** It is the Foundation's desire to provide a drug-free, healthful, and safe workplace. Foundation employees may not use, possess, distribute, sell, or be under the influence of alcohol or illegal drugs while on SAVAHCS premises or work sites. In addition, employees are prohibited from off premises use of alcohol and possession, use, or sale of illegal drugs when such activities would adversely affect their job performance, or the Foundation’s reputation in the community.

Employee’s may use legally prescribed prescription drugs on the job on if the prescribed prescription drug(s) in no way impairs the employee’s ability to perform the essential functions of his or her job effectively, and the prescribed drugs do not endanger the safety of other individuals in the work place.

The Foundation will not knowingly hire alcoholics or drug abusers whose current use of such substances would prevent them from performing the essential functions of his or her job effectively and would constitute a direct threat to property or the safety of others. Foundation employees may be required to test at any time to determine the presence of drugs, narcotics, or alcohol unless law prohibits such tests. Testing positive for drugs or alcohol is a violation of this policy.

Under the Drug-Free Workplace Act, an employee who performs work for a government contract or grant must notify the Foundation of a criminal conviction for drug-related activity occurring in the workplace. The report must be made within five days of the conviction.

It is the responsibility of the employee’s immediate supervisor to report any action by an employee who demonstrates an unusual behavior pattern to the Foundation’s Executive Director. The President of the Foundation will determine whether the employee should be examined by a physician or clinic and/or tested for drugs and alcohol. Any employee believed to be under the influence of drugs, narcotics, or alcohol will be immediately asked to leave the premises.

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The Foundation is not obligated to provide its employees drug counseling, rehabilitation, or any other employee benefit program. Any employee who is abusing drugs or alcohol may use any accrued sick or annual leave, or be granted leave of absence without pay to undertake rehabilitation treatment. Participation in a treatment program does not protect an employee from disciplinary action for violation of this or other Foundation policies.

**Confidentiality.** Employees are expected to maintain strict confidentiality when handling organizational materials and anything having to do with patient interactions including both verbal and written information. Federal statutes and regulations governing patient confidentiality and privacy are applicable.

**Ownership of Intellectual Property.** Federal law provides that intellectual property developed by federal employees, including organization employees with WOC appointments, in a federal facility or supported by federal resources belongs to the federal government and must be disclosed. Consult your supervisor for additional details and disclosure requirements.

**Security Inspections.** The Foundation maintains a work environment that is free of illegal drugs, alcohol, firearms, explosives, or other improper materials. To this end, the Foundation prohibits the possession, transfer, sale, or use of such materials on its premises. The Foundation requires the cooperation of all employees in administering this policy. Desks, lockers, and other storage devices may be provided for the conveniences of employees but remain the sole property of the Foundation. Accordingly, any agent or representative of the Foundation can inspect them, as well as any articles found within them, at any time, either with or without prior notice. The Foundation discourages theft or unauthorized possession of the property of the Foundation, SAVAHCS, visitors, and customers. To facilitate enforcement of this policy, Foundation representative may inspect not only desks and lockers but also persons entering and/or leaving the premises and any packages or other belongings. Any employee who wishes to avoid inspection of any articles or materials should not bring such items onto the SAVAHCS premises.

**FACILITY. Employee Parking:** Employee parking spaces are provided in the parking lots on a first come, first-serve basis. A number of parking spaces are reserved for patients, car pools, disabled employees/visitors, etc. Always lock your car while it is parked. We do not assume responsibility for vehicles or their contents in these parking areas. Parking stickers are available from the VA Police office located in Building 2.

**Personal Mail:** You may not use the foundation's name, address, envelopes, or letterhead for personal correspondence.

**Personal Possessions:** We do not assume responsibility for any theft or damage to the personal belongings of employees. Please lock office doors if you are leaving a room unoccupied.