

NAVREF GUIDANCE FOR FUNDING VA PERSONNEL ON DEPARTMENT OF DEFENSE FUNDED RESEARCH PROJECTS

The U.S. Army Medical Research Acquisition Activity (USAMRAA) has shared with NAVREF its position regarding funding VA paid research personnel on Department of Defense (DoD) projects involving Veterans Affairs Medical Centers (VAMCs) and/or Veterans Affairs Non-Profit Corporations (NPCs). This information is intended to assist NPCs in preparing funding proposals and to understand how USAMRAA staff will review such requests.

DoD concurs that VA paid research personnel may be proposed and budgeted on applications submitted by NPCs. NPCs have statutory authority to reimburse the VA for VA employee salaries and other costs incurred on DoD projects. A Personnel Agreement (described on page 2) between the VA and the NPC is used to document the arrangement to reimburse for the VA employee's time and effort devoted to DoD funded projects.

The DoD also allows for combined work hours in excess of 40, but usually not exceeding 60 hours weekly for investigators with VAMC/University Affiliate, and NPC (if applicable), appointments. A Memorandum of Understanding (MOU) (described on page 2) defining work/effort distribution between these entities will be needed should the project be funded.

NPCs may reimburse a University Affiliate through a Personnel Agreement (e.g., if the PI is using university time on the NPC award, then the NPC may reimburse the university for the PI time under a Personnel Agreement). Additionally, a University Affiliate may reimburse the NPC through a Personnel Agreement (e.g., if the PI is using VA time on a University Affiliate award, then the university may reimburse the NPC for the PI time under a Personnel Agreement; the NPC would then reimburse the VA for the VA employee's time).

NPCs should work with their University Affiliate to establish a policy and/or process for use of Personnel Agreements as described above.

NPCs should seek approval from the appropriate VA attorney if considering paying VA employees above 40 hours per week. This step is necessary to document that the work being performed under the DoD award is significantly distinct from the work being performed under their VA paid appointments.

REFERENCES

USC Title 38, Part V, Chapter 73, Subchapter IV

USC Title 38, Part VI, Chapter 83, Section 8301

VHA ORD-AO Guide, ver.2018 Feb 2, replaces 2018-1-11

VHA Handbook 1200.17, April 27, 2016, revised May 9, 2017

DEFINITIONS

Memorandum of Understanding (for work/effort distribution): is used to document an investigator's duties as part of his/her total professional responsibilities. The MOU includes the title of the investigator's appointment, responsibilities (e.g., teaching, research, administration, and clinical), and the percent effort available for research. These responsibilities comprise 100% of total professional responsibilities and there is no dual compensation for the same work nor is there an actual or apparent conflict of interest regarding such work. These MOUs are typically between the VAMC and the University Affiliate and are signed by the appropriate officials at each institution. The NPC may be a party to the MOU under certain circumstances.

Personnel Agreements: are written agreements for assignment of personnel and reimbursement of salary and fringe benefits from one institution to another. These agreements may be referred to as a Joint Personnel Agreements (JPA), Memorandum of Understanding (MOU) and/or an Intergovernmental Personnel Act (IPA) Mobility Program agreement. Parties to the agreements may include the NPC and the University Affiliate or the NPC and the VAMC.