



1902 CLAIRMONT ROAD

DECATUR, GEORGIA 30033

VOICE: 404.417.1819

FAX: 404.417.1841

www.atlaref.org

Welcome and Purpose

Welcome to the Atlanta Research and Education Foundation, Inc. We are delighted to have you as a part of our team!

The Foundation is a non-profit entity which was incorporated on July 14, 1989. It is affiliated with, but legally distinct from, the Atlanta Veterans Affairs Medical Center. It was established to advance the research and education activities of the staff of the Atlanta VA Medical Center.

The majority of the Foundation's activities focus on facilitating VA research. The Foundation is supported from a variety of sources such as other government entities (e.g. CDC), other nonprofits, voluntary agencies, private proprietary companies (e.g. pharmaceutical companies) and general donations.

You may find that your physical place of employment may be in any number of locations, such as the CDC, Emory University, the VA Medical Center or some other off-site location; although, as an employee of the Foundation, your employment will always relate to a VA-approved activity. You must be aware that your employment is affected by the term of the project and the condition of funding, as well as various other workplace requirements discussed throughout this document.

The Foundation is overseen by a Board of Directors, which sets policy that is administered on a day-to-day basis by its own personnel. You can find out more about the Foundation's policies and procedures, download forms and easily identify key resources and contacts by visiting our website at www.atlaref.org.

We would like to take this opportunity to wish you personal and professional success with the Foundation, and look forward to working with you as we continue to serve our mission with the Atlanta VA Medical Center.

"A Foundation Established to Advance VA Research and Education"

Employee Handbook

There are several things that are important to keep in mind about this handbook. Notably, it contains only general information and guidelines. It is not intended to be comprehensive or to address all the possible applications of, or exceptions to, the general policies and procedures described. For that reason, if you have any questions concerning eligibility for a particular benefit or the applicability of a policy or practice to you, please address specific questions to AREF Human Resources.

Neither this handbook nor any other Foundation document confers any contractual right, expressed or implied, to remain in the Foundation's employ. Nor does it guarantee any fixed terms and conditions of your employment. Your employment is not for any specific time and may be terminated at-will, with or without cause and without prior notice by AREF, or you may resign for any reason at any time.

No supervisor or other representative of the Foundation (except the Executive Director, with concurrence from the Board, in writing) has the authority to enter into any agreement for employment for any specified period of time, or to make any agreement contrary to the above.

The procedures, policies, practices and benefits described here may be modified or discontinued from time to time. We will try to inform you of any changes as they occur.

Some of the subjects described here are covered in detail within official policy documents. You should refer to those documents for specific information since this handbook only briefly summarizes those benefits. Please note that the terms of the written insurance policies are controlling.

AREF Administration & Operations Team

Leslie Henry
Executive Director
 Office: 404.321.6111 ext. 2535
 e-mail: leslie@atlaref.org

LaTia Dozier
Accounting Associate
 Office: 404.728.7787
 e-mail: latia.dozier@va.gov

Ellen M. Schneider, PHR
Human Resources Manager
 Office: 404.417.1819
 Fax: 404.417.1841
 e-mail: ellen.schneider@va.gov

Betty Sanford
Accounting Associate
 Office: 404.321-6111 ext. 6172
 e-mail: betty.sanford2@va.gov

Jenna Klein Zargon, MBA
Controller
 Office: 404.728.4856
 Fax: 404.235.3061
 e-mail: aref@mindspring.com

Linda Steckel
Accounting Clerk
 Office: 404.321.6111 ext. 6697
 e-mail: linda.steckel@va.gov

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Employment Basics

➤ **At-Will Employment**

Employment with the Foundation is “at-will”. This means that both the Foundation and the employee have the right to terminate the employment relationship at anytime, with or without cause or notice. Please understand that no individual other than the AREF Executive Director has the authority to enter into any agreement with you for employment for any specified period of time or to make any promises or commitments contrary to the foregoing. Further, any employment agreement entered into by the Foundation will not be enforceable unless it is in writing.

➤ **Without Compensation (WOC) Appointment**

All AREF employees must secure status as a Without Compensation (WOC) appointee with the Atlanta VA Medical Center. As part of the WOC appointment, employees are subject to various requirements as set forth by the Atlanta VA Medical Center and/or the institution at which the employee works.

When AREF employees work at the Atlanta VA Medical Center and/or other affiliated institutions, they are required to follow the host institution’s policies relating to personal conduct, safety and the conduct of research activities and adhere to the host institution’s training requirements.

As set forth in the VA WOC Appointee Intellectual Property Agreement signed by each employee upon hire or as required by the Foundation, AREF employees are required to disclose any invention (to include improvement of an invention) or believed invention to the AREF Executive Director in advance of taking any action on patent applications or trying to assert any ownership.

WOC status awards the employees with some benefits and responsibilities of employment at the Atlanta VA Medical Center. Please contact AREF Human Resources if there is a question as to the applicability of any requirement of policy at the Atlanta VA Medical Center that is not covered in this handbook.

➤ **Employee Classifications**

Full-Time Employee: 40 hours worked each week. The standard basic tour of duty is generally eight (8) hours a day, five days a week. Employees must notify their supervisor and the Foundation before any changes are implemented. The employee is eligible for all benefits offered by the Foundation.

Part-Time Employee: 20-39 hours worked each week. The standard tour of duty is determined by the direct supervisor and the employee and submitted to the Foundation’s HR Manager. The employee is eligible for all benefits offered by the Foundation. Premiums associated with elected benefits are pro-rated in accordance with the hours scheduled per week.

Intermittent Employee: An intermittent employee is one that is hired to work on an “as needed” basis with no set tour of duty. An intermittent employee is not eligible for any benefits that the Foundation offers.

Temporary Employee: A temporary employee may work full-time or part-time (as directed and approved by the manager and the Foundation); however, a temporary employee's employment is intended not to be permanent and is intended to cease either as of a date certain or upon completion of a project, though the anticipated termination date may be changed. Temporary employees have no seniority over other regular or temporary employees.

➤ **Change in Employment Status**

If a change in employment status is proposed by either a supervisor or an employee through the supervisor, a formal request must be submitted to AREF Human Resources for review. The request should include the employee's name, the current schedule, the proposed schedule, reason, effective date and, if applicable, end date.

➤ **Reinstatement**

The purpose of this policy is to provide guidelines for reinstatement of employees who separate and subsequently return to the Foundation. Reinstatement results when an employee terminates service favorably and is then rehired. The purpose of this provision is only to provide the adjusted service date to the employee since leave accruals are based on years of service.

AREF employees are eligible for reinstatement upon rehire under the following conditions:

- The employee was previously employed as Part-Time or Full-Time Employee.
- The employee terminated employment under favorable conditions, either voluntarily or involuntarily. The reason for separation and performance/ work history during previous AREF employment will be considered carefully before any offer is extended.

Other circumstances may affect the Foundation's decision to reinstate benefits except for those governed by law. In effect, the Foundation is not required to owe any returning employee for previous time earned for annual leave or sick leave.

Employees who are rehired and start employment within one (1) year of the most recent separation date will qualify for reinstatement of:

- The last date of hire, for the purpose of determining seniority;
- The rate of annual leave accrual; and,
- The previous level of 403(b) employer matching contribution, if enrolled in the plan at the time of prior separation.

The annual leave accrual rate will start over and the anniversary date will be the date of rehire if an employee is rehired after one (1) year of the most recent separation date.

Sick Leave: Upon rehire, sick leave starts over at zero. Previous balances will not be restored.

➤ **Performance Reviews**

In an effort to maintain the highest standards for your employment, AREF has instituted an annual performance review. It is generally expected that, provided you have been employed by the Foundation for 6 months by the end of the calendar year, you may receive a

performance evaluation in January. Your supervisor will complete the evaluation, review it with you, and allow you the opportunity to comment. After the evaluation is completed, the supervisor will return it to AREF Human Resources for final review and filing in your personnel record.

The performance evaluation period is an opportunity to receive and provide feedback on the quality of your work and demonstrated job skills. It should be seen as a tool to communicate areas of strength and potential areas to improve your performance.

➤ **Parking**

Working at the VA Medical Center:

- Authorized Foundation employees are required to pay for on-site parking and obtain a parking sticker from the VA Police Office. The police office is located on the ground floor of the clinical addition in Room GA200.
- A fee determined by the Medical Center Director will be withheld from each employee's paycheck in order to reimburse the Medical Center for parking fees.
- Employees are required to park in employee parking areas. Violators of this rule could be fined anywhere from \$25.00-\$50.00 per incident.
- Foundation employees assigned to a satellite parking facility will not incur a parking fee deduction.

Working at the CDC, Emory University or other off-site locations:

- Foundation employees assigned to work off-site will not incur a parking fee deduction.

The Foundation is not responsible for employee parking violations.

Employee Relations

➤ **Equal Employment Opportunity Statement**

The Atlanta Research and Education Foundation (AREF) is an Equal Opportunity Employer. Our policy is to offer equal opportunity to all qualified employees and applicants for employment without regard to race, religion, color, sex, pregnancy, national origin, age, sexual orientation, status as a parent, disability, genetic information or veteran status. AREF complies with applicable state and local laws governing non-discrimination in employment.

This policy of Equal Employment Opportunity applies to all policies and procedures relating to recruitment and hiring, compensation, benefits, termination and all other terms and conditions of employment.

➤ **Non-Discrimination & Anti-Harassment Statement**

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

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

Discriminatory harassment includes conduct (oral, written, graphic, or physical) directed against any person or group of persons because of race, religion, color, gender, pregnancy, national origin, age, sexual orientation, status as a parent, disability, genetic information or veteran status and that has the purpose or reasonably foreseeable effect of creating an offensive, demeaning, intimidating, or hostile environment for that person or group of persons. Such conduct includes, but is not limited to, objectionable epithets, demeaning depictions or treatment, and threatened or actual abuse or harm. Any employee that feels that he or she has been a victim or witness of such harassment should report the incident to his/her supervisor or AREF Human Resources immediately. Complaints, reports or inquiries may also be made on a confidential or anonymous basis by calling AREF's Confidential Hotline – 404-417-1818.

AREF will strive to keep the matter confidential, although this cannot be guaranteed, and will seek to protect the employee from any retaliation. Any employee who feels that adverse action has been taken toward him or her due to a report of discrimination and/or harassment should report it as soon as possible in writing (including email) to AREF Human Resources or the Executive Director.

➤ **Sexual Harassment Statement**

Sexual harassment will not be tolerated. It is the managers' responsibility to assure that their work areas are free from all forms of sexual harassment. Prompt action must be taken when an allegation of sexual harassment is made. All employees should treat each other with respect. All employees have the right to work in an environment free from such harassment. Sexual harassment includes, but is not limited to, unwelcome verbal behavior such as comments, suggestions, jokes, or derogatory remarks based on sex, unsolicited physical behavior, visual harassment (such as posters and pictures in the work areas), and unwanted sexual advances. These acts will not be tolerated in our work environment.

All employees should avoid contact that undermines the policies and practices of AREF. Any employee who is aware of any instances of sexual harassment should report the alleged act immediately to his/her supervisor or AREF Human Resources. Complaints, reports or inquiries may also be made on a confidential or anonymous basis by calling AREF's Confidential Hotline – 404-417-1818.

AREF will strive to keep the matter confidential, although this cannot be guaranteed, and will seek to protect the employee from any retaliation. Any employee who feels that adverse action has been taken toward him or her due to a report of harassment should report it as soon as possible in writing (including email) to AREF Human Resources or the Executive Director.

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

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

Behavior that falls into the category of illegal or improper conduct includes: fraud, theft, safety violations, improper use of authority, gross waste of funds, harassment, or retaliation. If an employee in good faith believes that an improper or illegal action or event has occurred, he or she should report the incident to Human Resources. If Human Resources is involved, the employee should report the incident to the Executive Director or Chair of the Board of Directors. If an employee is unsure who the current Chair is, he or she may refer to www.atlaref.org.

Complaints, reports or inquiries may also be made on a confidential or anonymous basis by calling AREF's Confidential Hotline – 404-417-1818. Employees should describe in detail the specific facts demonstrating the bases for the complaints, reports or inquiries. AREF will conduct a prompt, discreet, and objective review or investigation. Employees must recognize that AREF may be unable to fully evaluate a vague or general complaint, report or inquiry that is made anonymously. Alternatively, employees may also call the VA's Confidential Hotline (Compliance Helpline Anonymous) to report improper activity.

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

➤ **Employee Privacy Policy**

It is the policy of the Atlanta Research and Education Foundation (AREF) to keep all past and present employee information private from disclosure to third parties. There are certain business related exceptions and they are:

- Courts of law, as well as County, State or Federal agencies;
- Inquiries from third parties with a signed authorization from the employee to release the information, except in situations where limited verbal verifications are acceptable (see *Confidentiality of Medical Information*); and/or,
- Third parties of which AREF has contractual agreements to assist in administration of company sponsored benefits.

Verifications of Employment

Prospective employers, financial institutions, and residential property managers routinely contact AREF requesting information on a former or current employee's work history and salary. All such requests of this type shall be referred to and completed on a confidential basis by AREF Human Resources.

For written verification of employment requests, information will be provided on the form only when it is accompanied by an employee's signed authorization to release information. The form will be returned directly to the requesting party. Verbal verifications are not provided.

Confidentiality of Medical Information

The Atlanta Research and Education Foundation is compliant with Federal HIPAA regulations and only utilizes information related to the company sponsored healthcare plans on a "need to know" basis for administration of the healthcare plans. Supervisors will not have access to employee medical information. AREF will take reasonable precautions to protect such information from inappropriate disclosure and maintain the confidentiality of employee medical information. Anyone who inappropriately discloses such information will be subject to disciplinary action, up to and including termination of employment.

Genetic Information Nondiscrimination Act of 2008 (GINA)

The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with this law, we are asking that you not provide any genetic information when responding to a request for medical information.

"Genetic information" as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or embryo lawfully held by an individual or family member receiving assistive reproductive services.

➤ **Electronic Communications Policy**

The following are some general principles to be applied to the use of all electronic media and services used in the course of employment with the Atlanta Research and Education Foundation (AREF), regardless of the owner of the electronic equipment used.

AREF is committed to protecting confidential and proprietary information and avoiding misuse of electronic information systems. In light of these matters, the Foundation has adopted the following policy on electronic communications. All employees are expected to comply with this policy and to indicate their agreement to comply by signing the Atlanta Research and Education Foundation Handbook Acknowledgment Form.

AREF maintains computers (including software, hardware, laptops, and network systems), Internet and e-mail systems, and telephone, facsimile, and voice mail systems for business purposes, and their use should be limited to business purposes, except as expressly allowed below. In some cases, equipment is provided by Federal agencies for AREF business. For purposes of this policy, such systems and equipment are collectively referred to as "electronic information systems".

AREF reserves the right to access, monitor, and disclose communications and information stored in, transmitted from, or received by any part of its electronic information systems without notice. The Foundation intends to access, monitor, and disclose such communications and information only for business purposes, such as protecting proprietary or confidential information, evaluating productivity, preventing misuse of the systems, investigating illegal or unethical conduct, correcting system problems, and assuring compliance with this policy. However, the contents of all communications and all information on the systems, including e-mail (company and private accounts), text message, comments on blogs, social media sites, and other internet pages and voicemail messages, are subject to review and use by authorized organization representatives and by third parties (including law enforcement officials) as AREF, in its discretion, deems necessary or appropriate.

Employees should not expect privacy in using the electronic information systems provided by the employer or in the workplace. This applies to all aspects of electronic information systems, including, but not limited to, stored e-mail and voicemail messages and all data and work products created or stored on company computers. Although each employee has an individual password to access these electronic information systems, the employee does not own any of the email or information stored on these systems. The electronic systems may be owned completely or in part by AREF, VA, CDC, or Emory. Employee use of passwords and access codes does not imply privacy rights. Employees should be aware that even deleted messages can be retrieved.

Misuse of electronic information systems is prohibited and may result in disciplinary action, up to and including termination at AREF's discretion. Misuse includes, but is not limited to, the following types of conduct.

- Using the Company's electronic information systems for:
 - illegal purposes;
 - soliciting others for commercial, political, religious, or other purposes not related to work;
 - personal use (other than occasional, brief, and appropriate use approved by a supervisor);
 - downloading, displaying, transmitting, printing, or storing any offensive, obscene, or threatening material;
 - making, sending, or forwarding discriminatory, harassing, fraudulent, defamatory, threatening or otherwise improper communications intended as humor;
 - participating in online chat rooms, playing games, instant messaging (unless work-related), keeping personal journals ("blogging"), sending non-work-related mass mailings, sending chain letters, intentionally introducing viruses or damaging files, or otherwise making wasteful or disruptive use of electronic information systems;

- loading unauthorized or unlicensed software onto electronic information systems;
- distributing, downloading, or printing copyrighted materials in violation of copyright laws; and/or,
- any use that is contrary to the Foundation's legal and business interests.
- Sharing or failing to safeguard passwords and access codes, and using or copying unauthorized passwords, access codes, encryption keys, or software.
- Using passwords or access codes assigned to others, accessing, altering, or copying other employees' electronic files without permission, and breaching or trying to breach computer or network security systems.
- Allowing electronic information systems to be used by individuals who are not employees or approved business associates of the Foundation.
- Using electronic information systems to disclose or communicate trade secrets or other proprietary, confidential, or sensitive information, except as expressly authorized and appropriately safeguarded.

Employees who become aware of other employees' misuse of electronic information systems or who receive offensive, obscene, threatening or otherwise improper communications through the systems are expected to report the incident immediately to their supervisor. Employees also should consult AREF Human Resources if they are unsure whether a particular use of electronic information systems is allowed under this policy. Retaliation against an employee for reporting violations of this policy is prohibited.

In some cases, employees may be asked to sign standards of conduct when utilizing Federal systems. In such cases the owner of such systems can implement additional rules of behavior which are expected to be followed.

By signing the Atlanta Research and Education Foundation Employee Handbook Acknowledgement Form, employees consent to AREF accessing, monitoring, using, and disclosing any communication or information on electronic information systems. Privacy rights are waived in such communications or information.

Cell Phone Use for Business

AREF recognizes that distractions do occur while driving and believes it is appropriate to avoid cell phone use while operating a vehicle, thus minimizing the risk of accidents. Engaging in company business on a cell phone, computer, tablet, or similar device, while driving is prohibited. AREF employees are required to stop the vehicle in a safe location to use a cell phone or similar device if it is work-related.

This policy applies to any device that may make or receive phone calls, may send or receive text messages, browse the internet, download and/or allows for the reading of and responding to email whether the device is personally owned or not.

AREF wishes to keep its employees safe while performing work-related duties. And, because of these intentions to do so, employees who violate this policy will be subject to disciplinary actions, up to and including termination.

Employee Responsibilities

➤ **Rights & Responsibilities**

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

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

We may not discuss patient information with anyone when off-duty. When on-duty, we must refrain from discussing our patients with anyone, including other patients, visitors, and other employees who do not need to know the information in order to carry out their official duties. Increased diligence must be exercised in protecting patient information in cases where patients have sensitive medical conditions where the inappropriate disclosure of information could be medically, psychologically, socially or economically harmful. The Privacy Act and other Federal statutes provide penalty and fine provisions for the knowing and willful misuse or disclosure of confidential information to any person or agency that is not entitled to receive it.

➤ **Effort Certification**

As a recipient of Federal funds, the Atlanta Research and Education Foundation (AREF) must comply with the Office of Management and Budget (OMB) Circular A-122, which requires certification of effort to document salary expenses charged directly or indirectly against federally-sponsored projects. AREF's effort reporting policies and procedures are intended to meet this requirement.

AREF uses an "after-the-fact effort" reporting system. Each employee whose time is committed to a federally-sponsored project is expected to complete a time and effort report.

Time and effort reporting should reflect the percentage distribution of effort expended by AREF employees involved in federally-sponsored projects. This report is required if any effort is paid by a federally-sponsored project. Time and effort reports must represent, in percentages totaling 100%, a breakdown by project of the employee's effort for the period being reported.

Effort

Effort is work or the proportion of time spent on any project and expressed as a percentage of total time. Total effort for an employee must equal 100%. The appointment serves as the basis for an individual's total effort. In other words, for a 50% appointment, 100% effort is

the 50% appointment. Likewise, if an employee is employed for 10 hours, then the 10 hours represents 100% effort.

Certification

The assertion by an individual with suitable means of verification that the work was performed, stating that salaries and wages charged to sponsored agreements as direct charges are reasonable in relation to work performed over the certification period.

The Federal government can impose severe penalties and funding disallowances as a result of missing, inaccurate, incomplete, or untimely effort reporting. AREF expects that its employees will complete time and effort reports accurately and in a timely manner.

➤ **Conflicts of Interest**

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

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

Definitions

Conflict of interest: A conflict of interest may exist when the interests of a director, officer or employee may be seen as competing with the interests of AREF. A director, officer or employee may be considered to have a conflict of interest whenever they or their relative has an existing or potential financial or other material interest that impairs or might appear to impair their independence or objectivity in the discharge of their responsibilities to AREF. Additionally, personal and business relationships may cause “dual loyalties” that are unrelated to personal financial gain, but nonetheless may raise conflict of interest concerns. A financial or other interest is not necessarily a conflict of interest. A financial or other conflict of interest exists only when the AREF Board of Directors (Board) decides a person with an interest has a conflict of interest.

Relatives: For purposes of this policy, “relatives” include the spouse, parent, child, aunt, uncle, niece, nephew, sibling, and first or second cousin by blood or marriage with whom an AREF officer, director or employee has similarly close personal ties as well as any other member of their household.

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

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

Duty to Disclose Potential Conflicts of Interest

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

Disclosure Procedures

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

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

Disclosure Questionnaires will be submitted and reviewed as follows:

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

Confidentiality

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

Retention

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

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

- Members of the Board, officers and the Executive Director: the Chair of the Board.
- AREF administrative employees: the Executive Director.
- Employees directly or indirectly engaged in VA research or education: supervisor and the Executive Director.

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

Procedures for Review of Potential Conflicts

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

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

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

Procedures for Addressing Conflicts of Interest

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

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

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

Violations of Conflict of Interest Policy

If a director, officer, employee, or the supervisor of an AREF employee, has reason to believe that any other director, officer or employee has failed to disclose an actual or potential conflict of interest, such person has a responsibility to inform the chair of the Board or the Executive Director of the basis for their belief. In such event, the chair of the Board or the Executive Director will refer the matter to the Board. The Board will inform the

person of the allegation and will allow the person an opportunity to explain the alleged failure to disclose.

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

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

➤ **Drug-Free Workplace**

All employees are hereby notified that it is unlawful to manufacture, distribute, dispense, possess or use any controlled substance in the workplace. AREF employees are expected to comply with all Federal, State and local drug laws regardless of location where duties are performed.

An employee who violates any of these drug laws during the performance of his or her duties, during work hours, or as a representative of AREF by or through the unlawful manufacture, distribution, dispensation, possession or use of alcohol or any non-physician prescribed controlled substance on company premises or while conducting Foundation business is prohibited.

Employees are also required to abide by all drug/alcohol policies in effect at the research sites in which AREF employees perform duties. Any employee who violates any of these policies will be subject to disciplinary actions, which may include legal consequences and/or termination.

➤ **Attendance & Tardiness**

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

If an employee is unable to report to work or will be late, s/he must contact the immediate supervisor. If the supervisor is unavailable, the employee should leave a voicemail, stating the reason for being late or absent and a telephone number where s/he may be reached.

If the employee's absence or tardiness is due to an emergency, s/he must contact the immediate supervisor within two (2) hours of the employee's starting time. Any unapproved leave may result in leave without pay, suspension or, if chronic, termination.

If an employee fails to report to work for three (3) consecutive workdays without notification to the supervisor, s/he will be deemed to have voluntarily resigned his or her position.

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

Attendance-Related Offenses:

Corrective action will be dependent on the circumstances, including duration, frequency, and the nature of the employee's position. To support corrective action, tardiness and unauthorized absences from the workplace must be charged as AWOL (*Absence without Leave*) on the employee's timecard.

➤ Discipline & Adverse Actions

Although few employees have to face disciplinary or adverse actions, it should be realized that this could occur. Such actions may be in the form of admonishment, reprimand, suspension or removal. Supervisors will maintain discipline, provide leadership, and establish policies and standards of personal conduct.

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

Employee Separation

➤ Termination

It is important to highlight that employment with the Foundation is “at-will”. This means that both the Foundation and the employee have the right to terminate the employment relationship at anytime, with or without cause or notice. Please understand that no individual other than the AREF Executive Director has the authority to enter into any agreement with you for employment for any specified period of time or to make any promises or commitments contrary to the foregoing. Further, any employment agreement entered into by the Foundation will not be enforceable unless it is in writing.

Separating employees will be notified of their rights to continued benefits coverage in person by AREF Human Resources, or will receive the pertinent information by mail.

All keys, badges, access cards, equipment and supplies must be turned into the supervisor or agency representative prior to departure. Please refer all questions to AREF Human Resources regarding this matter.

Employees who *voluntarily* end employment are asked to provide at least two weeks notice to the supervisor and AREF Human Resources stating the last day of work and reason for separation. The Foundation has the right to direct an employee who has provided such notice not to report for work for all or a portion of the two weeks notice period, though the Foundation shall continue to provide regular compensation through the duration of the notice period.

➤ Final Pay

The final pay will be issued on the next scheduled pay date.

In the event of voluntary termination and involuntary termination due to lack of funding/ lack of work, employees will be paid the remaining balance of accrued, unused annual leave not to exceed 100 hours.

No payment for unused personal leave is made upon separation from employment.

Accrued, unused annual and personal leave is for usage only and is not vested with the employee.

➤ Separation Meeting

Separating employees are expected to meet in-person with AREF Human Resources prior to their departure.

Topics discussed in the separation meeting include, but are not limited to, reviewing final pay, annual leave payout, benefit termination and continuance, and other similar items. Ample time is provided so that employee questions and feedback are properly addressed.

➤ Post-Employment References

Upon receipt of a request for reference, AREF Human Resources will confirm only the dates of employment, positions held and the final rate of pay.

Prospective employers, financial institutions, and residential property managers routinely contact AREF requesting information on a former or current employee's work history and salary. All such requests of this type shall be referred to and completed on a confidential basis by AREF Human Resources.

For written verification of employment requests, information will be provided on the form only when it is accompanied by an employee's signed authorization to release information. The form will be returned directly to the requesting party. Verbal verifications are not provided.

Employee Safety

➤ Inclement Weather Policy

Employees generally are expected to report to work during inclement weather conditions if AREF does not declare an emergency closing. Employees should call 404-417-1819 (AREF Human Resources Manager) or check the AREF website for guidance.

Non-exempt employees who are unable to report due to inclement weather or hazardous road conditions will be granted an authorized unpaid absence. Annual leave, if available, may be requested. Non-exempt employees who are late because of weather or road conditions may be given a chance to make up their missed time if work schedules and conditions permit.

Exempt employees who are unable to report to work due to inclement weather or hazardous road conditions should report annual leave. In the event of continuing operation, AREF retains the right to review the circumstances of exempt employees who have an insufficient annual leave balance on a case by case basis.

If the worksite is closed, AREF will communicate the status via www.atlaref.org and, if possible, email. Administrative Absence should be reported with supporting comments in the notes field of the timecard.

➤ Injuries at Work

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

If an employee is injured at work, they must notify their supervisor and AREF Human Resources immediately, no matter how minor the injury or illness may seem. You should promptly seek medical treatment through the appropriate channels.

If requested, AREF employees will be provided with information about their benefits under the Foundation's Worker's Compensation Program.

Compensation & Timekeeping

➤ Pay Schedule & Paychecks

Pay periods are biweekly. Paychecks will be paid by direct deposit on Friday following the close of the pay period. The first paycheck will be issued as a "live" check and employees are responsible for picking the check up from AREF Human Resources.

If the pay date falls on a holiday, employees are paid on the preceding business day.

As part of the pay statement, employees will be able to view current deductions from the gross pay. The amount withheld for Federal and State of Georgia income taxes depends on an employee's gross earnings, pre-tax deductions and the number of exemptions claimed.

Deductions are also made if health coverage is selected for an employee's spouse and/or children, and if he/she chooses to participate in the 403(b) Salary Reduction Plan. Those deductions are pre-tax and adjust taxable income.

The Foundation reserves the right to change the pay period from time to time.

➤ Electronic Timekeeping

All Foundation employees are required to track their time in the time and attendance system hosted by ADP Workforce Now. Timecards must be completed by the end of the pay period.

All employees are required to submit a typical weekly work schedule to AREF Human Resources.

Non-exempt employees are required to log into the time and attendance system to enter their actual hours worked each day.

Exempt employees are also required to track their time in the time and attendance system; however, they should only enter absences (AL, SL, AA) into the system, not actual hours worked.

If any day to be paid was not at the office, the type of day (AL, SL, AA, H) is to be noted along with the number of hours. AL= vacation, SL= sick leave, AA= administrative absence (jury duty, work-related travel), H= holiday.

Administrative Absences and Bereavement (under Sick Leave) require documentation in the COMMENTS function of the timecard (see instructions below). If left blank, AREF Human Resources may request supporting evidence of the time away to ensure accurate timekeeping records.

Leave Without Pay absences require Supervisor and HR pre-approval. If approved, Leave Without Pay should be documented in the COMMENTS function of the timecard (see instructions below).

The instructions for using the COMMENTS function are as follows:

- From the **Home** tab, click on **Time & Attendance**.
- From the drop-down menu, click on **My Timecard**. Then, click on **Time Sheet**.
- Select the desired pay period in the Pay Date Range field.
- Click on the **Earnings Code** field for the day of the absence.
- Click on the magnifying glass and select the type of leave taken.
- Input the amount of leave hours used in the Hours column. (If a partial day was taken, insert a new row for that day. Input the Time In/ Time Out hours.)
- Input the reason for leave in the **Comments** field*.
- When finished, click the **Done** link in the toolbar to save your changes. Then, click on the **Submit** to process the timecard.

*The **Comments** field looks identical to this image: .

Acceptable uses of Sick Leave are:

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

*Immediate family is defined as the spouse, great-grandparents, grandparents, parents, siblings, children, grandchildren and great-grandchildren of the employee.

Acceptable uses of Administrative Absence are:

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

Acceptable uses of Leave Without Pay are:

- Supervisor and HR-approved leave in cases of emergencies when sick and/or annual leave is insufficient.

➤ **Hours of Duty**

Full-Time Employee: Refer to *Employee Classifications* for definition.

Part-Time Employee: Refer to *Employee Classifications* for definition.

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

➤ **Overtime & Compensatory Time-Off**

Because the Foundation is a private, non-profit corporation, we are precluded by Federal and State law from utilizing compensatory time in lieu of overtime payment for hours worked by non-exempt employees over forty hours in a workweek. The Foundation defines a workweek as Sunday through Saturday.

From time to time a project may necessitate the use of overtime. In this circumstance, the non-exempt employee's supervisor and AREF must authorize any overtime hours to be

worked in advance. The overtime rate is one and one-half times the regular rate of pay for all hours actually worked over forty hours in one workweek. Holidays and annual and sick leave hours do not count as hours worked for the purpose of determining overtime.

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

➤ **Salary Basis**

The Fair Labor Standards Act (FLSA) is a Federal law which requires AREF employees to be paid at least the Federal minimum wage for all hours worked and overtime pay at time and one-half the regular rate of pay for all hours worked over 40 hours in a workweek.

Section 13(a)(1) of the FLSA provides an exemption from both minimum wage and overtime pay for employees employed as bona fide executive, administrative, professional and outside sales employees. Section 13(a)(1) and Section 13(a)(17) also exempt certain computer employees. To qualify for exemption, employees generally must meet certain tests regarding their job duties and be paid on a salary basis at not less than \$455 per week. Job titles do not determine exempt status. In order for an exemption to apply, an employee's specific job duties and salary must meet all the requirements of the Department's regulations.

Being paid on a "salary basis" means that exempt employees receive a pre-determined amount of compensation each pay period on a regular, biweekly basis. The pre-determined amount cannot be reduced because of variations in the quality or quantity of the employee's work. Subject to exceptions listed below, an exempt employee must receive the full salary for any workweek in which the employee performs any work, regardless of the number of days or hours worked. Exempt employees do not need to be paid for any workweek in which they perform no work. If the employer makes deductions from an employee's predetermined salary, i.e., because of the operating requirements of the business, that employee is not paid on a "salary basis." If the employee is ready, willing and able to work, deductions may not be made for time when work is not available.

Circumstances in Which the Employer May Make Deductions from Pay

Deductions from pay are *permissible*:

- when an exempt employee is absent from work for one or more full days for personal reasons other than sickness or disability;
- for absences of one or more full days due to sickness or disability if the deduction is made in accordance with a bona fide plan, policy or practice of providing compensation for salary lost due to illness;
- to offset amounts employees receive as jury or witness fees, or for military pay;
- for unpaid disciplinary suspensions of one or more full days imposed in good faith for workplace conduct rule infractions;
- for penalties imposed in good faith for infractions of safety rules of major significance
- to pay the full salary in the initial or terminal week of employment; or,
- for weeks in which an exempt employee takes unpaid leave under the Family and Medical Leave Act (in these circumstances, either partial day or full day deductions may be made).

Foundation Policy

It is our policy to comply with the salary basis requirements of the FLSA. Therefore, we prohibit the practice of making any improper deductions from the salaries of exempt employees. We want employees to be aware of this policy and that the Foundation does not allow deductions that violate the FLSA.

What to Do If an Improper Deduction Occurs

If you believe that an improper deduction has been made to your salary or wages, you should immediately report this information to AREF Human Resources. Alternatively, complaints, reports and/or inquiries may also be made on a confidential or anonymous basis by calling AREF's Confidential Hotline – 404-417-1818.

Reports of improper deductions will be promptly investigated. If it is determined that an improper deduction has occurred, you will be promptly reimbursed for any improper deduction made.

➤ Compressed Workweek Arrangements

Eligibility for a compressed workweek schedule may be limited and must be approved by the employee's supervisor and AREF Human Resources. AREF retains full discretion to approve or disapprove eligibility for and the terms of the compressed workweek schedule.

In summary, an employee is eligible for a compressed workweek only if s/he meets the following criteria:

- the employee is a full-time employee;
- the employee works in a position for which the compressed workweek schedule is available;
- if newly hired, the employee has completed a 90-day employment period; and
- the employee's supervisor has approved of the arrangement.

Eligible employees may opt into the compressed workweek schedule on the first applicable Effective Date (day on which a pay period begins) following approval from AREF. Thereafter, the following provisions shall apply:

- A newly hired full-time employee may request to be placed on a compressed workweek schedule as of the first full pay period following the successful completion of a 90-day employment period.
- An employee may opt out of a compressed workweek schedule and return to a five 8-hour day schedule at any time with the approval of that employee's supervisor and AREF's Executive Director. All changes require a minimum of two weeks notice to AREF Human Resources in order to make necessary adjustments prior to implementing the schedule.

All compressed workweek schedules are subject to change at any time at the request of the employee's supervisor or other applicable supervising authority, based upon organization or lab requirements. Based on specific work issues, an exempt employee's supervisor may require that an employee be available by phone on a given compressed workweek day off or may require the employee to work all or part of that day.

The Foundation will offer the following work schedules to produce the full 80 hours per biweekly pay period:

- Five 8-hour days/ 40 hours per week (5/8).
- Four 10-hour days/ 40 hours per week (4/10).
- Eight 9-hour days, one 8-hour day/ 80 hours per pay period/ one weekday off every other week (9/80). The 8-hour day is the day in one week corresponding to the weekday off the next week, e.g., if a Friday is taken off, then the other Friday is the 8-hour day.
- Five 8-hour days in one week of the pay period/ four 10-hour days in the other week/ one weekday off during the week containing the four 10-hour days (5/4).

Supervisors will need to submit business justification for those requesting Monday or Friday as a Scheduled Day Off. The justification will be reviewed for approval by AREF.

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

Exempt employees working on a *Scheduled Day Off*:

If it is necessary for an exempt employee to work four hours or more on a day off, such employee may take an alternate day or portion of a day off during the same pay period, with the approval of his or her supervisor. If it is necessary for an exempt employee to work less than four hours on a day off, the employee is not entitled to take off the hours worked on another day.

Non-exempt employees working a *Scheduled Day Off*:

If it is necessary for a non-exempt employee to perform work on a day off, the employee shall be paid accordingly. The overtime rate is one and one-half times the regular rate of pay for all hours actually worked over forty hours in one workweek. The employee's supervisor and AREF's Executive Director must authorize any overtime hours to be worked in advance.

Holidays:

In those weeks containing Federal holidays, if the holiday falls on an employee's day off, the *immediate* preceding or following business day within the same pay period may be taken. An employee requesting an alternate day off must request the alternate day through his/her supervisor and AREF Human Resources. It should be noted on the form that the request is for an alternate compressed workweek day off.

Administering Compressed Workweek Schedules:

AREF Human Resources is responsible for entry and maintenance of work schedules for all employees of the Foundation. Employees requesting a compressed workweek schedule may do so by utilizing the Exempt or Non-Exempt Compressed Workweek Request Form.

Each employee is responsible for reporting time each pay period, as is currently the case. Timecards are due at 6:00pm EST on the Friday at the close of a pay period.

➤ **Telework**

AREF does not endorse teleworking (also referred to as telecommuting or working from home) for its employees. Exceptions will be considered by the Executive Director on a case by case basis. Requests should be submitted through AREF Human Resources for review.

➤ **Joint Appointment Compensation**

VA employees may be eligible to receive compensation from AREF provided that any AREF-funded activity is performed outside their VA duties during non-VA duty hours. For example, a VA Research Nurse conducting VA research during a VA tour of duty cannot be compensated by AREF for work performed on the same research activity, even if the work is performed during non-VA duty hours.

Any VA-compensated employee requesting compensation from AREF must complete a Justification of Joint Appointment Compensation form and receive approval prior to receiving compensation from AREF. The form is obtained through AREF Human Resources, and must receive signed approvals from the AREF Executive Director.

Advice from VA Regional Counsel should be sought by the employee to ensure that there is no dual compensation for same work.

Employee Leave

➤ Time-Off Requests

Time-off requests must be completed for all absences including annual leave (AL), sick leave (SL) and administrative absence (AA), approved by the employee's supervisor and submitted with the electronic time sheet.

Supervisors must approve all leave in advance. If an emergency of any sort arises, supervisors must be contacted within two (2) hours of the employee's starting time. Any unapproved leave may result in leave without pay, suspension, or if chronic, termination.

➤ Authorized Absences

Authorized absence will be granted for attending court as a witness on behalf of the Federal, State, or local government or for jury duty. An employee on court leave, jury or witness duty (on behalf of the Federal, State, or local government) will continue to receive pay and benefits as normally entitled. Employees who are subpoenaed to appear as a witness for a private party must take annual leave.

The employee must provide AREF Human Resources with a document from the court within 5 (five) working days after his/her return to work. The absence should be reported as Administrative Absence with comments in the timecard.

These protections do not include employees accused of a crime.

➤ Holidays

The following Federal holidays are recognized as holidays for AREF employees:

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

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

If a holiday falls on a part-time employee's day to work, they will be paid for normal working hours for that date. An employee must be on paid leave the day before and the day after a holiday period to receive holiday pay while on the previously approved duration of leave.

➤ Annual Leave

Full and part-time employees (20 hours or more each week), on regularly scheduled tours of duty, earn annual leave for vacations and other personal uses. Annual leave is charged in quarter hour increments and may not be used before it is accrued.

The amount of annual leave earned each year depends on the length of service and the number of hours reported as paid each pay period.

- *Less than 3 years:* Employees earn leave at the rate of 5% for each hour reported as paid (*approximately 2 hours of annual leave for 40 hours reported as paid*).
- *More than 3 years:* Employees earn 7.5% for each hour reported as paid (*approximately 3 hours of annual leave for 40 hours reported as paid*).
- *More than 15 years:* Employees receive 24 hours of personal leave each year in addition to accrued annual leave. If the 24 hours are not used in the calendar year earned, they will be lost. The leave taken is in accordance with the hours the employee is scheduled to work on the day the leave is taken.

Accrued, unused annual and personal leave is for usage only and is not vested with the employee.

Accrued, unused annual leave is “use-it-or-lose-it” at the end of each calendar year, with the exception that a maximum of 100 hours may be carried over from one year to the next, after which time it is deemed lost. Any time not used over this threshold will be lost at the end of each calendar year.

In the event of voluntary termination and involuntary termination due to lack of funding/ lack of work, employees will be paid the remaining balance of accrued, unused annual leave not to exceed 100 hours.

No payment for unused personal leave is made upon separation from employment.

➤ **Sick Leave**

Full and part-time employees earn leave at the rate of 5% for each hour reported as paid (*approximately 2 hours of sick leave for 40 hours reported as paid*). Sick leave is charged in quarter hour increments and may not be used before it is accrued.

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

Bereavement leave for up to three (3) days may be taken for a death in the immediate family and will be deducted from sick leave. A copy of an obituary or a letter from the funeral home or hospital must be submitted to AREF Human Resources to support the absence.

Accrued, unused sick leave is for usage only and is not vested with the employee.

Acceptable uses of sick leave are:

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

*Immediate family is defined as the spouse, great-grandparents, grandparents, parents, siblings, children, grandchildren and great-grandchildren of the employee.

No payment for unused sick leave is made upon separation from employment.

** The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with this law, we are asking that you not provide any genetic information when responding to a request for medical information.

"Genetic information" as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or embryo lawfully held by an individual or family member receiving assistive reproductive services.

Family & Medical Leave Act (FMLA)

General Provisions

Subject to the requirements of federal and state law, as such requirements may exist from time to time, the Atlanta Research and Education Foundation (AREF) is authorized to grant up to 12 weeks of family and medical leave during a 12 month period to eligible employees, in accordance with the Family and Medical Leave Act of 1993. The leave may be paid, unpaid, or a combination of paid and unpaid, depending on the circumstances and as specified in this policy.

An eligible employee can take up to 12 weeks of family leave or up to 26 weeks of servicemember family leave (defined below) under this policy during a 12 month period. AREF will measure the 12 month period backward from the date an employee requests FMLA leave to begin, on a rolling calendar year basis. For example, if an employee requests 12 weeks of FMLA leave beginning October 16, 2008, we would look at any FMLA time used since October 16, 2007. If in the past 12 rolling months the employee had used 6 weeks of FMLA, at this point in time they would only be eligible for 6 additional weeks of FMLA.

Eligibility

In order to qualify to take family and medical leave under this policy, all of the following conditions must be met. An employee must:

- Be employed by a covered employer and work at a worksite within 75 miles of which that employer employs at least 50 people;
- Have worked at least 12 months (which do not have to be consecutive) for the employer; and
- Have worked at least 1,250 hours during the 12 months immediately before the date Family & Medical Leave Act leave begins.

The protections afforded by USERRA extend to all military members (active duty and reserve), and all periods of absence from work due to or necessitated by USERRA-covered service is counted in determining an employee's eligibility for FMLA leave.

Type of Leave Covered

In order to qualify as FMLA leave under this policy, the employee must be using the leave for one of the following reasons:

- for incapacity due to pregnancy, prenatal medical care or child birth;
- to care for the employee's child after birth, or placement for adoption or foster care;
- to care for the employee's spouse, son, daughter or parent who has a serious health condition; or,
- for a serious health condition that makes the employee unable to perform the employee's job.

A serious health condition is defined as an illness, injury, impairment or physical or mental condition that involves:

- any period of incapacity or treatment in connection with or a consequence of inpatient care in a hospital, hospice or residential medical care facility; or
- any period of incapacity requiring absence from work or other regular daily activities for more than three (3) consecutive calendar days that also involves:
 - continuous treatment by or under the supervision of a healthcare provider; or
 - continuous treatment by or under the supervision of a healthcare provider for a chronic long-term health condition that is incurable or so serious that if not

- treated would result in a period of incapacity of more than three (3) consecutive calendar days; or
 - prenatal care.

AREF may require an employee to provide a doctor's certification of a serious health condition.

FMLA Provisions for Child Care

If AREF employs both parents and each wish to take leave for the birth of a child, adoption or placement of a child for foster care, they are together entitled to a combined total of 12 weeks of leave.

Leave granted for the birth of a child, or placement of a child for adoption or foster care must not extend beyond a 12 month period beginning from the date of the event.

Servicemember Family & Medical Leave

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

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

Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

A covered servicemember is:

- A current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness*; or,
- A veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veterans, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness*.

*The FMLA definitions of "serious injury or illness" for current servicemembers and veterans are distinct from the FMLA definition of "serious health condition" and includes injuries and illnesses that existed before the servicemember's active duty and were aggravated by service in the line of active duty in the Armed Forces.

A serious injury or illness for a covered veteran means an injury or illness that was incurred or aggravated by the member in the line of duty on active duty in the Armed Forces and manifested itself before or after the member became a veteran, and is:

- A continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the servicemember unable to perform the duties of the servicemember's office, grade, rank, or rating; or,
- A physical or mental condition for which the covered veteran has received a VA Service Related Disability Rating (VASRD) of 50 percent or greater and such VASRD

rating is based, in whole or in part, on the condition precipitating the need for caregiver leave; or,

- A physical or mental condition that substantially impairs the veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service or would do so absent treatment; or,
- An injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

Duration of Servicemember Family & Medical Leave

- When leave is due to a "qualifying exigency": An eligible employee may take up to 12 weeks of leave during any 12-month period.
- When leave is to care for an injured or ill servicemember: An eligible employee may take up to 26 weeks of leave during a single 12 month period to care for the servicemember.
- Servicemember FLMA runs concurrent with other leave entitlements provided under Federal, State and local law. If an employee is eligible for leave to care for a servicemember as well as another FMLA-eligible reason, the total combined leave may not exceed 26 weeks during that single 12 month period.

Any leave request due to a qualifying exigency must be supported by certification showing that the servicemember is on, or has been called to, covered active duty and/or Rest and Recuperation leave orders, or other documentation issued by the military.

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

Use of Accrued Annual and Sick Leave

The leave may be paid, unpaid, or a combination of paid and unpaid, depending on the circumstances and as specified in this policy.

FMLA and paid leave run concurrently, not in addition to one another (i.e., taking annual and sick leave at the beginning of FMLA leave does not extend the 12 weeks of FMLA leave by the length of the annual/sick leave).

An employee who is taking leave because of their own serious health condition or to give birth to a child shall exhaust any accrued sick and annual leave prior to being eligible for unpaid leave.

An employee who is taking leave for the birth, adoption, or foster care of a child, or to care for a seriously ill spouse, child, or parent must use all accrued sick and annual leave prior to being eligible for unpaid leave.

Employee Benefits During Leave

An employee may continue medical, dental and vision benefits under the same conditions and at the same cost as if the employee had continued to work.

If the employee chooses not to return to work for reasons other than a continued serious health condition, AREF will require the employee to reimburse the Foundation the amount it paid for the employee's health insurance during the leave.

Employees whose FMLA leave runs concurrently with the use of paid leave time will continue to have individual premiums paid by the Foundation. However, family benefit premiums, if applicable, will continue to be deducted from the employee's pay as if the employee were still working. Benefit premiums due during unpaid FMLA leave time will be invoiced to the employee. Employees choosing not to retain medical and or dental coverage during FMLA leave will have their benefits reinstated on the same terms as prior to taking the leave without any qualifying period.

Failure to Make Timely Health Insurance Premium Payments

If an employee fails to pay health insurance premiums within 30 days of invoice date, the employee's health insurance coverage and any family coverage, if applicable, will be terminated retroactively to the date that the premium was due. Upon the employee's return from FMLA leave all health insurance coverage will be reinstated on the same terms as prior to taking the leave without any qualifying period.

Employee Status After Leave

An employee who takes a leave under this policy will be returned to the same or an equivalent position with the same benefits and terms of employment.

Certification of the Serious Health Condition

AREF may ask that the employee provide certification of the serious health condition to the AREF HR Manager. Certification must be provided by a qualified, licensed physician, as determined by the State of Georgia. Failure to provide certification may result in a denial of the leave.

Certification of the serious health condition shall include: the date when the condition began, its expected duration, diagnosis, and a brief statement of treatment. For the employee's own medical condition, the certification must also include a statement that the employee is unable to perform work of any kind or a statement that the employee is unable to perform the essential functions of the employee's position. For a seriously ill family member, the certification must include a statement that the patient requires assistance and that the employee's presence would be beneficial or desirable.

AREF, at its own expense, has the right to ask for a second opinion. If it becomes necessary to resolve a conflict between the original and the second opinion, AREF, at its own expense, may require the opinion of a third doctor. This third opinion will be considered final.

Genetic Information Nondiscrimination Act of 2008 (GINA)

The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with this law, we are asking that you not provide any genetic information when responding to a request for medical information.

"Genetic information" as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or embryo lawfully held by an individual or family member receiving assistive reproductive services.

Return to Work Intent

AREF may require an employee on FMLA leave to periodically report his/her status and the intention of the employee to return to work, and may also require recertification of the medical condition. An employee taking leave due to the employee's own serious health condition is required to obtain certification that the employee is able to resume work prior to the return from any FMLA leave. Employees who return to work from a family leave of absence within or on the business day following the expiration of the 12 weeks are entitled to return to their job or an equivalent position without loss of benefits or pay.

Procedure for Requesting Family & Medical Leave

Except where leave is not foreseeable, all employees requesting leave under this policy must submit the request in writing to the AREF HR Manager 30 days prior to the commencement of leave. The dates of leave must be included in the notice.

If it is not possible to give 30 days notice, the employee must give as much notice as is feasible.

An employee undergoing planned medical treatment is required to make a reasonable effort to schedule the treatment to minimize disruptions to Foundation operations. If an employee fails to provide 30 days notice for foreseeable leave with no reasonable excuse for the delay, the leave request may be denied until at least 30 days from the date AREF receives notice.

FMLA leave may be taken intermittently under some circumstances. This will be determined on a case-by-case basis, relative to the employee's normal workweek. This must be arranged with the immediate supervisor and AREF Human Resources.

AREF will not retaliate against any employee for requesting Family Medical Leave regardless of whether or not the leave is granted.

This policy is administered in accordance with the Family & Medical Leave Act, the regulations interpreting it and any applicable state law.

Any questions regarding leave eligibility and benefits under the Family & Medical Leave Act should be directed to Human Resources.

AREF Benefits

All benefits provided by the Foundation are subject to change and are further subject to such greater requirement as may apply as a matter of state and federal law.

➤ **403(b) Salary Reduction Plan**

As a benefit to our employees, the Foundation has set up a 403(b)(7) Salary Reduction Plan. Each employee interested may choose to have pre-income tax contributions of up to the annually withheld and invested tax deferred. Any investment questions can be addressed to the CBIZ Representative. (Specific contact information may be obtained through AREF Human Resources.)

All full and part-time employees are eligible for the AREF 403(b) plan. Employees who have Non-U.S. Citizen or Non-Permanent Resident status are excluded from employer matching. This plan is funded both by your pre-tax contributions and AREF's contributions.

Matching funds will be made by AREF after one (1) year of employment to eligible, participating employees, even if automatically enrolled in the plan. The match is \$1 (employee) for \$1 (AREF) for the first 3% of contribution and \$1 (employee) for \$0.50 (AREF) for the next 2% contribution. The maximum match of 4% will be made for employees contributing 5% or more.

Vesting refers to a participant's right to receive a present or future retirement benefit. All plan participants are immediately vested in both the employee and employer contributions to the 403(b) plan.

You may elect to contribute or you may opt-out of the plan.

- To contribute, you must complete an enrollment form and submit the original document to AREF Human Resources.
- To opt out of the plan you must complete an opt-out form and submit the original document to AREF Human Resources.
- If you do nothing, the automatic 1% contribution election will apply each pay period until you change your election.

If you do not elect to contribute to or if you opt-out of the plan, you will be automatically enrolled 60 days after your date of employment. If you make an election to contribute to or opt-out of the plan, this automatic enrollment feature will not change your election.

The Plan's default investment is the Target Maturity Fund that corresponds to your estimated date of retirement. The Target Maturity Funds invest in a number of funds to provide an overall investment mix that is generally considered appropriate for investors at the corresponding stage of retirement planning. The Target Maturity Fund's strategy for creating the right mix of underlying investments (*e.g.*, equity/ stocks, fixed-income/ bonds, and short-term mutual funds/ cash equivalents, etc.) is based on the number of years expected to reach the fund's target retirement date. Each investment mix will change over time to become more conservative by gradually reducing the percentage of equity funds and increasing the percentage of fixed-income and short-term funds.

Participants have the right to request distribution within 90 days following the date the first automatic contribution was made. After which time, all employee contributions made within

the participation timeline will be refunded to the employee. Employer contributions are forfeited.

Once you are in the plan for more than 90 days, you may not withdraw funds from your plan account until you separate from service or unless otherwise legally able to do so in accordance with the plan summary document.

The amounts in your plan account are invested with Nationwide, which offers a diverse set of investment options. Log on to www.nationwide.com for more information on the Plan Provider and the available investment options.

You have the right to change the investment of your plan account at any time. You may obtain a copy of the prospectus or information statement for each investment option by logging on to www.nationwide.com.

Enrollment Procedures:

- Contact AREF Human Resources to obtain an enrollment package.
- Contact CBIZ to discuss investment options.
- Return enrollment application, asset allocation form and beneficiary designation form to AREF Human Resources.

➤ **Medical, Dental & Vision Insurance**

Each employee working 30 hours or more a week is eligible for health care that protects the employee against the costs of illness, accidents and hospitalization. The employee, at his/her own expense, can enroll his/her family if he/she chooses to participate, with a pre-tax deduction from each paycheck.

Each employee, on a regularly scheduled tour of duty, working between 20 and 29 hours a week, who wishes to participate, may elect to do so, but the cost (pre-tax) to the employee will be prorated to time worked (e.g. 20 hours/week is 50% of cost, 24 hrs/wk is 40% of cost).

While AREF intends to continue group benefit plans indefinitely, it reserves the right to amend or discontinue all or some of them at any time, subject to applicable laws and regulations. If a plan is terminated and not replaced with comparable benefits, participants in the plan(s) will be notified.

The plan documents control in the event of any conflict between the statements in the handbook and the plan. *Please remember that actual benefits provided, as well as eligibility requirements, are determined by the plan documents.* For information, refer to the plan document or contact AREF Human Resources.

➤ **Supplemental Insurance & Flexible Spending Accounts**

The Foundation also offers Unreimbursed Medical (URM) and Dependent Daycare (DDC) Flexible Spending Accounts, and Supplemental Insurance (Accident, Cancer Indemnity, Critical Illness, Hospital Indemnity and Short-Term Disability) through AFLAC.

All full-time and part-time employees are eligible to participate in the Flexible Spending Accounts after 6 months of employment.

➤ **Life Insurance**

Each employee working 20 hours or more a week is eligible to participate in the Life and Accidental Death and Dismemberment Insurance program. The Foundation pays the premium for \$25,000.00 of insurance.

Those eligible for life insurance may also elect supplemental coverage for themselves, spouse and children. The supplemental coverage is portable.

➤ **Transportation Benefit Plan**

AREF will provide a tax-free subsidy designed to encourage employees to use mass transportation for their daily commute to and/or from their place of work by methods other than single occupancy vehicles. The program is available to all AREF employees.

In accordance with IRS regulations, AREF will process reimbursement for transit passes (MARTA) up to the amount equivalent to a 30-day pass and vanpools* up to the current maximum annual limit. Indirect costs, such as gas, mileage, parking, or an employee's personal or leased vehicle, cannot be included as part of the cost qualifying for the transit benefit.

Employees must use transportation benefits for their daily commute to and/or from work via public mass transportation or vanpool. Only the transit portion of an employee's commuting cost is subsidized. The employee is responsible for any subsequent transit cost over the maximum authorized subsidy. Over-estimating transit costs, giving or selling transit benefits to others is prohibited.

Employees who misuse transportation subsidies will be subject to appropriate administrative action including discipline and disqualification for future transportation benefits. AREF retains the right to disqualify employees who have been determined to have misused transit benefits. Instances or possibilities of fraud will be investigated.

Participating in this program will not alter the amount you can defer to the AREF 403(b) plan or any other pre-tax program.

Enrollment Procedures:

To receive reimbursement, AREF employees must complete the Transportation Benefit Plan Enrollment Form and submit the document to AREF Human Resources. Reimbursement applies only to expenses incurred following enrollment. Employees are required to provide (an) original receipt(s) as proof of qualified transportation expenditures to reimbursement to be processed. Faxes may be submitted in advance; however, funds will not be released until the original is received by AREF Human Resources.

AREF Human Resources will serve as the primary point of contact for the Transportation Benefit Plan.

* A qualified vanpool is defined as a commercially-owned highway vehicle with seating capacity for at least six adults excluding the driver. The vehicle may be owned and operated either by public transit authorities or by a person in the business of transporting persons for compensation or hire.