

PCS



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

July 16, 1985

Mr. Carl D. Behnke
Vice President
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Edison Electric Institute
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Washington, D. C. 20036-3691

Dear Mr. Behnke:

The NRC staff has reviewed the EEI Guide to Effective Drug and Alcohol/Fitness for Drug Policy Development, marked Rev. June 10, 1985, which was provided to us for comment on June 17, 1985. The Guide has been reviewed by appropriate NRC Program Offices and all Regional Offices. NRC's review of the Guide has resulted in the identification of many areas where the document could be expanded or revised to improve its' completeness and specificity as a comprehensive guidance document for industry. While the Guide is intended to be applicable to the entire electric utility industry, the comments provided in this letter represent those areas where the NRC staff believes the Guide should be expanded or modified to generally address features which are important to the continued safe operation of nuclear facilities. As a separate enclosure, we are providing for your consideration a mark-up of the Guide which includes suggestions which you should consider as the Guide undergoes further development and refinement.

The following comments fall into two categories; (1) the potential for additional Key Program Elements and (2) comments on the current Key Program Elements.

The Guide would be improved through the addition of the following Key Program Elements:

Program Objective: While the Introduction refers to the objective of a drug-free work environment, the industry objective should be more comprehensively stated in terms of a total fitness for duty program including a drug free work environment. NRC understands that the Guide is intended for use throughout the electric utility industry. Nevertheless, a Program Objective for operating nuclear stations should be stated which is consistent with the intent of the NRC proposed rule on fitness for duty at nuclear power plants.

Company Procedures: The Guide should provide for the establishment of local, written procedures for implementing the general provisions of the utilities' written policy and the other Key Program Elements. Although some example procedures are provided in the Guide, a separate Element should describe the need for formal procedures and indicate those key areas where they are needed. From NRC's nuclear safety perspective, the following areas described in Program Element #1 (Written Policy) should be identified as needing formal, implementing procedures:

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- Item 1b: Procedures to be followed when personnel are involved in the onsite use, sale or possession of drugs.
- Item 1i: Procedures to be followed when personnel are involved in off-site use, sale or possession of drugs.
- Item 1j: Procedures to be followed in determining the scope of the problem in cases of suspected or confirmed drug involvement, either on-site or off-site. (Note that Item 1j should include suspected drug involvement as well as confirmed cases.)

NRC's interest in the procedures area centers on the belief that each nuclear utility should establish procedures (including criteria) which address the manner in which suspected or confirmed drug involvement translates into decisions regarding work assignment, rehabilitation or discharge and return to duty. While we realize that the nature of the subject may often call for a "case basis" approach, the Guide should contain a Key Program Element which recognizes that individual utilities should develop general implementing procedures and criteria which expand upon the EEI guidance.

Records, Reports, and Audits: For nuclear stations, NRC believes that the Guide should note the advisability of establishing a minimum system of records and reports to assist the utility in managing this program. The Guide should also indicate that periodic audits are prudent in order to provide management with independent information on the effectiveness of the fitness for duty program.

The following comments refer to the Key Program Elements presently contained in the Guide:

Written Policy:

- The company written policy should be provided to employees (as opposed to being "made available").
- It is understood that the policy regarding onsite drug involvement is intended to mean that such persons will normally be discharged.

Effective Policy Communication:

- In this Key Element, as well as in the other Elements which speak to supervisory training, some provisions for periodic refresher training (in addition to initial training) should be provided.

Mr. Carl D. Behnke

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Please contact Mr. J. Partlow or Mr. L. L. Bush of my staff if you have any questions concerning these comments.

Sincerely,

Original signed by:

James M. Taylor, Director
Office of Inspection and Enforcement

Enclosure:
Additional Comments for Consideration

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II. KEY PROGRAM ELEMENTS

1. WRITTEN POLICY

A clear definitive corporate policy statement on drug and alcohol abuse, strongly supported by top management, is necessary so that employees, unions, and others doing business with the company can clearly understand what is expected of them and what consequences may result from lack of adherence. The policy ^{must be provided} ~~should be made available~~ in writing to all employees and supervisors, ^{initially and periodically reaffirmed and reissued.} To ensure that a practical and enforceable policy is developed, a team approach has proven effective. A Substance Abuse Committee within the company comprised of representative officials who will be responsible for interpreting and implementing the policy after it is finalized has been successfully utilized by several companies. Substance abuse committee members might include representatives of employee relations, personnel, security, medical, labor and contractor relations, nuclear operations, employee assistance, legal, and fossil fuel generation. Generally, the chief human resource executive would serve as chairman of this committee. This group, much like the Edison Electric Industry Task Force, should be multi-disciplinary in perspective and should be in a position to ensure that all the salient issues that could affect implementation of the policy are considered and addressed properly. ^{define attitude of organization, outline criteria to be applied, define actions to be taken, and establish responsibilities.}

The written policy statement should ~~include~~ ^{include} The following important features ^{should be included.}

insert 1

- *
c. Employees are the company's most valuable resource and for that reason, their health and safety is of paramount concern.

* Unless indicated otherwise, "employees" in these guidelines include employees' family members, and contractor and vendor employees granted site access.

Insert 1

- a. Statement of program objectives: See paragraph 1 of Enclosure 1.
- b. Emphasis of program is preventive, rather than primarily remedial or punitive.

NR UNDERSTANDS THAT AUTOMATIC IMMEDIATE
DISCHARGE WILL BE MANDATED FOR SUCH ACTIVITY.

- b. The illegal use, sale or possession of narcotics, drugs or controlled substances while on the job or on company ^{property} ~~policy~~ is a dischargeable offense. ^{The illegal sale of narcotics, drugs, or controlled substances off duty and off company premises is a dischargeable offense.}
- c. Illegal use of drugs off duty and off ^{company} premises is not acceptable because it can affect on-the-job performance and the confidence of the public and the government in the company's ability to meet its responsibilities; such use may result in a discharge.
- d. Alcohol is prohibited from company property and operations ~~without prior approval~~, and use of alcohol that adversely affects an employee's job performance or the public perception of the company is not acceptable; AND MAY RESULT IN DISCHARGE;
- e. The legal use of controlled substances prescribed by a licensed physician is not prohibited, but employees in selected positions designated by the company are required to make such use known to an appropriate company representative; ABUSE OF PRESCRIPTION DRUGS IS A VIOLATION OF COMPANY POLICY.
- f. Violation of the company's policy may result in disciplinary action up to and including ^{DISCHARGE} ~~termination~~; INSERT 2
- g. Law enforcement officials will be notified whenever suspected illegal drugs are found;
- h. Whenever possible, the company will assist employees in overcoming drug, alcohol and other problems ^(INCLUDING STRESS CAUSING PERSONAL PROBLEMS) which may adversely affect employee job performance; and
- i. Employees in ^{key} designated positions ^{*} who are involved with illegal drugs off duty and off company premises ^{will} ~~should~~ be immediately removed from their job assignment and tested for the presence of illegal drugs. The ^{KEY} employee may be returned to the designated position only when the company receives

* A SUGGESTED LIST OF "KEY DESIGNATED POSITIONS" SHOULD BE PROVIDED.

Insert 2

Develop policy on all offsite/job activities that can affect performance, safety, and public confidence.

Develop guidance on emotional and physical impairments.

EMPLOYEES FOUND TO BE NOT FIT FOR DUTY, ~~THROUGH~~ ALCOHOL OR DRUG ABUSE OR ANY TRANSITORY PHYSICAL OR MENTAL IMPAIRMENT, SHALL NOT BE PERMITTED TO CONDUCT ACTIVITIES RELATED TO THE OPERATION OR MAINTENANCE OF NUCLEAR FACILITIES.

Typically this is achieved through a formal rehabilitation program involving professional counseling.

satisfactory assurance that the employee's presence on the job does not present a hazard to safety or adversely impact the company in any other way. Retention in the designated position ~~shall~~^{will} be contingent on the employee successfully passing such ~~chemical~~ testing as the company deems necessary and appropriate ^{to verify continued freedom from illegal drug use} during a reasonable probationary period.

insert 3

The policy statements that follow reflect commitment to health and safety, recognition^{ze} ~~of~~ the company's responsibility to the public, stress the need to meet high standards to provide reliable energy service, and, finally, recognize the problem posed by alcoholic beverages as well as drugs and psychologically abnormal behavioral problems both on and off the job.

j. m. In cases of confirmed illegal drug use, sale, or possession on or off company premises, ^{investigative} ~~appropriate~~ measures will be taken to determine the scope of the problem. ~~this may include random chemical testing of selected groups on all site personnel of selected categories.~~

n. Establish responsibilities...

"appropriate measures" is vague. Provide details.

Insert 3

- k. Investigations, to include chemical tests, will be conducted after all accidents and unsafe operating conditions where human failure is suspected.
- l. Investigations and chemical tests will be conducted as appropriate in response to allegations and to discourage alcohol or drug abuse. Searches of the site, employees, and personal possessions, including lockers, tool chests, and vehicles on company property shall be conducted for the same purposes.

2. TOP MANAGEMENT SUPPORT

Though top management may be in favor of a comprehensive drug and alcohol/fitness for duty program, the effectiveness of the ^{active leadership and commitment from top management, particularly} program will depend upon ^{the} degree of demonstrated involvement from ^{them} ~~top management~~ in communicating the policy to employees setting the example, and supporting fair and impartial enforcement of the policy as the need arises. The policy can be compromised by a lack of understanding or interest at the top. It can also be compromised by the perception of a double standard, one for management and one for other employees.

The level of management support will depend, in part, on how much management actually knows about the health and safety hazards of drugs and alcohol and their impact on the work environment. A briefing by a top health or medical professional on this matter, combined with a clear outline of the company's program implementation plan, has proven to be effective in gaining the necessary management support. Emphasis on alcohol and drug policy adherence among technical and professional personnel will also enhance policy credibility with other employees.

To achieve the needed senior management support, the following steps are suggested:

- a. Brief the chief executive officer and senior management with health and safety information on drugs and alcohol before the program is presented company-wide, spending enough time to involve management in questions and answers on the subject.
- b. Keep the CEO and senior management informed of the progress and successes of the program. Provide periodic statistical data and analysis thereof.

- c. Ensure that top management representatives attend employee and departmental meetings on this subject and, in fact, deliver the policy guidance that is appropriate.
- d. Encourage upper management to set an example, ^{at all times, especially when in the presence of employees.} ~~regarding~~
An example would be to not ^{drinking} alcoholic beverages during luncheon hours.
- e. Ensure that senior management makes reference to the company's drug and alcohol/fitness for duty ^{employee assistance} policy and programs ~~(including EAP)~~ at departmental staff meetings.
- f. Assign a program manager, generally the chief human resource executive, to be responsible for the implementation of the program company-wide, working closely in a team approach with other company officials.

Add a description of general program responsibilities for various management levels and positions.

3. EFFECTIVE POLICY COMMUNICATION

~~A. How the Policy is Communicated:~~ How company policy is communicated - by whom, to whom, and in what context, has been shown to be as important as the message itself. For drug and alcohol/fitness for duty ^{employee assistance programs and} policies, chief executive officer ^{visibly endorsing and} ~~endorsement~~ and ^{senior} ~~line~~ management involvement in ^{insert 4} communicating the policy to employees is very important. ^{*} This section discusses elements that should be considered when planning how the policy will be communicated both within and outside the company:

* "Employees" includes contractor, vendor, and supplier employees.

a. The chief executive officer and senior management ^{must} ~~should~~ and periodically updated on the use and success of the program and be fully briefed ^{and} ~~and~~ supportive of the policy (see ^{demonstrate active} Section 2).

b. Field management - plant and division managers - should be given health and safety information and a preview of the general policy communication that will be repeated throughout the company in the various work locations (see Sections 2, 3 and Appendix).

c. (Insert paragraph 3.c from below)

d. Employees should be briefed orally and given a copy of the company policy in writing. To be most effective, meetings should be held at normal locations and presided over by the ^{most senior} ~~location~~ manager, accompanied by a health professional who can discuss the health and safety hazards of drug and alcohol abuse and answer questions on how such abuse on and off the job affects job performance. Sample training formats are included in this section.

~~d. Insert former section 3.B "What should be communicated" here~~

Insert 4

There should be an active communication program that includes all participants, i.e., employees and their families, contractors, unions, etc. All these diverse human elements must be properly motivated to achieve the desired level of voluntary enthusiasm and participation.

e ~~A. B. What Should be Communicated:~~ In addition to explaining the
and employee rights and responsibilities
company policy on drug and alcohol/fitness for duty, employees
should be given written information about these topics that they
can retain for future reference. One effective communication
method that many companies use to enhance employee awareness is
the distribution of a booklet that includes the company policy
statement, a message from the chief executive officer, health and
safety information on drug and alcohol abuse, as well as direction
on how the employee assistance program can be used by employees.
This one document provides information on drugs and alcohol that
will be useful not only to the employee but to family members,
and can serve as a reference point should the need arise for
using employee assistance on a confidential basis or for obtain-
ing further information on chemical dependency from outside
resources.

An example of the health and safety information on drug and
alcohol abuse contained in such a booklet is included in the
Appendix.

C. ~~e. f.~~

and lower tier managers
Supervisors ^{extensive, periodic (at least annual)} should be given special [^] training on the signals and warning signs of deteriorating job performance, and in handling cases of drug and alcohol abuse or other fitness for duty problems. This should be provided in addition to the training they will receive with all other employees. Because of their day-to-day contact with employees, it is important that they are familiar with the procedures to be followed with respect to fitness for duty (See Sections 4 and 5).

move
3 pages
forward
to
insert

f. ~~e.~~ Company newsletters and other publications may be used to help communicate the company policy and implementation measures. Utilizing company publications reinforces the importance the company attaches to the program. Company publications are often shared with family members, and relevant articles may provoke discussions within the family on the problem of drugs and alcohol, whether it relates to school use, community use, personal use or friends or relatives who may be dependent on alcohol and/or drugs. An example of a relevant company newsletter article is reprinted at the end of this section.

g. ~~e.~~

Bulletin boards, signs, ^{posters, pamphlets,} welcome booklets, supervisory guides, personnel manuals, and industrial relations in-
service training brochures can also be used ^{as part of a continuing "campaign"} [^] to disseminate the policy and such guidance as is appropriate (see Sections 2B and 2C).

h.

Insert former 3.C "Aim the message at the co-worker" here

Co-workers should be involved in supporting the policy.

h. ~~C. Aim the Message at the Co-Worker.~~ / Health and safety

information on drug and alcohol abuse and other factors that is aimed only at alcoholic and/or drug-dependent persons (a small percentage of the workforce) is not generally effective. Often, these people are reluctant to recognize that they have a problem and they will not readily seek assistance. In addition, family members, friends and fellow employees will often "cover up" for drug and/or alcohol abusers to help them retain their jobs if they think there is ^gno way to help them get assistance.

In order to overcome these problems, companies have successfully enlisted the help and support of non-abusing employees by stressing the importance of a safe workplace and the availability of employee assistance programs. All employees should be aware that their health, safety and job performance can be significantly affected by a co-worker's impairment. An employee with a problem, whether related to drugs, alcohol or other factors, puts more work on other employees who will have to compensate for the impaired employee's reduced performance, possibly compromising quality, efficiency and safety. Public confidence in the company and its employees could be adversely affected.

Insert A →

In health and safety meetings, during discussions with employees, supervisors and union representatives, the company's concern for all employees should be made clear. The health information should reach out, not only to those that may have problems, but to their peers. Having employees realize that someone else's impairment can affect their own safety and paycheck is important to gaining their support.

, Insert A.

To encourage self-referrals and referrals by co-workers, the Federal Railroad Administration has proposed rules that would mandate two complementary policies:

Voluntary referral policy (non-disciplinary context). Each railroad would be required to permit an employee affected by alcohol or drug dependence (or an allied condition) to maintain an employment relationship with the railroad and to afford the employee adequate leave arrangements to facilitate treatment, if (i) the employee or the union refers the employee for assistance and (ii) the employee agrees to undertake, and successfully completes, an appropriate course of treatment. Confidentiality would be maintained unless the employee failed to complete primary treatment. This option would not be available to an employee who has already been charged with a Rule G offense or other offense warranting dismissal.

Co-worker report policy. Each railroad would be required to adopt a policy permitting first offenders under Rule G to maintain an employment relationship if the offense is detected as a result of a report from the co-worker that the employee is apparently unsafe to work with. The following conditions would apply:

- (i) The employee would be required to waive the disciplinary hearing and report to the employee assistance counselor (or other professional engaged by the railroad) for evaluation.
- (ii) If the employee requires treatment, the railroad would be required to provide a leave of absence to permit treatment. On successful completion of primary treatment (as determined by the employee assistance counselor) and a return-to-service physical, the employee would be required to be returned to service.
- (iii) If the employee does not require treatment, the employee would be returned to service within 15 days, but the railroad could require completion of a program of education/awareness.

The following steps are normally appropriate before the policy is explained ~~and interpreted~~ to employees:

- a. ~~Union leadership should participate in the development of~~
~~Prior to dissemination of the policy within the company, a~~
~~the program.~~
~~union leadership briefing may be helpful.~~ The union
briefing should ^{support} ~~cover~~ the basic policy, the implementation plan, the health and safety objectives of the company and the union, and the need to protect all employees from unnecessary hazards in the workplace, including those that can result from drug and alcohol abuse (see Section 6).
- b. Appropriate liaison arrangements should be scheduled with local law enforcement agencies (see Section 8).
- c. Contractors should be advised of the company policy and their responsibilities (see Section 7).
- d. The medical, employee assistance, labor relations, personnel and security units of the company should be given guidance and instruction as to their respective roles.

Following these internal and external briefings, the company can communicate the policy to its employees and supervisors in a scheduled manner at corporate headquarters and field locations. Special efforts should be made to see that all employees ~~to~~ attend the briefings.

4. BEHAVIORAL OBSERVATION TRAINING FOR SUPERVISORS *

Supervisors are in day to day contact with their personnel and are most familiar with their normal behavior patterns. Therefore, they are in the best position to detect changes in employee's behavior and to initiate appropriate corrective action. Supervisors should be given clear responsibility for behavioral observation of their employees and should be given special training to ensure they have the knowledge and ability to perform that task well.

The examples provided in this section reflect an outline in depth of guidelines that supervisors can refer to when evaluating an individual employee's work. Questions in the examples relate to efficiency, errors, absenteeism, ^{attitudes,} cooperation, social (or trends?) interaction, mood changes, personal health and hygiene, changes in behavior, the feelings that supervisors may have about the individual employee, and the need for clear documentation. Guidelines on "do's" and "don't's" for supervisors are included in one company's job performance and behavior observation guidelines. The second example is a brief summary outline of some of the signs of deteriorating job performance often associated with drug and alcohol abuse. In this particular case, the company emphasizes that unusual or odd behavior may not always be connected with drug or alcohol abuse and that supervisors should not make judgmental decisions nor should they assume the role of a counselor, diagnostician or policeman. The guidelines in this section and in section ¹⁰ underscore the responsibility of the supervisor to act in accordance with the company guidelines for administering the policy on substance

* "Supervisors" includes contractor, vendor, and supplier supervisory personnel.

abuse/fitness for duty and to take action if the threat of safety impairment is clear, not only for the individual employee but for others.

Behavior observation and job-performance assessment will depend upon the supervisor's judgment and working knowledge of the individual employee. Supervisors will need to document performance and behavior and to interpret them in light of the individual employee, his/her past and current work attitude, and capability. There is no substitute for a supervisor knowing his/her employees.

On-the-Job Behaviors *

Need to say
more - reference
to example 3
is a start.

Work Performance:

Employees on-the-job behaviors and work habits that directly impact on efficiency and effectiveness of task accomplishment.

1. Has the individual's work QUALITY or QUANTITY changed?
 - ° Greatly changed speed of working
 - ° Changed level of work involvement
2. Has the employee made more MISTAKES or BAD JUDGMENTS?
 - ° Has numerous accidents
 - ° Laughs off errors or reprimands
 - ° Denies mistakes
 - ° Unnecessarily condemns self for mistakes

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Contact: Joe C. Coulter, Manager, Employee Assistance Program
704-373-8838

5. POLICY IMPLEMENTATION TRAINING FOR SUPERVISORS *

Supervisors should be thoroughly knowledgeable of their program responsibilities, and the techniques and procedures for recognizing and reacting to substance abuse and transitory emotional and physical impairments. ~~Companies should provide supervisors with training that familiarizes them with job performance warning signs reflective of drug and alcohol abuse and emotional/behavioral/psychological problems. Certain characteristic symptoms and signals can be~~

~~noted. However,~~ supervisors should ~~also~~ be provided with specific guidelines and training as to what to do if an individual employee appears to be unfit for duty or appears to have drugs or alcohol in his possession. ~~This guidance and training is necessary so that~~ Supervisors ^{should be able to} ~~can~~ take the initial actions correctly, promptly, and decisively without the need for on-the-spot guidance from others who might not be available. Timeliness in such cases is important. The guidance and training should cover the actions supervisors should take before they can obtain direct advice or assistance from management or drug program experts.

The examples included in this section illustrate the type of guidance supervisors should be given. One example takes the supervisor through a step-by-step process, commencing with the observation of the employee's behavior, the advisability of getting a second supervisor's opinion (if practical), requesting the employee to explain his/her behavior, agreement to include a union steward if requested during this initial discussion, how the employee is to be taken to a designated medical resource for a fitness for duty examination which may include chemical testing of blood or urine, ⁹ (and what to do if the employee refuses to go for such a physical) notification to law enforcement if drugs

* "Supervisors" includes contractor, vendor, and supplier supervisory personnel.

or suspected drugs are found, and other specific procedural steps that supervisors should take to enforce the fitness for duty policy.

Another example of supervisory direction is reflected by guidelines contained in a question-and-answer format for supervisors. This method provides supervisors with specific direction based on actual questions asked by employees and supervisors about company drug and alcohol abuse policy and procedures.

Supervisory Guidelines for Administering the
Company Policy on Drug and Alcohol Abuse *

These guidelines are for use by supervisors at all levels throughout the Company. They are intended to provide assistance in the administration of the Company's drug and alcohol abuse policy.

1. Each supervisor has a responsibility to assure himself that employees under his supervision are at all times free from the influence of alcohol or illegal drugs.
2. Employees who have a drug problem and who ask for help should be referred immediately to the Company's Employee Assistance Program. This request for assistance may not be used by an employee as a means of avoiding disciplinary action if he or she has violated the Company's drug abuse policy.

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PARTICIPATION
6. UNION BRIEFING

Most utilities have collective bargaining agreements with unions governing wages, hours and working conditions. The company, however, has the right to establish policies and rules for the safe and effective operation of its plants and equipment. Company rules and regulations that promote safety and efficiency and that are administered fairly and without discrimination should be welcomed by unions and management alike.

When implementing a new or revised company drug and alcohol/fitness for duty policy, ^{participation by} ~~briefing of~~ union leadership (where a collective bargaining relationship exists) is recommended. ^{Union} ~~Such a~~ participation and the development of the program should foster ~~briefing should involve the senior company labor relations~~ willing participation in the program by all parties, i.e., ~~officials generally in contact with union leadership and, to be~~ management, employees, and unions. Unions should participate ~~most effective, should take place prior to communication of the~~ in developing program objectives and philosophy. ~~company's drug and alcohol/fitness for duty policy to employees and supervisors.~~

The ^{company} ~~union briefing~~ should ~~focus on~~ establishing a spirit of cooperation and enlisting the interest and support of union ^{to participate in developing} leadership ~~for~~ an effective health and safety program that affects their membership. ~~During the briefing,~~ The company should stress its concern for all employees and their mutual interest in protecting the safety and jobs of the non-drug and non-alcohol abusers - the vast majority of employees - whose positions and personal well being could be jeopardized by the ^{particularly if such impairment is a result of alcohol or drug abuse.} actions of ~~alcohol and drug~~ impaired individuals. ^{statistically} It should also be emphasized that, ~~drug and alcohol impairment may be~~

result in increased frequency and severity of accidents, ~~reduce productivity~~ and damage or destruction of plant and equipment, ^{reduced productivity} increased costs, and reduce the level of confidence in the company on the part of the public, regulators, media, and consumers.

Participants

~~The briefing team~~ might include an outside medical or other health professional to provide a perspective to ^{management and} the union on current steps other companies are taking with respect to drug and alcohol abuse and fitness for duty, and providing an insight into the health and safety hazards of drugs and alcohol and the effects that off-the-job use can have on on-the-job performance.

~~Management must demonstrate~~
~~The briefing should stress~~ that the company intends to administer this policy in a uniform manner, and that all supervisors will be given thorough training on fitness for duty standards and their responsibility to be fair in the administration ^{Furthermore,} the program. ~~The management must~~
~~company should~~ stress that the policy will be applied to management as well as bargaining unit personnel, and that it ^{will be} ~~has been~~ reviewed from a legal, labor relations, security, operational and safety standpoint.

Management

~~The senior company official present or an outside resource~~ may wish to cite relevant, current national statistics, which, for example, might point out that: one out of 3 individuals 18 to 25 years of age uses an illicit drug at least once a month; industry alone has a productivity loss in excess of \$50 billion from drug and alcohol abuse; and in 18 U.S. railroad incidents in which alcohol and drug use was involved, 25 railroad employees were killed, over \$25 million of property damage occurred, dozens of

in 1984 Americans spent \$110 billion on illicit drugs, and that amount increases annually by about \$10 billion;

employees were injured, and an entire town of 3,000 people had to be evacuated because railroad employees were intoxicated. Statistical data ^{work related alcohol and drug abuse by employees} will also show that ^{throughout plants} in the United States ^{has resulted in} millions of dollars in equipment ^{being} ~~has been~~ destroyed and billions of dollars of costs incurred. ~~due to alcohol and drug abuse by employees.~~ The losses were due to tardiness, absenteeism, poor health, accidents, health care costs, damaged or destroyed equipment, facilities, and materials, etc. ~~The benefits of the Employee Assistance Program~~ ^{also} should ~~be~~ emphasized to the union representatives.

Recommend expanding this section to explain that the company plans to help rehabilitate employees rather than summarily terminating them.

7. CONTRACTOR^{*} NOTIFICATION

Companies should require that contractor,^{vendor, and supplier} employees abide by company rules on drugs and alcohol. Clear notification should be given that this is a condition of access to the company's property and equipment. This policy should be communicated in writing to principal contractors,^{vendors,} and suppliers, either through reference in purchase orders and contracts or by letter from the contracting official. This is particularly important at construction sites and generating stations, where large numbers of contractor,^{vendor, and supplier} employees are engaged over long term periods assisting in the maintenance and construction of company facilities and equipment. In addition, signs posted on gates, entrance areas, and visitor and employee parking lots that ~~spell~~^{state} out that drugs and alcoholic beverages are prohibited from company work locations and that individuals under their influence likewise can be denied access, have been helpful. ^{Even if} ~~if~~ a company has already established the right to search vehicles and employees without notice as a condition of entry onto company property and postings to this effect are in use at the locations noted, additional postings ~~may not be necessary.~~^{prohibiting alcohol and drugs is recommended.}

^{vendors, and suppliers}
Contractors,^{at} individual company locations should be advised that this work rule is based on the need for safe and efficient operations, reflects a need to conform with the law, and provides for the safety and protection of the public as well as all employees and workers. Companies ^{should assure themselves that contractor, vendor, and supplier} ~~need not conduct a drug~~ ^{have received alcohol and drug} education and awareness ~~program for contractor employees; some~~ ^{training, AND ARE FAMILIAR WITH COMPANY POLICIES;}
* "Contractor" includes vendors and suppliers.

contractors may wish to conduct this program themselves.

Companies should require that contractor employees conform to company policies and make clear to contractor employees that indications of variance from company rules will result in denial of access and law enforcement notification.

Experience has shown that many small contractors may benefit from company assistance in developing their own policies on drugs and alcohol. A meeting with contractors to explain company policy may also prove helpful to the contractor and serves to emphasize the importance placed by the company on its drug and alcohol/fitness for duty policy.

An example of notification by the Company to contractors is included below.

This discussion should be beefed up to cover relationship with supporting activities described in Enclosure 1.

8. LAW ENFORCEMENT LIAISON

Law enforcement authorities are an integral part of a good fitness for duty program, and their active participation is essential to its success.

Federal law prohibits the possession, sale or use of controlled substances except by qualified individuals. State laws vary in penalty, but no state permits any individual or any institution to interpret what drugs should or should not be confiscated, reported or discarded. Local law enforcement officials should be routinely notified upon the discovery of suspected illegal substances. Companies should ensure that all employees are advised of the company's intention to meet this legal requirement.

Most drug seizures on company property will be in small amounts and may not result in legal prosecution of the employee or employees in question. That decision, however, is a state or district attorney's determination, in concert with the police, and not the company's. ^{example} The drug incident reporting ^{provided} form ~~example~~ in this section ^{facilitates} ~~provides for~~ clear documentation of information. Appropriate company security representatives should be given the responsibility for coordination and liaison with local law enforcement and for any internal inquiries that need to be made concerning company and/or contractor employees.

A liaison visit by the plant or division senior official to the local chief of police accompanied by the security director or security officer for that facility, is a sound approach. During that visit, the company's drug policy and awareness program can be outlined. The company's intention to notify the police when suspected substances are found and specific reporting procedures between security and police can be confirmed.

Such a visit will usually be welcomed by local law enforcement officers and will likely generate an appreciation of the company's commitment to work with law enforcement and within the law, while also improving cooperation on this and other matters. Generally, prompt police notification results in less rather than more publicity, and avoids the perception by the media of an attempted cover-up on the part of the company. On the contrary, it shows that the company is facing up to a widespread problem in society, and one which the company itself is committed to removing from the work place.

Coordinator's Report--Drug and Alcohol Abuse Program

1. Division: _____

District: _____

Plant: _____

Other: _____

2. Check One: _____

Drug Discovery Incident

General Information

3. Date of Incident: _____

9. CHEMICAL TESTING OF BODY FLUIDS

Chemical testing of body fluids is becoming more widely used throughout the electric utility industry to identify persons who use drugs illegally. It is an objective means to determine whether or not a person actually has drugs in his/her system. This can be especially important when disciplinary action may be necessary. Urine testing is the most common method used to detect drug use. Blood testing may also be used to detect the presence of drugs and/or alcohol. A more common method for determining alcohol levels in the body is the use of a breath analyzer.

insert 5

Typical situations in which chemical testing is used fall into three general categories:

- a. Pre-Employment Screening ^{must be} ~~is~~ used to identify drug users before the hiring decision is made. Companies inform prospective employees that they are subject to drug/alcohol testing as part of the pre-employment screening process. The major benefit of pre-employment screening is that it provides the company with additional information prior to employment.

Since the employer-employee relationship has not yet begun, the employer has the right to condition employment on an applicant's successfully passing of a physical examination which may include chemical testing of body fluids for drugs and/or alcohol. An applicant objecting to such an

Insert 5

Need to describe how, when, and why these can be used, especially to establish ironclad case.

Develop a position on the utilization of chemical testing, to include contingency practices. This should be an essential element of the drug portion of the fitness for duty program.

examination has the right to decline to participate in such an examination, and the company has the right to refuse to hire the applicant.

- b. Testing "For Cause" is used to verify whether or not an employee suspected of drug or alcohol abuse has in fact used prohibited drugs or alcohol. When an employee is referred for a fitness for duty medical evaluation, body fluid samples will be requested from the individual and will be analyzed by trained laboratory technicians to determine if (and what) chemicals which indicate substance abuse are present in the body fluid sample. The need for this type of testing is usually determined from behavioral observation, performance problems or other evidence that the employee may be involved with illegal use of controlled substances. It should be noted that, from a legal sense, objective evidence of use can be obtained through chemical testing.

- c. Random or Regular Periodic Chemical Testing ^{must} ~~can~~ be used to provide added confidence that employees in designated positions are complying with the company's policy on drug use. This method is presently being used successfully at several companies as a way to demonstrate continuing achievement of a safe and drug-free work environment. It is sometimes included as part of a regular physical examination. An example of a drug screening procedure used at a nuclear power plant is reproduced at the end of this section. This use of chemical testing is a sensitive issue in that it may

be perceived as an indication of a "lack of confidence" in employees or an invasion of personal privacy; accordingly, it should be initiated and administered carefully.

If a company decides that chemical testing is desirable for any of the purposes described above, experience has shown that considerable care must be taken to ensure that testing results are accurate and that the program serves as an effective deterrent to illegal drug use. The following factors should be considered:

- ° Advance notification to employees that they are or may be subject to chemical testing for drug or alcohol abuse is an important step in promoting the deterrent value of the program. Especially in the case of regular or random testing, it is important that employees understand that the purpose of the program is not to entrap anyone, but to provide objective evidence that persons subject to the program are or are not using prohibited substances.
- ° Accountability procedures for urine or other body fluid specimens should be comprehensive and detailed to ensure that valid samples are received from employees being tested, are appropriately labeled and kept under custody controls that will preclude substitution of invalid specimens before analysis. Drug users familiar with urinalysis testing have been known to show considerable resourcefulness in preventing their own urine samples from being analyzed.

Care should be taken also to prevent contamination of the sample after collection and before analysis; back-up samples also need to be protected from deliberate or accidental contamination. The number of individuals handling the sample before analysis should be limited as much as possible. A record of the identities of individuals handling fluid samples should be kept. The carefully maintained chain of accountability may be of assistance should the employee-donor claim that his sample was contaminated before laboratory analysis.

- ° The testing facility's methods and techniques need to be reliable. There are several commercial laboratories available throughout the country that provide chemical testing services. Careful selection of a reputable testing laboratory with stringent quality controls on specimen accountability and analysis and prompt reporting of test results is worth substantial time and effort.
- ° Courts have consistently held that chemical testing of employees is legal, provided that testing is performed in a non-discriminatory way. It must be fair, and be applied consistently to all appropriate persons. Use of voluntary consent forms can be helpful in ensuring that employees understand the testing program.

- Clinical laboratory testing is subject to a wide number of variables that may significantly alter results and cause misinterpretation. False positive, false negative and erroneous reports ~~are relatively infrequent~~ ^{Do occur}, but the possibility must be considered if disciplinary actions are to be based on test findings. The results of chemical testing should be maintained as confidential as possible. Personnel involved with processing chemical tests should be instructed in the need for confidentiality.

ONE SOLUTION TO LIMITING ERRORS IN TEST ^{REPORTS} IS TO PROVIDE
A Considerable attention ~~should be given~~ to determining what test levels will be considered as positive evidence of drug use. Various laboratories may use different levels in determining if test results are positive indications of drug use. If more than one laboratory is used without clear direction on the levels to be considered positive, ambiguity can result. Modern testing equipment is capable of detecting chemicals at levels below those that are definite indications of drug use. For example, passive inhalation ^{OF ENVIRONMENTAL SMOKE}, but not active use of marijuana can cause detectable levels of THC in urine.

RECOMMEND OTHER PROCEDURES TO REDUCE ERRORS.

10. EMPLOYEE ASSISTANCE PROGRAMS

Though an effective policy prohibiting alcohol and drug abuse is
X key to an effective fitness for duty program, the availability
of ~~rewarding~~ ^{reasonable} rehabilitation assistance to individuals who need it
can substantially strengthen such a program. Assistance pro-
grams should help employees free themselves from drug and alcohol
abuse and/or psychological problems and return to productive
work. Assistance programs should complement written policies and
employees should be made fully aware that assistance is availa-
ble. Companies must ~~promptly~~ ^{be prepared to} address potential conflicts be-
tween providing assistance to employees and implementing *appropriate*
disciplinary actions. *^{The} Two examples of member company employee
assistance programs cited in this section include several
elements worth noting.

a. The supervisor has a responsibility to intervene.

Intervention is the key to improving employee performance,
and supervisory referral is one major way to access a
successful employee assistance program. Others include self
referral, family referral, union or outside agency referral.
Supervisors working with employees with deteriorating job
performance are advised not to diagnose the problem but to
document performance, to look for indicators of problems,
and to refer employees for help as appropriate. If the
employee is in clear violation of company rules, such as
possession of drugs or alcohol, or is apparently
intoxicated, a medical referral would be appropriate.

* (Establish position on issue and include in policy statement.)

Employee assistance referral should not be a spur of the moment decision for the employee or the supervisor. The company examples cited reflect a reasoned and well thought out approach.

- b. A second key ingredient that is illustrated in the examples in this report is the need for the company and its supervisors to be conscious of how to deal with an employee who has been in a rehabilitation program, where appropriate, upon his or her return to work. The examples describe the role of the supervisor, including what the employee and supervisor can expect from the employee assistance program, discuss how to approach employees with job performance problems and emphasize performance is not likely to improve if the problem is ignored.

Benefits realized from experiences with employee assistance programs throughout the industry have proven that they are a sound and very desirable investment.

Many companies have found it returns dividends in

improved morale, reduced absenteeism, ^{and} retention of

experienced workers. ^{The success of EAP programs} ~~and that it provides the~~
~~can be attributed to the concern for employee problems~~
~~opportunity for intervention from a confidential,~~
~~shown by the employer, by employee trust in the~~
~~independent source, which is often more successful than~~
~~confidentiality assured by the program, greater~~
~~direct advice from company management or family~~
~~employee participation, earlier intervention and~~
~~members.~~

inclusion of families.

III. POLICY IMPLEMENTATION CHECKLIST

1. Do you have a clear, written company policy on drug and alcohol abuse which addresses the key features of Section 1?
2. Has your company given written guidelines on this issue to management and supervisory personnel?
3. Have you provided employees and supervisors with health and safety information on drugs and alcohol and made known the impact that such use on and off the job can have on job performance?
4. Have supervisors been trained to recognize key performance indicators often associated with drug and alcohol abuse?
5. Do your supervisors and management personnel know what to do if they find an employee who may be unfit for duty, under the influence of drugs or alcohol, or found in possession of illicit or prohibited substances?
6. If drugs are found on company property or while on company assignment, are local law enforcement and company security promptly notified, and are procedures in place to accomplish this effectively?
7. Is there a medical resource designated for an examination including a urine test for employees suspected not to be fit for duty?
8. Is there an employee assistance program available as a resource to help employees, and are they familiar with how to participate in such a program?

Add items concerning how top management is factored into the program, and how visible that involvement is to other lower level management and staff.

9. Has the company briefed the union, if applicable, on its drug policy?
10. Is the company directing its message at the co-worker as well as the drug and/or alcohol abuser?
11. Have contractors been formally advised that personnel hired by them working on company property or on assignment for the company would be denied access if such individuals violate company drug and alcohol policy and would be referred to local law enforcement if found to be in apparent violation of the law?
12. Is the company policy on chemical testing of body fluids applied consistently, and with due care taken to safeguard the integrity of the fluid samples collected?
13. Have provisions been established for performing reliable chemical testing when appropriate?

IV. SOURCES OF ADDITIONAL INFORMATION

Additional information or materials on drug and alcohol abuse, or on behavioral/emotional/psychological problems or disorders, are available from the many state and local organizations dealing with these problems. They can provide lists of their available resources. In addition, there are several national ~~information~~ sources which provide information, such as:

National Clearinghouse for
Drug Abuse Information
P.O. Box 1635
Rockville, MD 20850

National Clearinghouse for
Alcohol Information
P.O. Box 2345
Rockville, MD 20850

Pyramid Project (for
technical assistance in
drug abuse prevention resources
and program development)
Suite 1006
7101 Wisconsin Avenue
Bethesda, MD 20014

Alcohol, Drug Abuse and
Mental Health Administration
Office of Communications and
Public Affairs
5600 Fishers Lane, Room 6C15
Rockville, MD 20857

National Drug Abuse Center
for Training and Resource
Development (for drug
abuse professional training
materials)
530 Wisconsin Avenue
Washington, DC 20015

National Audiovisual Center
(for federally produced drug
abuse films)
National Archives and Records
Service
Washington, DC 20409

Prevention Branch Division of
Resource Development
National Institute on Drug
Abuse
(for guidance on the development
of prevention programs)
5600 Fishers Lane, Room 10A-30
Rockville, MD 20857

National Clearinghouse for
Mental Health Information
National Institute of Mental
Health
5600 Fishers Lane, Room 11A-33
Rockville, MD 20857

Center for Multicultural Awareness
(for drug abuse multicultural
materials and assistance to
minorities)
2924 Columbia Pike
Arlington, VA 22204

Add
National Institute on Alcohol Abuse
and Alcoholism
National Council on Alcoholism
Sources of professional expertise
for organizing and operating
programs (Hazelden, New
Beginnings, etc.)

Have these organizations been contacted and informed of potential requests, type of information needed, etc.? Do they have topic/subject lists? Would they object to telephone number being added?

Introduction

What is a drug?

A drug is any chemical substance that produces physical, mental, emotional or behavioral change in the user.

What is drug abuse?

Drug abuse is the use of a drug for other than medicinal purposes which results in the impaired physical, mental, emotional or social well-being of the user. Drug *misuse* is the unintentional or inappropriate use of prescription or over-the-counter drugs, with similar results.

Which drugs are abused?

Narcotics, sedatives, alcohol, tobacco, stimulants, marijuana, inhalants, hallucinogens, phencyclidine—these are the major drugs of abuse. All have one thing in common: to one degree or another, they affect the user's feelings, perceptions and behavior. Most of these drugs affect the user in physical ways as well, but they are abused because

of their psychoactive (mind-altering) properties.

What is drug addiction?

The term *drug addiction* has been popularly used to describe a "physical" dependence on a drug. Originally associated with narcotic dependence, the term is gradually being replaced by the more neutral *drug dependence*.

What is tolerance?

Tolerance is a state which develops in users of certain drugs and requires them to take larger and larger amounts of the drug to produce the same effect. Tolerance often, but not always, occurs along with (physical) dependence.

Why do people abuse drugs?

There are many reasons: the wish or belief that drugs can solve every problem, the pressure from friends to experiment, the enjoyment of drug effects, and easy access to

* The information herein is from a booklet produced for Georgia Power Company, entitled, "Health & Safety Information on Alcohol and Drug Abuse," and is based on the National Institute on Drug Abuse publication, "Let's Talk About Drug Abuse," and was adapted for Georgia Power and in similar form for other companies by consultant Peter Bensinger. It is provided for indoctrination and training of employees.

Add discussion on transitory mental or physical impairments.

GUIDELINES OMITTED FROM EEI GUIDE

A separate section is recommended for each of the following subjects:

1. Program Objective

Industry should make a firm, formal, and direct commitment to these objectives.

Example: To provide reasonable assurance that all nuclear power plant personnel are fit for duty and not mentally or physically impaired in any way contrary to safety.

Example: To achieve safety through a onsite/offsite drug and accident free environment for employees and contractors.

Example: To achieve a high level of employee health, productivity and safety, and reduce absenteeism, unsafe conditions, and attendant human and monetary costs. To achieve a work environment that is free from the effects of alcohol or drug abuse.

2. Program Philosophy

Example: Emphasis of program is preventive, rather than primarily remedial or punitive.

Example: Program encourages self and coworker reporting.

Example: The success of the program is directly related to its quality and management support.

Example: Program implementation must be pro-active rather than re-active. There must be a dedicated commitment by all parties.

3. Program Element Integration

Describe the program elements necessary for an effective program and explain how they interrelate and are mutually dependent.

Example: Combine the program elements described in this enclosure with those in the existing EEI Guide. Organize in logically functional order.

Example: Selection of good employees depends on hiring practices, background investigations (qualifications and suitability verification), screening, testing, etc. The objective should be to prevent problem people from being hired or employed at the site.

Example: Assets protection (security) program needs to be integrated with fitness-for-duty program. The security program should be directed toward prevention, detection, and investigation of alcohol and drug abuse problems which threaten corporate assets or could endanger public health and safety. The fitness-

for-duty program should be directed toward all causes of mental or physical impairment that could endanger public health and safety. The role played by each organizational element, e.g., management, personnel, security, law enforcement, medical and counseling should be described.

Example: Employee assistance programs need coordination with security to prevent:

- (i) Supervision confronting problem employee and compromising investigation of drug abuse,
- (ii) Enrolling an employee in an assistance program when an investigation has gathered evidence for prosecution, and
- (iii) Supervisor taking actions, without proper training and coordination with security, that could jeopardize his life.

Example: Effective program needs involvement of professionals skilled in detection and counseling in substance abuse and emotional and physical impairments.

4. Supporting Activities

There are many important adjuncts to an effective fitness for duty program.

Example: Employment screening, which should include hiring practices, consent to tests and searches as conditions of employment, background checks, psychological tests, polygraph examinations, blood, urine, and breath testing, etc.

Example: Periodic rescreening.

Example: Investigations, which should be conducted in response to alleged or suspected drug abuse or other conduct which adversely affects a safe and secure operation. Investigations are also used as a means of determining if problems do exist, and to further requisite liaison with law enforcement agencies. They can be either overt or covert, such as undercover operations and surveillances. Investigations should be conducted after all accidents or unsafe operations or maintenance where human failure is suspected (such investigations should include chemical tests).

Example: Searches, which should be conducted for cause or in support of investigations, or periodically of the work place, lockers, etc. Use of detector dogs should be included.

5. Procedures (Specific step-by-step)

Examples: a. Monitoring absenteeism.

b. Confrontation and referral. Include example 4 of paragraph 3 above.

- c. Supervisory followup
- d. Return to duty. Include physical and psychological exams needed to verify rehabilitation.
- e. Termination
- f. Appeals
- g. Processing test samples and results
- h. Assessing job performance
- i. Obtaining certain data, such as arrest reports
- j. Handling refusal, or response, to treatment/assistance
- k. Handling situations involving critical jobs
- l. Actions to be taken when problem detected, suspected or reported on-site, off-site, on-duty, and off-duty
- m. Actions to be taken when employee reports use of prescription substances that could impair judgment or reactions.
- n. Handling abuse of prescription drugs.

- o. Handling anti-social or counter-institutional behavior.
Indicators are theft, vandalism, threats and assaults.
- p. Employee rights and responsibilities.

NOTE: Some of these situations are covered in "Examples" provided in the EEI Guide. It is suggested that it be a more visible topic and a detailed procedure provided.

6. Reporting and Recordkeeping

Records to manage the program. Such records should document how, when and where program policies and procedures are applied, to provide data for analysis and to provide actuarial data on the effectiveness and cost benefits of the program.

Reports of drug abuse and periodic summary reports to NRC.

Records and reports should enhance management awareness of the program, its successes, and facilitate analysis that would show where attention may be warranted.

7. Audits of Program

To assure continued effectiveness of the program.

8. Social and Legal Issues

There are many issues in this subject area; a few are:

- a. Validity/acceptability of chemical and psychological tests, polygraph exams, and searches.
- b. Legal ramifications of sending home an employee not fit for duty (and also not fit to drive, etc.).

9. Other

- a. There are controlled substances that may affect an individual's ability under stress, but may not result in any observable behavioral effects under normal circumstances. The best example of these substances are hallucinogens such as LSD, which can cause "flashbacks" up to a year after last dose was taken. How can such an abuser be identified? What assurance can be provided that a "rehabilitated" person would not experience a flashback at a critical time? There is evidence that PCP or even excessive use of cannabis can cause episodic aberrant behavior, even when detectable amounts of the drug are not present in body fluids.
- b. The interrelationship of character or integrity matters to fitness for duty needs to be discussed.

Example: Since use or possession of controlled substances is a violation of law, and the person who uses, possesses, or

sells such drugs is knowingly violating the law, we should assume that such a person may not choose to obey NRC rules and company policies concerning the protection of public health and safety.

Example: Anti-social and counter-institutional behavior, such as theft, vandalism, threats and assaults.

- c. Guide needs to elaborate further on non-utility professional resources that are available, and how these resources should be incorporated into the program.