

# Office of Research Compliance

## *Effort Tracking System (ETS)*

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Revised Date 8/2010

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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 WCMC 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 WCMC 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 WCMC for all departments. ETS supplements, but does not replace the Activity Distribution Report certification sent by the Department of Finance.

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### **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

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## Contacts

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## Summary of the ETS Functionality

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- ETS will compile committed effort data for funded and pending grants.
  - ETS will track Actual Effort as reported by WCMC personnel for all WCMC 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.
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## ETS Policies and Procedures

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### Updating ETS

Generally, the Compliance Associate should enter information into the Pending 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 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 committed effort on Other Support pages, 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 personnel with committed effort on active or pending sponsored research projects, including faculty, postdocs, and nonacademic employees, must have their entire committed effort tracked in ETS.

The only exception to this rule is clinical personnel whose sole research activity is on industry-sponsored clinical trials. Specifically, industry-sponsored trials in which research subjects are being billed for standard-of-care medical services which are necessary for the conduct of the trials need not have their committed effort tracked in ETS. NOTE: Personnel conducting clinical trials who also have committed effort on other grants and contracts must include committed effort related to clinical trials tracked in ETS. That is, these personnel must have grants *and* clinical trials entered and tracked in ETS.

\*\*\*Please note a change in policy. “Registered techs” will now be tracked in ETS. After consultation with Faculty, PI’s and our legal department it has been determined this group poses a compliance risk and should therefore be tracked using the Effort Tracking System. \*\*\*

### Effort Caps for Funded Research

Committed effort may not exceed the caps listed below (percentage of Total Effort);

- Chair/Division Chief must limit their funded research effort to 90%
- All other personnel must limit their funded research effort to 98%

### 98% Funded Effort Rule

WCMC employees are not permitted to charge or certify 100% effort to sponsored research activities. Employees have a variety of obligations in addition to conducting research, including teach, clinical care, administration (which includes service on committees), and writing grant proposals. As a result, no person may have more than 98% effort allocated to research activities.

The only exceptions to this rule are;

- A registered “tech” whose duties are restricted to the following four points may have funded research effort at 100%.
  1. They are non-academic employees whose direct cost of compensation and associated fringe benefits are charged to sponsored projects;
  2. They have specialized work duties related to research, and, if they are funded 100% on sponsored projects, then all of their duties are in support of these projects, and so they do no teaching, no clinical work, and no other administrative work of any kind including writing new grant applications;
  3. Their activities are directed closely by their immediate supervisors, and they cannot work on other projects (although they may work for more than one supervisor, and be funded from more than one grant);
  4. They are never Key Personnel on any grant.
- MD-PhD students on a T32 or F30 with no other sponsored committed effort may also be entered at 100% in ETS but a note in the note field must define their role as a trainee. Trainees that have exceeded 4.5 years or are funded by their thesis advisor’s research grant must follow the ETS policies and be entered into ETS following the 98% threshold.

### ETS Monitoring and Audits

Quarterly the ORC will run a 20% 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
- Effort not updated – actual or committed
- Total effort (Funded and Other) is accounted for - 100%
- Projects not entered in ETS compared to the Coeus database
- 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 Effort Compliance Officer then the Assistant Provost, Research Administration 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 G&C Office 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 G&C for instructions; these letters must be routed to G&C staff for institutional review and approval and submission to the funding agency. You can find an Effort Reduction letter template by clicking [http://weill.cornell.edu/research/for\\_pol/](http://weill.cornell.edu/research/for_pol/). When G&C 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% CE is a decrease of one half, or 50%, and not merely 20%, and so requires permission in advance, and b) cumulative, so that a decrease in CE 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% to 30% = 12.5%, 12.5%+12.5%=25%), and so the decrease from 40% to 35% would not require permission, but the subsequent increase from 35% to 30% *would* require permission.

### ***Corrective Action for Effort Tracking and Recording Non-compliance***

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In the event that the a department does not comply with the policies and procedures detailed in this document the Office of Research Compliance staff will present the information at the next Research Compliance Advisory Committee (RCAC) meeting. Several corrective actions that the RCAC may choose between are;

- Reeducation of department staff
- Notification of Chairman by Associate Provost or Vice-Dean
- Restriction of Grant Funds

If a consensus as to the type of corrective action cannot be reached within the RCAC the decision will be made by the Assistant Provost for Research Administration or the Executive Vice Dean for Research.

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## Effort Tracking System Questions and Answers

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

- *All personnel with CE on active or pending sponsored research projects, including faculty, postdocs, and nonacademic employees, must have their entire CE tracked in ETS.*

### **Question 2: Are there exceptions for who needs to be tracked in ETS?**

- *Clinical personnel whose sole research activity is on industry-sponsored clinical trials. Specifically, industry-sponsored trials in which research subjects are being billed for standard-of-care medical services which are necessary for the conduct of the trials need not have their CE tracked in ETS. NOTE: Personnel conducting clinical trials who also have CE on other grants and contracts must include CE related to clinical trials tracked in ETS. That is, these personnel must have grants and clinical trials entered and tracked in ETS.*

### **Question 3: What are the Effort Caps for ETS?**

- *Chair/Division Chief must limit their funded research effort to 90%, Departmental Administrators must limit their funded effort to 80% and all other personnel must limit their funded research effort to 98%. A registered “tech” whose duties are restricted entirely to work on these projects may have funded research effort at 100%. MD-PhD students on a F32 or T30 award and are not on any other sponsored research project may be entered at 100% if appropriate but requires a description entered into the note section of ETS explaining their status.*

### **Question 4: 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 5: 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 section. At Notice of Award the information should be uploaded into the Funded 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 1<sup>st</sup> then all information except for actual effort should be in ETS May 1<sup>st</sup>. Actual effort should start being updated no later than August 1<sup>st</sup>.

**Question 6: 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 Actual Effort must never be less than 25% of the Committed Effort—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 7: How do you calculate Committed Effort?**

- *Committed Effort is the assurance (or commitment) that WCMC 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 8: 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 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 below).*

**Question 9: 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 10: What role will the ORC have in monitoring/controlling the ETS?**

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

**Question 11: 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 12: 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 Total Funded Committed Effort should never be over 98% unless they meet the exceptions requirements.*

**Question 13: 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 not 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 work sheets. You will receive an effort certification report (Salary Distribution and Effort) from the Department of Finance which based on our plan confirmation system requires signatures annually.*