

Drug-Free Workplace Program



U.S.
Nuclear
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Commission

INTRODUCTION

Achieving a drug-free America is one of our nation's highest priorities. President Reagan directed the Federal government to work toward a drug-free workplace and signed an Executive Order to assist in that effort. As a result of our national security and public health and safety responsibilities and the sensitive nature of our work, we at the NRC have a compelling obligation to detect and eliminate illegal drug use from our workplace. We can achieve that objective by increasing our understanding of the impact the use of illegal drugs will have on ourselves and our families, and by maintaining our commitment to counseling and rehabilitation. In this way, we uphold our responsibilities to ensure a drug-free workplace while protecting the rights and the dignity of the individual employee.

NRC developed a comprehensive Drug-Free Workplace Plan that includes extensive awareness and education opportunities for all employees, drug testing, counseling, and provisions for rehabilitation for employees who use illegal drugs. This brochure has been developed to provide general information and answer common questions employees may have regarding this plan. If you have any questions not addressed in this brochure, please obtain a copy of the NRC Drug-Free Workplace Plan (NUREG/BR-0134, Rev. 1) or call the Division of Facilities and Security, Office of Administration at 301-415-6546.

THE EMPLOYEE ASSISTANCE PROGRAM

An important component of the NRC Drug-Free Workplace Plan is the Employee Assistance Program (EAP). Through the EAP, the NRC offers a helping hand to those who need it, while sending a clear message that any illegal drug use is, quite simply, incompatible with Federal service. To accomplish this, the EAP publicizes the agency's alcohol and drug abuse policy and offers assistance to employees and family members dealing with alcohol and drug-related problems.

Who may use EAP services?

EAP services are available to all employees as well as to family members of employees, when feasible. To take advantage of these services, employees may self-refer, may be referred by a manager or other agency official, or may be referred as a result of a positive drug test.

Are EAP services confidential?

Employees who enter the EAP are treated in a confidential manner. All communications and records are protected by Federal law (10 CFR Part 2). However, information regarding the diagnosis, treatment, and progress of those who are referred as a result of a positive drug test must be made available to appropriate management officials for decision-making purposes.

What are EAP services?

EAP can provide

- crisis intervention, professional confidential short-term counseling and follow-up, and referral to community resources, on a 24-hour basis, to employees with alcohol, drug, mental health, and other personal problems;
- assessment, referral to an appropriate treatment or drug education program, and program monitoring for those employees who have a positive drug test or who self-refer under the “safe harbor” provision; and
- counseling and assistance to families of employees with alcohol or drug problems and to employees with family members who have alcohol or drug problems.

For additional information on EAP services, please contact the EAP Manager at 301-415-7113.

SUPERVISORY TRAINING AND EMPLOYEE EDUCATION

Employee education and training plays a vital role in NRC's ability to maintain a drug-free workplace. How well the NRC educates its employees on the dangerous effects illegal drug use has on public health and safety as well as the employee will greatly determine its success. The NRC has developed many ways to inform employees, including the distribution of written material, lending of videotapes, providing lunchtime programs, formal training, and presenting employee drug awareness days.

What do employees learn from this?

By participating in these various programs, employees can learn

- the effects of illegal drug use on performance and conduct;
- the symptoms of drug use;
- the programs available to employees, including the Employee Assistance Program and the Safe Harbor Program; and
- the relevant treatment, rehabilitation, and confidential issues.

Are supervisors required to take any special training?

Because supervisors and managers play a key role in establishing and monitoring a drug-free workplace, the NRC requires training for all supervisors and managers on how to recognize and address illegal drug use by agency employees. The purpose of this training is to help supervisors and managers understand

- NRC policies relevant to work performance problems, illegal drug use, and the EAP;
- the responsibilities of offering EAP services;
- the importance of recognizing and documenting employee performance and behavioral changes;
- the roles of the medical staff, the supervisor, and the EAP Manager;
- the ways to use the EAP;
- the EAP role in the performance appraisal and disciplinary process; and
- the process of reintegrating employees into the workforce following treatment.

For additional information on mandatory supervisory training and employee education, please contact the EAP Manager at 301-415-7113.

THE DRUG TESTING PROGRAM

Impaired judgement or reliability by employees as a result of drug use could have disastrous, immediate, and long-term effects upon public health and safety, the quality of the nation's environment, and national security. The purpose of the NRC Drug Testing Program is to identify illegal drug use in a carefully controlled and monitored manner while respecting the employee's personal dignity and privacy so as to achieve a drug-free workplace.

Who is tested?

As part of the NRC Drug Testing Program, any NRC employee is subject to drug testing should one of the following categories apply.

Random testing. Unannounced testing whereby all employees in testing-designated positions have an equal statistical chance of being selected for testing on a scientifically valid basis. Employees in testing designated positions receive notification prior to their inclusion in the random test pool. An employee who is selected for a testing-designated position and who has not been subject to random drug testing immediately prior to selection will be placed in the pool for random drug testing upon entry into the testing-designated position. Approximately 1700 employees are covered by random testing.

Reasonable suspicion testing. Testing conducted when management has reason to believe that an employee may be using illegal drugs. Management's

belief must be based on specific objective facts and reasonable inferences from these facts.

Applicant testing. Testing of tentative selectees from outside the NRC for testing-designated positions are subject to pre-employment or pre-appointment testing for illegal drug use.

Injury, illness, unsafe or unhealthful practices testing. Testing of employees authorized because of an accident or unsafe practice that occurred during the performance of the employee's job.

Voluntary testing. Testing provided at the employee's request. Volunteers are included in the pool of employees in testing-designated positions subject to random testing. Volunteers are subject to the same frequency, conditions, and procedures as employees in testing-designated positions.

Follow-up testing. Testing of employees who have completed an NRC approved treatment program. These employees are subject to unannounced follow-up testing for a specified period of time following treatment.

What provisions are made to ensure that "reasonable suspicion" testing is not abused?

The NRC Drug Testing Program provides specific guidelines for authorizing reasonable suspicion testing. The authorization must be based on specific objective facts and reasonable inferences drawn from these facts and must be concurred in by an Office Director or above. "Hunches" or anonymous calls are not in themselves sufficient to meet this standard. Reasonable suspicion can be based on, for

example, direct observation of drug use, observation of the physical symptoms of being under the influence of a drug, identification of being the focus of a criminal investigation into drug-related activities, or arrest or conviction for a drug-related offense.

Which drugs does NRC test for?

The NRC random, applicant, follow-up, and voluntary programs test for the following five classes of drugs: marijuana, cocaine, opiates, phencyclidine (PCP), and amphetamines; however, additional classes of drugs may be added to the panel by the U.S. Department of Health and Human Services (HHS). When conducting injury/unsafe practices or reasonable suspicion testing, NRC may test for any drug(s) (including those mentioned above) identified in Schedule I or II of the Controlled Substances Act, as deemed necessary.

What are the testing procedures?

HHS Mandatory Guidelines establishes scientific and technical guidelines for Federal agencies' workplace drug testing programs and establishes a certification program for laboratories engaged in urine drug testing for Federal agencies.

NRC allows the use of a split specimen method of collection. Provided a minimum volume of specimen is provided, it is split into two specimen bottles. The first bottle is used for the drug test. A negative result is taken as evidence that the employee has not recently used the drugs for which she or he was tested. If this initial test is positive, a more specific test on a second portion of

the same specimen is conducted. If a negative result is obtained, then the overall test result is reported as negative. However, if a positive result is obtained, the process continues.

All confirmed positive results are reviewed by a Medical Review Officer (MRO). The MRO is a physician responsible for, among other things, evaluating alternate medical explanations for a positive result. The MRO contacts each employee who tests positive in order to evaluate alternate medical explanations with the employee and/or with his or her physician. The MRO may request re-analysis of the original specimen. The donor may request through the MRO that the second bottle (split portion of specimen) be tested at NRC's contract secondary HHS certified laboratory. The MRO's review responsibilities are performed prior to the transmission of a confirmed positive test result to NRC administrative officials. This procedure assures that information known to the MRO concerning an employee's medical background remains strictly confidential, except for a confirmed positive test result. Therefore, the MRO provides an additional check on the technical aspects of the system and provides an additional level of screening and evaluation between the employee, the laboratory, and NRC administrative officials.

The remaining portion of any specimen that is confirmed positive is frozen for at least 1 year. This specimen is available for possible retest during administrative or disciplinary proceedings.

With regard to personal dignity, are employees watched during collection of the specimen?

In most cases (e.g., normal random testing), the specimen is provided in the privacy of a toilet stall or similar enclosure without direct observation. Collection site personnel of the same gender as the employee tested, however, may observe the individual provide the urine specimen when there is reason to believe the individual may alter or substitute the specimen to be provided when (1) facts and circumstances suggest that the individual has equipment or implements capable of tampering with or altering urine samples, (2) the individual has previously tampered with a specimen, or (3) the individual has just given a sample and a temperature measurement indicates possible tampering/adulteration/substitution.

What assurances are there that my test results are really mine?

The NRC Drug Testing Program mandates a strict "chain of custody" to provide this assurance. To ensure that the urine specimen taken from an employee is properly identified and is not accidentally confused with any other specimen, strict procedures are used when collecting, transferring, and storing the specimen.

What assurances do employees have that prescriptions or other medications they are taking will not show up as illegal drug use?

When a positive test could have resulted from legal use of prescription drugs, the MRO will contact the employee for additional information, including the name of the

treating physician. Legal use of prescription drugs is when (1) the medication is used by the person for whom it was prescribed, (2) the medication is used for the medical condition for which it was prescribed, and (3) the prescription was written by a physician in the normal performance of his or her duties. If the MRO determines that a positive test result was because of use of the legal use of prescription drugs, the MRO will report the test result as negative. If, however, the MRO determines that the test result was not because of the legal use of prescription drugs, the MRO will report the test result as positive.

Will employees be fired if they test positive?

Any employee found to be using, selling, or possessing illegal while in a duty status may be removed from the NRC or have his/her access authorization (security clearance) suspended under 10 CFR Part 10. Any employee found to be using, selling, or possessing illegal drugs while off duty may be removed or suspended without pay, depending on the circumstances. If not removed, the employee will be required to undergo an NRC approved treatment or education program, and will be subject to possible reassignment. However, if the employee declines treatment or uses drugs again, the NRC shall initiate action to remove that employee from Federal service.

For additional information on the drug testing program, please contact the Division of Facilities and Security at 301-415-6546.

THE SAFE HARBOR PROGRAM

A fundamental purpose of the NRC Drug-Free Workplace Plan is to assist employees who themselves are seeking treatment for drug use. NRC takes disciplinary action against any employee found to use illegal drugs in every circumstance except one: if the employee enters the Safe Harbor Program. Upon entering the Safe Harbor Program, NRC does not initiate disciplinary action against employees who meet all three of the following conditions:

- (1) voluntarily admits his or her drug use,
- (2) completes counseling or a treatment program, and
- (3) thereafter refrains from drug use.

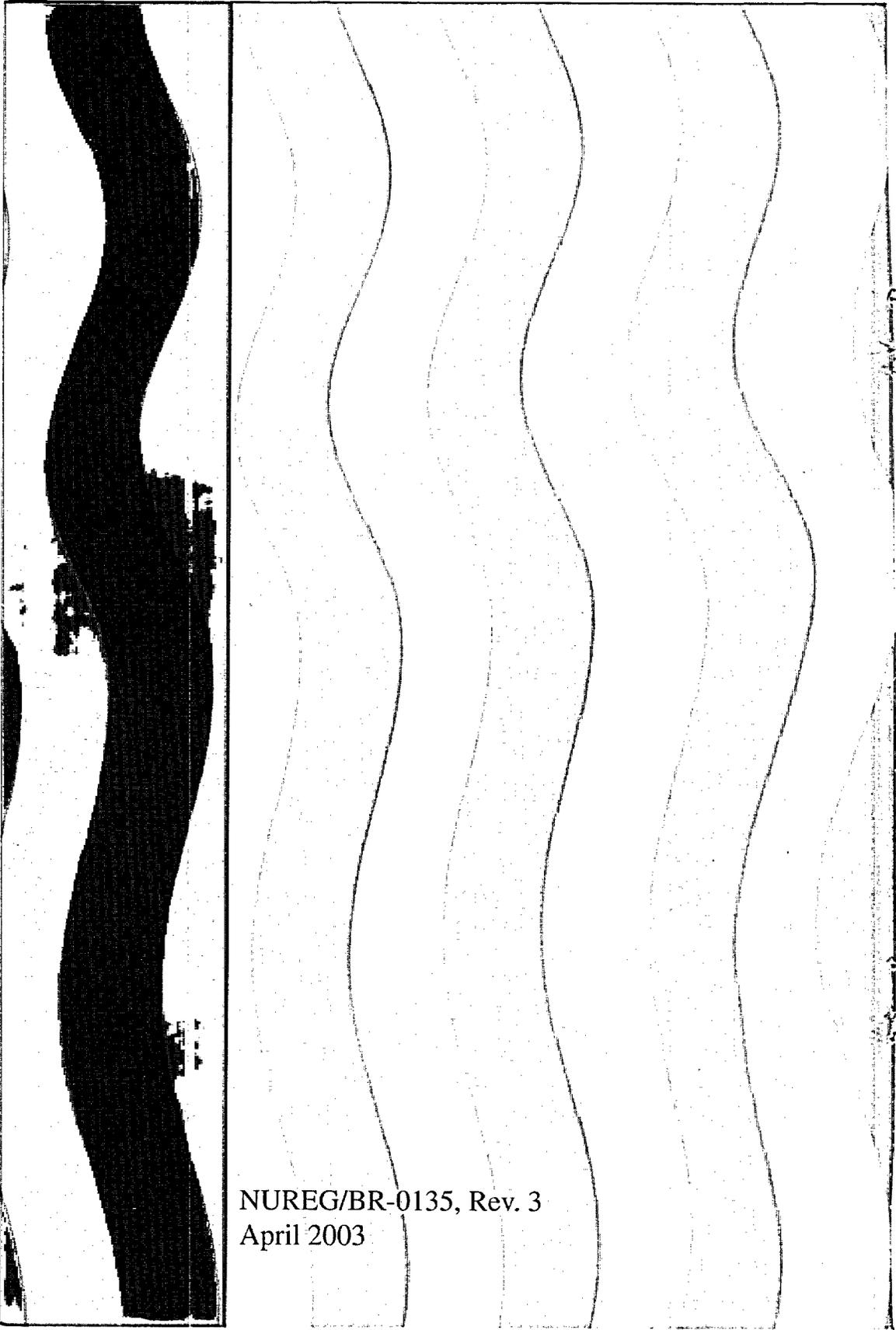
How can an employee participate in this program?

Since the key to the rehabilitative effectiveness of the Safe Harbor Program is an employee's willingness to admit his or her problem, to participate in this program the employee must voluntarily disclose illegal drug use to a supervisory official in his or her management chain by close of business on the day prior to the day he or she is required to provide a urine sample. This prevents employees from identifying themselves as illegal drug users on the day they officially or unofficially find out that they are scheduled for drug testing. Since employees are not aware of the date they will be required to provide a urine specimen, this serves as an incentive for early disclosure by the employee.

The Safe Harbor Program is also not available to employees found to have used illegal drugs by direct

observation or through evidence obtained from an arrest or criminal conviction.

For additional information on the Safe Harbor Program, please contact the EAP Manager at 301-415-7113 or the Drug Program Manager at 301-415-6546.



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