



Roswell Park Cancer Institute Policy and Procedure	Date Issued: 3/1/2000	Number: 218.1
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Prepared by: Outside Activity Committee Department of Human Resources	Approved by: Michael B. Sexton, General Counsel	Page: 1 of 5

A. GENERAL STATEMENT OF POLICY

No employee of Roswell Park Cancer Institute (RPCI) or Health Research Inc., RPCI Division (HRI) shall engage in any Outside Activity which (i) interferes or is in conflict with the proper and effective performance of the employee's duties and responsibilities at RPCI or HRI; (ii) brings discredit to or causes unfavorable criticism of RPCI or HRI; and/or (iii) assumes or usurps an opportunity that should rightly belong to RPCI.

B. SCOPE

This policy and procedure applies to all employees of RPCI and HRI.

C. ADMINISTRATION

This policy and procedure will be coordinated through the Office of the Vice President for Human Resources in conjunction with the Outside Activity Committee.

D. POLICY / PROCEDURE

Definitions

1. "Outside Activity" shall mean any non-RPCI/HRI employment (including self-employment) or provision of personal services including consulting, non-RPCI teaching, clinical (e.g., moonlighting at another hospital), speaking (e.g., speaking on behalf of a pharmaceutical company) and expert witness services, whether compensated or not, to be performed on an on-going basis. Outside Activity also includes services for which an Outside Honorarium is to be paid to the RPCI/HRI employee but does not include services for which an Academic Honorarium (as defined below) is to be paid to the RPCI/HRI employee.
2. "Outside Honorarium" shall mean any payment, fee or other compensation, usually given on a one-time basis, for services not related to the individual's official duties at RPCI or HRI, as a gratuity or award of honor, i.e. for giving a speech, writing an article, or attending a meeting or conference. Payments for lodging and travel related to such services are included in the definition. Outside Honoraria shall not include Academic Honoraria.
3. "Academic Honorarium" shall mean any payment, fee or other compensation given to an RPCI/HRI employee as a gratuity or award of honor by a professional society, professional journal, NCCN, NIH, DOD or other governmental agency, an academic institution or other organization whose principle purpose is educational or charitable, for

participating or making a presentation or speech, writing an article, providing a lecture, reviewing grants, etc. that are approved by RPCI as furthering the mission of RPCI. See [Policy 122.1](#) for the procedures to be followed with respect to Academic Honoraria.

4. "Faculty" shall mean, for purposes of this policy, physicians and research faculty/scientists employed by RPCI or HRI.
5. "Vendor" shall mean individuals, companies or other entities doing business with RPCI or HRI, have contracts with or under negotiation with RPCI or HRI or receive funds or referrals from RPCI or HRI.
6. "Covered Employee" shall mean any RPCI or HRI employee who meets any one of the following criteria: (i) is required to have a New York State or federal government-issued license, registration or certification in order to perform the duties and responsibilities of the employee's RPCI or HRI employment; (ii) is designated by the RPCI HR Department as a Policy-Maker under NYS regulations; (iii) is at salary grade 23 and above.
7. "Outside Activity Committee" is the committee that reviews applications for approval of outside activity and shall be composed of at least the following members: Vice President Human Resources, Vice President Corporate Ethics and General Counsel (or an RPCI attorney designated by General Counsel).
8. "Policy Maker" shall mean an RPCI employee who holds a position that is determined by the RPCI HR Department to be a policy making position as reported to the New York State Commission on Integrity pursuant to the Public Officers Law. Generally, RPCI policy makers include senior administrative staff, department chairs, division chiefs and department heads (RPCI staff should contact HR with questions on this).

General Rules for all Outside Activities.

1. Rules applicable to all RPCI/HRI employees:
 - a. RPCI or HRI shall be the primary employer. Each employee's responsibilities at RPCI/HRI must be the major focus of the employee's energies, efforts and talents.
 - b. Before agreeing to engage in any Outside Activity, an RPCI or HRI employee should consider whether the Outside Activity violates any of the statements in the General Statement of Policy above. The employee should consult with his supervisor or the Vice President of Corporate Ethics if he/she has any questions or concerns in this regard.
 - c. Outside Activity may not be performed during an RPCI/HRI employee's normal working hours (unless the employees accruals are used) and may not be performed using A+ time.
 - d. Outside Activity may not be performed on the premises of RPCI and no RPCI/HRI personnel, equipment, time, resources, or confidential information including but not limited to Protected Health Information (PHI), may be utilized.
 - e. When performing Outside Activity, the RPCI/HRI employee must make it clear that he/she is not representing RPCI in any capacity.
 - f. Exception to c. and d. above: In the event that an RPCI or HRI employee is acting as a clinical instructor on behalf of a professional school using RPCI as a clinical site, then the employee may work during otherwise normal working hours

(but still must use personal time accruals and not A+ Time); may use equipment or resources as are required in the normal course of doing the instructing, and should wear an identifying badge indicating that they are acting on behalf of the professional school for which the outside employment has been approved.

- g. No RPCI or HRI employee may engage in a specific outside activity commonly referred to as a speakers' bureau if the arrangement has any of the following characteristics: 1) the company has the contractual right to dictate or control the content of the presentation or talk; and/or 2) the company creates the slides or presentation material and has final approval of the content and edits; and/or 3) the RPCI faculty member is expected to act as a company's agent or spokesperson for the purpose of disseminating company or product information.

2. Additional rules applicable to Covered Employees:

- a. Before agreeing to engage in any Outside Activity, a Covered Employee must seek permission and approval in accordance with the procedure outlined in this policy.
- b. Compensation for Outside Activity, received by a Covered Employee who is required to file a disclosure statement with the New York State Commission on Public Integrity, must be reported in that disclosure statement if so required by NYS laws and regulations.
- c. Policy Makers must also seek approval from the New York State Commission on Public Integrity if \$4000 or more in annual compensation is received or anticipated to be received for Outside Activity.

3. Additional Rules for Expert Witness Engagements:

- a. Expert witness engagements may not exceed five in number per physician/employee per year.
- b. To avoid conflicts of interest, expert witness testimony should generally not be provided in cases pending in the eight Western New York counties or in Monroe County.
- c. Many professional and medical specialty societies have adopted guidelines for expert witness engagements. RPCI/HRI physician/employees are encouraged to consult such guidelines in making a decision on whether to testify as an expert witness or not.
- d. Expert witnesses are expected to be impartial and should not adopt a position as an advocate or partisan in the legal proceeding.
- e. Compensation for the expert witness should be reasonable and commensurate with the time and effort necessary to prepare for the engagement. As a general guideline, appropriate compensation for a physician expert witness is \$300 per hour plus travel and lodging.

4. Additional Rules for Outside Honoraria:

- a. No RPCI/HRI employee, other than Faculty (physicians and research faculty), may accept Outside Honoraria from Vendors.

- b. Although RPCI/HRI physicians and research faculty members are permitted to accept Outside Honoraria from Vendors, they may not do so under circumstances that would constitute an impermissible conflict of interest as determined by the Conflict of Interest Committee.
 - c. Outside Honoraria may not be accepted to attend a sales presentation, to attend conferences where recreation or marketing are the primary focus, or for activities which are part of the physician or research faculty's RPCI/HRI-duties.
 - d. The services for which an Outside Honorarium is paid must be performed on personal time (not A+ time) and RPCI/HRI resources may not be utilized.
5. Procedure to Obtain Approval for Outside Activity:
- a. Covered Employees must submit an [application](#) for approval of outside activity. Applications may be obtained on-line via RPCI's web site, under the Policy & Procedures Tab, Forms and Templates, Human Resources or from the Department of Human Resources, Research Studies Center, 1st Floor.
 - b. Completed applications must be returned to the Vice President of Human Resources and must include the endorsement of the requesting employee's Department Chair/Head/Principal Investigator.
 - c. The Department of Human Resources will initially receive and review each application for completeness and shall proceed as follows:
 - i. All applications for review of expert witness engagements will be forwarded to the VP for Corporate Ethics for review and decision.
 - ii. All other applications will be forwarded to the members of the RPCI Outside Activity Committee for review and determination by majority vote.
 - iii. Prior to final determination by the Outside Activity Committee, the Conflict of Interest Committee shall be consulted as necessary and appropriate including, but not limited to, whenever there appears to be a significant conflict as defined in RPCI policy; and/or a physician-applicant has other relationships with the same entity or related entities; and/or the business in question is in competition with a service provided at RPCI/HRI; and/or the business in question is a referral source to or from RPCI/HRI.
 - iv. All determinations by the Outside Activity Committee shall be reported to the Conflict of Interest Committee.
 - d. Following the determination of the Outside Activity Committee, the VP, Corporate Ethics will advise the Vice President for Human Resources who will then notify the employee of the decision. A copy of the final decision will be placed in the employee's Personal History Folder and in an Administrative Outside Employment folder maintained in the department of Human Resources, and kept in an outside activity database.
 - e. **Approvals for Outside Activity are valid for one year from the date of approval. Individuals wishing to continue beyond one year of the date of approval must apply for renewal of approval via the requirements of this policy and procedure.**

- f. Each request for approval of Outside Activity will be reviewed and decided upon on its own merits, considering such factors as the type of work, type of business and duration of the employment.
- g. RPCI/HRI reserves the right in all cases to review the employee's time, accruals, RPCI e-mail and telephone activity, etc. to ensure that RPCI/HRI resources, time, equipment or personnel have not been utilized in connection with approved Outside Activity.

E. DISTRIBUTION

This Policy and Procedure will be distributed to all RPCI Managers via the RPCI internal web page and to holders of backup hard copies of the manual. Managers are responsible for communicating policy content to pertinent staff.