

NP 1.7.19

**FOR-CAUSE TESTING
(REASONABLE SUSPICION)**

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1.0 PURPOSE

Establish when it is appropriate to conduct for-cause drug and alcohol testing.

2.0 DISCUSSION

This procedure applies to all persons who:

- Have applied for unescorted access to PBNP.
- Have been granted unescorted access to PBNP.
- Would report to the Emergency Operations Facility (EOF) as a designated member of the Emergency Response Organization (ERO).

3.0 RESPONSIBILITIES

3.1 Fitness-For-Duty (FFD) Program Manager (FFDPM)

FFDPM is responsible to verify the appropriate testing and follow-on actions are completed.

3.2 Security Manager

The Security Manager is the backup to the FFDPM.

4.0 PROCEDURE

For-Cause Testing (Reasonable Suspicion)

Chemical testing of an individual shall be performed as soon as possible following:

- 4.1 Behavior indicating possible substance abuse.
- 4.2 After accidents involving a failure, or suspected failure, in individual performance resulting in:
 - a. Personal injury,
 - b. Radiation exposure or release of radioactivity in excess of regulatory limits,
 - c. Actual or potential substantial degradations of the level of safety of PBNP if there is reasonable suspicion that the worker's behavior contributed to the event,
 - d. Credible information received, by Security, that an individual is abusing drugs or alcohol.

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- 4.3 A driver-controllable vehicle accident:
- a. Must be operating a company owned or leased vehicle,
 - b. NMC supervision or liaison makes the determination if the vehicle accident driver warrants testing.
- NOTE: Only individuals who have applied for or have been granted unescorted access will be tested for-cause. Escort required personnel shall:**
- Be removed from PBNP,
 - Have PBNP FFD requirements explained,
 - Have their employer contacted, and
 - Require NMC management approval before returning to work.
- 4.4 To establish proper for-cause testing of individuals headquartered at PBNP, Milwaukee, or Appleton:
- a. The FFD Program Manager or Security Manager shall be contacted when an event occurs or information is developed that suggests an individual with unescorted access requires a for-cause test.
 - The FFD Program Manager shall conduct an investigation if one is required.
 - The Security Manager shall later follow up to ensure the matter has been pursued and resolved. (Reference B-1)
 - b. Additional resources, including the NMC Medical Review Officer (MRO), contract liaison, and the individual's supervisor, may be included as appropriate.
- 4.5 The FFD Program Manager or Security Manager shall conduct an evaluation of hearsay or anonymous allegations. (Reference 5.1)
- a. Does the allegation contain detailed information vs. a general statement?
 - b. Does the person provide his/her name when reporting an allegation?
 - c. Does a supervisor believe the person providing the allegation to be credible?
 - d. Are there other workers or supervisors who can substantiate the information?

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- 4.6 The individual's NMC supervisor, liaison or co-worker shall contact and advise the FFD Program Manager of the situation and seek guidance on necessary actions.

All facts supporting credible information and the belief that the individual must be required to be tested for-cause shall be related at this time.

- 4.6.1 If appropriate, the FFD Program Manager will advise the Plant Manager, Director of Site Operations, Site Vice President or Duty Shift Superintendent (DSS) of the situation and seek approval to require the individual to provide specimens for analysis.
- 4.6.2 It is not required to seek approval to conduct a for-cause test for odor of alcohol from the Plant Manager, Director of Site Operations, Site VP or DSS. See section 4.11 for specific information regarding odor of alcohol.
- 4.7 If the Plant Manager, Director of Site Operations, Site Vice President, or DSS concludes the individual should be required to provide specimens for analysis, the individual shall be:
- a. Advised of this requirement in the presence of the individual's supervisor.
 - b. Advised of the specific reason(s) specimens are required for testing.
 - c. Advised they have the right for a union representative to be present. (If the individual is an employee of NMC or WE who is represented.)
 - d. Honored a request to have a union representative be present. (If the individual is an employee of a contractor.)
- 4.8 If the individual agrees to provide specimens, the FFDPM shall arrange for the presence of a collection technician (CT) qualified under the PBNP FFD program to accomplish collections at the appropriate collection site.
- 4.8.1 The FFDPM shall provide information on the appropriate collection site and CT available for testing.
- 4.8.2 The NMC supervisor or liaison (or assigned management person) shall escort the individual to the appropriate collection site for testing.

For the limited purpose of blood alcohol content (BAC) evaluation for the presence of alcohol, the breath alcohol machine shall report the presence of any alcohol.

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- 4.8.3 After individual's specimens have been collected:
- If an NMC or WE employee, they shall be placed on indefinite suspension pending further investigation.
 - If a contractor employee, they shall be barred from company property pending further investigation.
- 4.8.4 The individual's supervisor shall arrange for the person to be transported home.
- Ensure the worker is escorted home safely, or attempt to notify the individual's emergency contact and advise them to transport the individual home from the collection site.
 - For odor of alcohol situations the worker may be safe to drive home if they have a BAC of less than 0.02% on a breath test and there are no other FFD concerns.
- 4.8.5 The Security Manager shall be advised the individual's unescorted access to PBNP is suspended pending results of the investigation.
- 4.9 If an NMC, WE or contractor employee refuses to provide specimens for testing:
- The FFD Program Manager (in accordance with management actions and sanctions) shall advise the individual they are required to provide specimens and refusal shall result in:
- Denial of access from NMC sites for NMC or WE employees, and
 - Denial of access from NMC sites for contractor employees.
- 4.10 If test results are negative, employees will be returned to work and shall receive reimbursement for loss of wages under labor agreements for suspensions. Contractors may be returned to work for negative test results with NMC management approval.
- 4.10.1 NMC management shall schedule a return to work meeting. (Reference B-2)
- 4.10.2 The tested individual(s) shall be provided a statement that for-cause records have **NOT** been retained in the individual's file and informed in writing that the temporary removal, suspension, or other administrative action will **NOT** be disclosed, and need **NOT** be disclosed by the individual in response to requests for information concerning removals, suspensions, administrative actions, or history of substance abuse.

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4.11 Odor of Alcohol Testing:

Under circumstances where an individual's observed behavior or actions are **NOT** being questioned, but there is a suspected odor of alcohol on an individual's breath, the individual shall be required to submit to a for-cause test as follows:

- 4.11.1 When a supervisor is informed that an individual has an odor of alcohol on their breath the supervisor shall:
- Contact the FFD Program Manager for assistance and guidance if needed
 - Approach the individual for a confidential discussion and discretely state the suspicion;
 - Discuss with the individual any reason that an odor of alcohol might be on the individual's breath.
- 4.11.2 When a supervisor determines that an odor of alcohol is **NOT** present, the individual may be released to return to work.
- 4.11.3 If the supervisor confirms the odor of alcohol on the individual's breath, the individual shall be tested for-cause as described in this procedure.
- 4.11.4 When a supervisor detects the odor of alcohol on a workers breath the supervisor shall:
- Contact the FFD Program Manager for assistance and guidance if needed.
 - Discuss with the individual any reason that an odor of alcohol might be on the individual's breath.
 - Have another supervisor or management employee corroborate the odor of alcohol.
- 4.11.5 If the supervisor or management employee determines that an odor of alcohol is **NOT** present, the individual may be released to return to work.
- 4.11.6 If the supervisor or management employee confirms the odor of alcohol on the individual's breath, the individual shall be tested for-cause as described in this procedure.
- 4.11.7 For workers completing processing for unescorted access, access authorization members or medical staff may corroborate the odor of alcohol.
- 4.11.8 The FFD Program Manager will inform the PBNP Plant Manager, Director of Site Operations or Site VP of all for-cause tests related to odor of alcohol as time permits.

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5.0 REFERENCES

- 5.1 NP 1.7.17, Fitness for Duty - Continual Behavior Observation Program
- 5.2 NP 1.7.16, Collection Site Performance
- 5.3 10 CFR 26, "Fitness For Duty Programs"
- 5.4 CP 0016, NMC Fitness for Duty Policy
- 5.5 SEC-106, For-Cause Testing
- 5.6 SEC-234, WE Nuclear Permanent Record Book

6.0 BASES

- B-1 IR 92017-02, Allegation not adequately evaluated.
- B-2 SP 99-007, Develop return to work meeting.