Jerald Silverman, DVM, Column Coordinator

Power struggle between part-time employees

River Scientific, a small biotech company, was long on ideas and short on cash. The company's laboratory, which included a small mouse facility, was located in an isolated part of the city to take advantage of low rental costs. Dr. Laszlo Crutch was the part-time Attending Veterinarian (AV). Now a private practitioner, Crutch had five years' previous experience as a laboratory animal veterinarian in a university setting. Harry Wilensky, an experienced but semi-retired animal facility manager, worked half-days managing the facility and caring for the small number of mouse cages. Weekend husbandry was provided by students from a local community college who were trained by Wilensky. The company had a small business grant from the NIH, an IACUC and an NIH/OLAW Assurance.

As often happens with part-time employees, full-time problems arise. In this case, it was a classic power struggle between Crutch and Wilensky. A small disagreement escalated to the point where River Scientific's owners had to step in and try to mediate. Crutch was unhappy with Wilensky's provision of minimal enrichment for mice. For his part, Wilensky said he was there five days a week and Crutch was there five minutes a month, so unless Crutch found a problem with animal health or well-being, he should mind his own business. During the mediation it became obvious that the underlying problem was not about animal enrichment but about who had the authority to direct the program of animal care. Wilensky said that the *Guide for the Care and Use of Laboratory Animals*[1] (the *Guide*) gave the AV the responsibility to oversee—not to direct—the husbandry program. Wilensky believed he himself was responsible for daily animal care and facility management. Crutch, with a sarcastic grin, agreed that Wilensky had responsibility, not authority. Crutch said that the PHS *Policy on Humane Care and Use of Laboratory Animals*[2] (PHS *Policy*) gave him programmatic authority and responsibility for activities involving animals and that this was a pretty clear statement about who was in charge.

The owners of River Scientific said that they would review their OLAW Assurance statement and, if necessary, consult with OLAW. Privately, they felt that Crutch was probably right because their Assurance said that the AV had direct program authority for activities involving animals, but they were not sure just what that meant and they most certainly did not want Wilensky to get upset and leave the company. Do you think Crutch was right? What would you do to resolve this problem?

1. Institute for Laboratory Animal Research. *Guide for the Care and Use of Laboratory Animals* 8th edn. (National Academies Press, Washington, DC, 2010).
2. Public Health Service. *Policy on Humane Care and Use of Laboratory Animals* (US Department of Health and Human Services, Washington, DC, 1986; amended 2002).

RESPONSE

Animal well-being first

Mary M. Beran, MA, CPIA

The power struggle at River Scientific is a regrettable situation. When individuals compete for control over a program, neither person performs at his or her best and the program suffers as a result. Wilensky and Crutch are both worried about who is in charge when they should be focusing on what would be best for the animals and the animal program at River Scientific.

The owners of River Scientific need to review the defined roles and responsibilities for their animal program in their approved OLAW Assurance. If the Assurance does not provide appropriate details about authority, the owners should take this opportunity to update their Assurance to be in compliance with PHS *Policy*[1].

The PHS *Policy*[1] requires institutions to use the *Guide*[2] as a basis for developing and implementing an institutional program for activities involving animals. The program must be in full compliance with applicable regulations, including 9 CFR, Subchapter A[3] issued by the US Department of Agriculture (USDA) under the Animal Welfare Act (AWA). According to the *Guide*[2], "the Institutional Official (IO) bears ultimate responsibility for the Program, although overall direction of the Program should be a shared responsibility among the IO, AV and IACUC." Likewise, the USDA AWA requires the AV to have direct or delegated authority for activities involving animals as well as to oversee the adequacy of other aspects of animal care and use.

Although Wilensky is present every day, his responsibility for daily animal care and facility management is still under the direction of the AV Crutch. The new 2010 version of the *Guide* includes a section on Environmental Enrichment. Crutch and Wilensky should use the new *Guide* as an opportunity to set aside their differences and re-evaluate their program. Working together, they may come to an agreement on what is best for the program and what is needed for the health and psychological well-being of their mouse colony. It should be noted, however, that at the time of writing this response, OLAW has not adopted the 2010 version of the *Guide*. The mouse colony at River Scientific is not covered by USDA, nor is River Scientific accredited by the Association for the Assessment and Accreditation of Laboratory Animal Care International (AAALAC), so there

is no regulatory requirement for River Scientific to update the mouse program to be compliant with the 2010 version of the *Guide*.

1. Public Health Service. *Policy on Humane Care and Use of Laboratory Animals* (US Department of Health and Human Services, Washington, DC, 1986; amended 2002).
2. Institute for Laboratory Animal Research. *Guide for the Care and Use of Laboratory Animals* 8th edn. (National Academies Press, Washington, DC, 2010).
3. Code of Federal Regulations. Title 9, Chapter 1, Subchapter A.

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RESPONSE

Shared authority and responsibility

Gwenn S.F. Oki, MPH, CIP & Trinka W. Adamson, MS, DVM, DACLAM

The staffing situation at River Scientific represents a classic power struggle that also presents a potential animal welfare concern. Crutch, the AV, and Wilensky, the animal facility manager, are both part-time employees. Wilensky is not only managing the facility but also caring for the mice, making him the 'chief cook and bottle washer.' In addition, the facility relies on part-time student help for weekend coverage. This staffing scenario may be common for start-up companies, but the overall objective of Crutch, Wilensky and the weekend animal care staff must be focused solely on animal care and use.

Because of his background in a university laboratory animal research setting, Crutch may have expectations that are not consistent with the resources of a small, financially limited biotech company. Despite the financial situation, the OLAW Assurance requires that River Scientific have the resources and trained individuals to carry out appropriate animal husbandry, as well as trained researchers and staff to carry out humane animal research (PHS *Policy* IV.C.1.d.)[1]. The *Guide* indicates that an "effective Program requires clearly defined roles that align responsibility with regulatory and management authority"[2]. The IO has ultimate responsibility for the overall animal care and use program, and the AV must be provided with "sufficient" authority to manage the program of animal care. The *Guide* states that "the AV should oversee other aspects of animal care and use (e.g., husbandry and housing) to ensure that the Program complies with the *Guide*," and in the case of a part-time AV, "there must be an individual with assigned responsibility for daily animal care and use and facility management"[2] and a means for frequent, direct and timely communication with the AV regarding any animal health issues (Animal Welfare Act; 9 CFR 2.33 (b))[3].

It would be helpful if the regulations and guidelines included definitions of 'authority' and 'responsibility'. Webster's dictionary defines 'authority' as the power to control, command or determine, whereas 'responsibility' is defined as the state or act of being accountable, as for something within one's power, involving duties or obligations[4]. Under the circumstances, however, imposing hierarchical positions on these two terms seems illogical. Because Crutch and Wilensky are part-timers, both must have the authority and responsibility to conduct their jobs. The responsibility and authority for ensuring that implementation of appropriate animal care and use (that meets River Scientific's programmatic requirements) occurs on a daily basis reside with each member of the animal care staff, including Crutch and Wilensky.

Wilensky, with many years of experience as 'chief cook and bottle washer' is a valued employee of River Scientific, who, more than likely, has his own way of doing things. Unless his way of doing things is detrimental to animal health and welfare, the AV, as a new hire, should work with Wilensky and the weekend animal care staff to make sure that animal care and use is appropriate and a positive work environment is fostered. Although Crutch has the authority and responsibility to direct animal care and the animal facility, he is a part-time employee and must rely on others to implement the day-to-day husbandry requirements. The AV can also provide educational opportunities to increase Wilensky's and the animal care staff's knowledge, awareness and understanding of current practices[1–3]. Crutch should work with Wilensky, allowing Wilensky to do his job but still require accountability. Suckow and Doerning state, "when something must be done immediately and either the veterinarian or research personnel cannot be reached, it is best to have a policy to delegate authority and responsibilities"[5]. In this scenario, effective communication between Crutch and Wilensky is key. The approach should be one of shared authority, responsibility and accountability for the care and use of the laboratory animals at River Scientific.

1. Public Health Service. *Policy on Humane Care and Use of Laboratory Animals* (US Department of Health and Human Services, Washington, DC, 1986; amended 2002).
2. Institute for Laboratory Animal Research. *Guide for the Care and Use of Laboratory Animals* 8th edn. (National Academies Press, Washington, DC, 2010).
3. Code of Federal Regulations. Title 9, Chapter 1, Subchapter A. Parts 1, 2, 3.
4. *Random House Webster's Concise Dictionary* 2nd edn. (Random House, New York, 2001).
5. Suckow, M.A. & Doerning, B.J. Assessment of veterinary care. in *The IACUC Handbook* 2nd edn. (eds. Silverman, J., Suckow, M.A. & Murthy, S.) 493–520 (CRC Press, Boca Raton, FL, 2007).

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RESPONSE

AV has authority but colleagues need to collaborate

Lois A. Zitzow, MS, DVM, DACLAM & George Langan, DVM, DACLAM

Mice of the genus *Mus* that are bred for research are not covered by the provisions of the Animal Welfare Act[1], but because River Scientific receives funding from NIH, the PHS *Policy*[2] does apply. Section IV.A.3.b.1 of the PHS *Policy* states that the IACUC should include at least "one Doctor of Veterinary Medicine, with training or experience in laboratory animal science and medicine, who has direct or delegated program authority and responsibility

A word from OLAW

In response to the questions posed in this scenario, the Office of Laboratory Animal Welfare (OLAW) offers the following clarification and guidance:

The PHS *Policy* (section IV.A.3.b.) requires the veterinarian appointed to the IACUC to be a "Doctor of Veterinary Medicine, with training or experience in laboratory animal science and medicine, who has direct or delegated program authority and responsibility for activities involving animals at the institutions"[1]. In OLAW's interpretation, the authority and responsibility of the veterinarian to implement the PHS *Policy* and the provisions of the *Guide for the Care and Use of Laboratory Animals*[2] extends across the entire animal program[3]. "Direct authority" means that the veterinarian is an employee of the institution and therefore has direct authority by virtue of position. A veterinarian retained by an institution through a written contract is granted delegated authority and responsibility for animal activities by the institution. In all cases, the veterinarian responsible for implementing the program is considered to be affiliated with the institution.

A recent webinar posted by OLAW[4] provides a more detailed explanation of the role of the veterinarian and how it is best described in the Animal Welfare Assurance between an institution and OLAW.

1. Public Health Service. *Policy on Humane Care and Use of Laboratory Animals* (US Department of Health and Human Services, Washington, DC, 1986; amended 2002).
2. Institute for Laboratory Animal Research. *Guide for the Care and Use of Laboratory Animals* 7th edn. (National Academies Press, Washington, DC, 1996).
3. Potkay, S., Garnett, N., Miller, J., Pond, C. & Doyle, D. Frequently asked questions about the Public Health Service Policy on Humane Care and Use of Laboratory Animals. Question #4. *Contemp. Top.* **36**, 47–50 (1997). <http://grants.nih.gov/grants/olaw/references/faq_labanimals1997.htm#4>
4. Morgan, E., Taylor, K. & Thornton, V. Writing a good assurance. OLAW IACUC Staff Online Seminar. 9 June 2011. <http://grants.nih.gov/grants/olaw/educational_resources.htm>

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for activities involving animals at the institution"[2]. This requirement is supported by the *Guide*[3], which is used as the basis for developing and implementing an institutional program for activities involving animals that are covered under PHS Policy. According to the *Guide*, "the primary oversight responsibilities within the Program rest with the Institutional Official, the Attending Veterinarian, and the IACUC" and "the Attending Veterinarian (AV) is responsible for the health and wellbeing of all laboratory animals used at the institution. The institution must provide the AV with sufficient authority, including access to all animals, and resources to manage the program of veterinary care"[3]. In addition, the *Guide* states that "the AV should oversee other aspects of animal care and use (e.g., husbandry, housing) to ensure that the Program complies with the *Guide*"[3].

Crutch is correct in his argument that both PHS *Policy* and the *Guide* give him, the AV, programmatic authority and responsibility for activities involving animals. Wilensky could argue that PHS *Policy* and the Interagency Research Animal Committee's *US Government Principles of the Utilization and Care of Vertebrate Animals Used in Testing, Research and Training*[4] give him the authority to direct the housing, feeding and nonmedical care of the animals because he is a scientist "trained and experienced in the proper care, handling, and use of the species being maintained or studied"[2,4]. Although Wilensky is trained and experienced in the proper care and use of the animals, the veterinarian's programmatic authority and responsibility supersedes his. In addition, River Scientific's PHS Assurance indicates that the AV has direct program authority for activities involving animals.

No matter who is in charge of the program, the focus should be on the well-being of the animals. Enrichment can enhance animal well-being. The AV is clearly responsible for the well-being of the mice and, as such, should have direct input into the types of enrichment provided. The scenario does not explain in detail the disagreement between Wilensky and Crutch regarding the provision of minimal enrichment, but because Crutch has authority to direct this aspect of the program, he could obtain support from the IACUC for his recommendations for increasing enrichment, provided that they are reasonable.

Resolving the dispute between the employees will likely be a challenge. Management should support Crutch's programmatic authority, but Crutch should work with Wilensky to understand his concerns regarding enrichment and to implement the program. It requires the expertise of both individuals to manage the animal care and use program at River Scientific.

1. Code of Federal Regulations. Title 7, Chapter 54, Section 2132(g). Definitions.
2. Public Health Service. *Policy on Humane Care and Use of Laboratory Animals* (US Department of Health and Human Services, Washington, DC, 1986; amended 2002).
3. Institute for Laboratory Animal Research. *Guide for the Care and Use of Laboratory Animals* 8th edn. (National Academies Press, Washington, DC, 2010).
4. Public Health Service. *US Government Principles for the Utilization and Care of Vertebrate Animals Used in Testing, Research, and Training* (US Department of Health and Human Services, Washington, DC, 2002).

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