Effort Tracking System (ETS)

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Policy Statement

The College has an obligation to provide accurate and ethical stewardship of grant funds, and the Office of Research Compliance (ORC) is dedicated to serving the WCM research community by ensuring that this takes place. ORC, with significant input from faculty and administrators, has developed a system called the Effort Tracking System (ETS). The ETS is a centralized repository of information on personnel's Committed Effort (CE), Actual Effort (AE) and Other Activities. As WCM uses a plan confirmation system (annual confirmation) for certifying effort with the federal government, the ETS should be used to record fluctuations in effort throughout a fiscal year so the year end certification and quarterly informational reports accurately reflect the actual effort expended for any given project. It therefore makes keeping track of and reporting effort more efficient for PI's and administrators, and its use is required by WCM for all departments. ETS supplements, <u>but does not replace</u> the Activity Distribution Report certification sent by the Department of Finance.

Who Should Know This Policy

☐Dean
☐Senior Administration – Vice Provosts, Associate Deans
☑Director, Department Chair, Division Head
☑Faculty
☑Departmental/Divisional Administrators
☑Finance Personnel – Research Accounting, Accounting Services
☑Research Compliance Personnel
☐Research Integrity Personnel
☐All Employees
☐Information Technology Personnel
☐Human Resources Personnel
☐ Students

Contacts

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Summary of the ETS Functionality

- ETS will compile committed effort data for funded and pending grants.
- ETS will track Actual Effort as reported by WCM personnel for all WCM work activities included in AE calculations, such as research, teaching, administration, and other activities.
- ETS will track committed and actual effort data over time, throughout the budget cycle of an award, and produce an audit trail if required.
- ETS will produce a visual alert within the worksheet for administrators when employees recorded effort levels exceed the 98% threshold.
- ETS will generate Other Support pages required by federal awarding agencies based on the committed effort data for funded and pending grants.

ETS Policies and Procedures

Updating ETS

Generally, the Compliance Associate should enter information into the "Pending Projects" section of ETS when a proposal is submitted to the sponsor. At time of award notification from either the funding agency or Grants and Contracts (and no later than five business days from first notification) the project will be moved to the "Funded Projects" section of ETS and the committed effort to the sponsor must be entered. Actual effort committed to a project must be updated no later than 90 days from receiving the Notice of Award. This 90 day window is in-line with NIH policies regarding effort changes. For more specific information please see below.

Just-In-Time (JIT)

The NIH uses just-in-time procedures for certain programs and award mechanisms and typically indicates that funding is likely. These procedures call for limited information to be submitted and allow for possible NIH follow up. JIT submissions require statements of active committed effort and pending effort on PHS 398 Other Support pages for all senior/key personnel, and require plans to adjust committed effort on other projects or propose bundling committed effort between the pending and active projects (such as with K awards). Planned adjustments in committed effort written on Other Support pages must be entered in the ETS Notes section or the Other Support Overlap and Effort Reduction Plan section in such a way to allow the Office of Research Compliance to confirm that they have been recorded, e.g., "If R01 from NIAID is funded, then 20% Committed Effort will be bundled with the K award," or "If new P award is funded, committed effort on Dr. Jones's grant will be reduced to 20%".

Personnel required to be tracked in ETS

All WCM faculty and other academic staff with committed effort on active or pending sponsored research projects- must have their entire committed effort tracked in ETS. In addition, any individual (academic or non-academic) who receives NYSTEM funding must have their effort tracked in ETS. Students and non-academic employees are not subject to ETS tracking. For the purpose of this policy, industry sponsored clinical trials and government sponsored clinical trial projects are considered sponsored research projects.

All individuals with 80% or greater effort allocated to sponsored research projects will be reviewed quarterly by central administration.

98% Funded Effort Rule

WCM faculty, other academic staff (such as Post-Docs, Fellows, Research Associates, Staff associates, etc.) and non-academic employees (examples below) are not permitted to charge 100% effort to sponsored research activities. These individuals generally have a variety of obligations in addition to conducting research, including teaching, clinical care, administration (which includes service on committees), and writing grant proposals. Accordingly, WCM's practice limits the effort funded by sponsored research projects to 98%. Examples of the non-academic employees covered by this practice are technicians in wet labs and Research Aides, Research Assistants, Counselors, Data control staff and Program Coordinators in dry labs or on clinical research projects.

This practice does not apply to students since any non-course effort is likely to be de minims. Any special circumstances will be reviewed on a case by case basis.

A budget subsidy is provided to cover the funding for the remaining 2% effort if no appropriate departmental sources are available. A budget supplement will be provided through the WCM budget process to cover the remaining 2% effort only if there are no appropriate departmental sources available. Since students were previously covered by this practice, a subsidy will continue to be made available (if necessary) to carry funding through the life of existing grants supporting current students.

If the department can document, via the quarterly ETS review process, that a non-academic employee's effort is solely devoted to research projects, an exception to the 98% limit may be granted. To receive this exemption, the employee must engage in no other activities such as administrative functions except on a level that is clearly de minims.

ETS Monitoring and Audits

Quarterly the ORC will run a 100% effort report from the Effort Tracking System for each department. The time period will follow two quarters behind to allow adjustments in the system. The purpose of this audit is to identify areas that departments are having difficulty maintaining compliance as it relates to personnel's effort. Where problems with compliance have been identified there will be additional education and training offered to the parties concerned.

Areas the audit will focus on are:

- Personnel over committed
- Personnel/Projects in **Coeus** Not Entered in ETS
- Personnel/Projects in **SAP** Not Entered in ETS
- Effort not updated – actual or committed
- Total effort (Funded and Other) is accounted for - 100%
- Research Compliance Training module completed

The Compliance Associate and/or Department Administrator will receive an audit report from the ORC at which time they must review, reconcile any issues and sign returning to the ORC by the deadline given on the initial audit notification. Any department failing to sign off and return to the ORC will be referred to the Senior Director of Finance Analysis and then the Vice Dean of Research for corrective action.

Other Effort Policies

Changes in Effort and Effort Reduction Letters

Investigators may change committed effort during the budgetary period for a number of reasons. These changes often require approval from the funding agency, and all changes must be recorded in ETS. It is the PI's responsibility to advise the department's Compliance Associate and the OSRA of any change to committed effort. Departments should establish policies that require PIs to inform the department's Compliance Associate of such changes. Committed effort changes by Key Personnel of 25% or more on NIH awards require approval from the granting institute, regardless of whether they are made at the time of renewal or at other times of the year. Contact OSRA for instructions; these letters must be routed to OSRA staff for institutional review and approval and submission to the funding agency. You can find an Effort Reduction letter template by clicking http://osra.weill.cornell.edu/forms.htm. When OSRA receives a decision from the funding agency the PI will be notified via e-mail.

Please note that the 25% threshold is a) relative to the last approved committed effort level, so that a reduction from 40% to 20% committed effort is a decrease of one half, or 50%, and not merely 20%, and so requires prior approval, and b) cumulative, so that a decrease in committed effort from 40% to 35%, and then from 35% to 30%, is a cumulative decrease of one fourth or 25% (40% to 35% = 12.5%, and 35% 30% =12.5%, 12.5%+12.5%=25%), and so the decrease from 40% to 35% would not require prior approval, but the subsequent increase from 35% to 30% *would* require prior approval.

Corrective Action for Effort Tracking and Recording Non-Compliance

In the event that a department does not comply with the policies and procedures detailed in this document the Office of Research Compliance staff will present the information to the Vice Dean of Research. Escalating corrective actions will be implemented:
- Reeducation of department staff
- Notification of Chairman by Vice Dean of Research
- Restriction of Grant Funds

Effort Tracking System Questions and Answers

Question 1: Who Needs Effort Tracked in ETS and are there exceptions?

- *All faculty and other academic staff with committed effort on active or pending sponsored research projects (including industry sponsored clinical trials) must have their entire committed effort tracked in ETS. In addition, any individual with NYSTEM funding must be tracked in ETS. Students and non-academic employees are not tracked in ETS.*

Question 2: Who is Responsible for the accuracy of information in ETS?

- *The Department Administrator and the Compliance Associate are responsible for inputting and maintaining accurate information in ETS. The PI is responsible for verifying the information is accurate on a regular basis as defined by departmental policy. This verification process between the DA and PI varies by department depending on resources and work flow.*

Question 3: When Does a Grant/Project need to be entered into ETS?

- *Information should be entered into ETS at time of submission or at JIT in the"Pending Projects" section. At Notice of Award the information should be uploaded into the "Funded Projects" section of ETS. Actual effort should be updated on a regular basis but no less than 90 days of the present date. For example, if the Notice of Award was received on May 1st then all information except for actual effort should be in ETS May 1st. Actual effort should start being updated no later than August 1st.*

Question 4: What is the difference between Actual Effort and Committed Effort?

- *Actual Effort is the actual proportion of an employee's work time spent on a particular project or activity. For projects that carry explicit promises of Committed Effort, notably (but not solely) research funded by federal or non-federal grants or contracts, the average of <u>Actual Effort must never be less than 25% of the Committed Effort</u>—employees may not give less effort than was promised unless approved in advance by the sponsor. For this reason, Actual Effort is also tracked in ETS. Actual Effort may be more than Committed Effort—in such a case, the employee is giving more effort than was committed.*

Question 5: How do you calculate Committed Effort?

- *Committed Effort is the assurance (or commitment) that WCM makes to a sponsor (such as NIH) regarding how much personnel time will be devoted to the project being funded. These assurances are legally binding, which means that any individual's total Committed Effort on all their work duties can never exceed 100%, including research, administration, teaching, writing grant proposals, and patient care (i.e., work done for the Physician Organization which is paid via supplemental*

compensation). The calculation of Committed Effort is not based on a 35 hour work week. It is based on the amount of time that you actually work. So, for example, 10% Committed Effort on a project for someone who works an average of 60 hours total per week means an average of 6 hours per week devoted to that project.

Question 6: Is entering Industry-Sponsored Clinical Trials into ETS Funded required?

- *Yes. Industry-Sponsored Clinical Trials Committed Effort may be bundled or listed separately in the "Funded Projects" section of ETS depending on department policy. In the "other activities" section of ETS a line item labeled "CTA Industry" has been added, reflecting actual effort.   Since rarely does an industry clinical trial require committed effort and effort typically fluctuates dramatically each month, only actual effort needs to be updated (see Question 10 below).*

Question 7: Is using the Other Support function in ETS required when submitting Other Support documents to the sponsor?

- *No, the Other Support function in ETS is optional and is left to the discretion of the Department Administrator as how it will be used. ORC recommends using ETS to ensure consistency and accuracy of submissions to sponsor.*

Question 8: What role will the ORC have in monitoring/controlling the ETS?

- *ETS is a uniform shadow system controlled by the Departments.* WCM mandates use of ETS by all Departments and units.

Question 9: What type of external scrutiny will the ETS be subjected to, ie, NIH, OIG, DOJ audits?

- *The ETS is potentially the subject of review by all funding agencies. Although, the ETS is not the certified record (which is the Activity Distribution Report) but should reflect consistent and accurate record keeping within individual Departments.*

Question 10: ETS policy requires worksheets to represent 100% of an employee's time but the system shows an over commitment in the Committed Effort Total?

- *Committed and Actual effort for any project may not be the same month to month which causes the Total Actual and Committed effort to not be the same percentage . The NIH requires that when we certify our effort we accounting for 100% or the "full body" of our work. Therefore Total (Funded and Other) Actual effort should reflect 100% of an employee's effort whereas Total (Funded and Other) Committed Effort may be over 100%. This is an ETS software shortcoming. Please be aware <u>Total Funded Committed Effort should never be over 98% unless they meet the exceptions requirements</u>.*

Question 11: There is a signature line at the bottom of the ETS worksheet, do you require these worksheets to be signed and returned to the Office of Research Compliance (ORC).

- *Signing the ETS worksheets is <u>not</u> an ORC policy, we will not collect them. The ORC relies on the Department Administrator's signature on our quarterly audits attesting*

that the information is correct to ensure compliance. Some departments may have their own departmental policies that do require employees to sign their ETS work sheets. You will receive an effort certification report (Activity Distribution Reports) from the Department of Finance which based on our plan confirmation system requires signatures annually.

Definitions Associated with Time and Effort

Activity Distribution Report – the official Effort Plan Confirmation report generated by the SAP system that is submitted to the government after sign-off procedures have been completed. This report replaces the Salary Distribution and Effort report that was generated by FRS.

Salary Distribution and Effort Report – the official Plan Confirmation report generated by the FRS system. This report has been replaced by the Activity Distribution Report.

Effort Tracking System (ETS) – a system that allows department administrators to track research effort within their department.

Funded Grants- any active project in which you are expending (or have expended) effort regardless of whether you receive salary or not.

Pending Grants- any project that has been applied for but has not yet been awarded.

Actual Effort- the time that an employee actually devotes to a particular sponsored project (including time pledged to a sponsor as Mandatory or Voluntary Committed Cost Sharing) or other WCM activity, expressed as a percentage of Total Effort.

Committed Effort- the amount of effort proposed in a grant or other project application and accepted by a sponsor, regardless of whether salary support is requested for the effort.

Subtotal Actual-the combined total of actual effort on funded projects

Subtotal Committed-the combined total of committed effort that you promised the sponsor and/or government to expend on your funded projects

Other Activities- Administration, Teaching, Clinical, and Other.

Administration- May include but is not limited to recruitment of faculty, selection of graduate students, house staff, medical students, selection and training of support staff, editing professional journals, writing text books/chapters, course and curriculum development, hospital management, committee work, and preparing grant applications.

28

Teaching-effort expended during classroom instruction provided to students including office hours and counseling but excluding patient care and supervision of residents and fellows.

Clinical-patient care; services to individual patients that are normally eligible to be billed to patients or third parties. Includes training or professional development activities, which are intended to improve clinical skills. This category excludes the following patient care activities (a) activities associated with the management of hospital services or administration of hospital activities, (b) patient care associated with research ie, an activity that requires institutional review board (IRB) approval. Graduate Medical education activities related to the supervision and instruction of people enrolled in accredited intern residency and fellowship programs. Among these activities are teaching of clinical procedures, teaching rounds, teaching conferences, and grand rounds.

Clinical Trials -Although there are many definitions of clinical trials, they are generally considered to be biomedical or health-related research studies in human beings that follow a pre-defined protocol. Clinical trials can include both interventional and observational types of studies. Interventional studies are those in which the research subjects are assigned by the investigator to a treatment or other intervention, and their outcomes are measured. Observational studies are those in which individuals are observed and their outcomes are measured by the investigators.

Institutional Base Salary (IBS) and Effort – The effort that the employee devotes in the aggregate to the professional activities for which he or she receives IBS compensation from WCM. Specifically excluded from Total Effort is time spent on (a)**Faculty Practice activities through the Weill Cornell Physician's Organization for which supplemental compensation coded 601010 is received from a Physician Organization series"9" fund, and (b) outside consulting activities or other activities from which compensation is received from an entity other than WCM.
 ** It is important to note that this does not include any "fixed" supplemental income which must be included in computing "total effort."

Links

- **ETS Guidelines:** http://weill.cornell.edu/research_compliance/monitoring/
- **Research Compliance Training (RCT):**
  http://weill.cornell.edu/research_compliance/training/
- **Pose a question, add a sponsor or investigator (include cwid) to ETS:**
  Email – ets@med.cornell.edu
- **Register for the Research Compliance Training module (RCT):**   Email -
  research_compliance@med.cornell.edu

Conclusion

The Office of Research Compliance is committed to ensuring that all WCM faculty and staff conduct their professional duties and responsibilities in accordance with all applicable local, state, and federal laws, rules, and regulations. Cornell maintains a hotline to enable faculty, staff, and representatives to report violations. Reports will be kept confidential and disclosed on a need-to-know basis. WCM prohibits retaliation against persons making such reports in good faith. False accusations made with the intent of harming or retaliating against another person may subject the accuser to disciplinary action.

WCM faculty and staff members who want to report a violation or potential problem may call the anonymous, confidential Cornell Compliance Hotline 1-866-293-3077 or by submitting a report by accessing (https://secure.ethicspoint.com/domain/en/report_custom.asp?clientid=6357) The Office of Research Compliance has no disciplinary enforcement authority. The Office of Research Compliance will investigate, evaluate, and make recommendations to the Vice Dean of Research regarding compliance matters including effort reporting violations pursuant to the corrective action section of this Plan and the Code of Conduct.