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POLICY ISSUE
(NEGATIVE CONSENT)

October 18, 1990

SECY-90-357

For: The Commissioners

From: James M. Taylor
Executive Director for Operations

Subject: MEMORANDUM OF UNDERSTANDING WITH THE DEFENSE NUCLEAR FACILITIES SAFETY BOARD: APPENDIX C, EMPLOYEE ASSISTANCE PROGRAM SUPPORT

Purpose: To request Commission approval of an Appendix to the Memorandum of Understanding (MOU) with the Defense Nuclear Facilities Safety Board covering Employee Assistance Program (EAP) support services.

Discussion: On June 21, 1990, the Commission approved a Memorandum of Understanding with the Defense Nuclear Facilities Safety Board. The MOU stated "requests for support of an on-going nature to be provided by NRC...will be covered by an appendix to this MOU which must be approved by the Commission."

The Board has expressed interest in negotiating several MOU's with various NRC organizations, including the NRC EAP.

This paper transmits Appendix C to the umbrella MOU, describing the EAP support services which the NRC will provide to the Board. The support will include supervisory training and informal advice to Board management staff on matters relating to employee assistance. It will, however, stop short of providing direct counseling services to Board employees, or directly advising Board managers and supervisors on specific cases.

OGC has no legal objections to this Appendix.

Contact:
P. Kaplan
492-4639

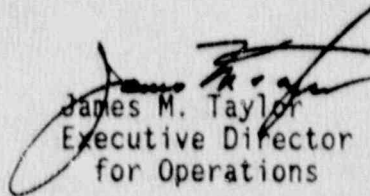
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Recommendation: Approve the Employee Assistance Program Appendix C to the Memorandum of Understanding between the Nuclear Regulatory Commission and the Defense Nuclear Facilities Safety Board.

The staff intends to sign the enclosed appendix to the MOU and return it to the Board within ten (10) working days of the date of this paper unless otherwise instructed by the Commission.


James M. Taylor
Executive Director
for Operations

Enclosure:
Memorandum of Understanding
Appendix C

SECY NOTE: In the absence of instructions to the contrary, SECY will notify the staff on Friday, November 2, 1990, that the Commission, by negative consent, assents to the action proposed in this paper.

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APPENDIX C TO THE
MEMORANDUM OF UNDERSTANDING
BETWEEN
THE DEFENSE NUCLEAR FACILITIES SAFETY BOARD
AND
THE NUCLEAR REGULATORY COMMISSION

Employee Assistance Program

This appendix sets forth an understanding of the Employee Assistance Program (EAP) support services which the Nuclear Regulatory Commission (NRC) will provide to the Defense Nuclear Facilities Safety Board (Board).

Authority and Background

This agreement is entered into pursuant to Section 114 of the National Defense Authorization Act for FY-1989 (P.L. 100-456). The NRC considers employees to be the agency's most valuable resource. For this reason, their health and safety are of paramount concern. The agency also has a major responsibility for protecting the health and safety of the public and national security. Consistent with these dual concerns, the agency has established a policy of zero tolerance for illegal drug use and encourages employees with an alcohol or drug abuse problem to seek assistance. Executive Order 12564 mandates that all Federal agencies establish Employee Assistance Programs to accomplish these goals.

Office of Personnel Management guidelines set forth the following as required components of an Employee Assistance Program: (1) Employee counseling and referral; (2) education and training on drug-related issues; (3) supervisory consultation regarding troubled employees; and (4) supervisory training to assist managers in maintaining a drug-free workplace.

I. Scope of Work

The NRC will assist the Board in establishing and maintaining an Employee Assistance Program by offering the following services:

- a) Education and Training for Board Managers and Supervisors to familiarize them with the signs and symptoms of alcohol and drug abuse, and to define and clarify their role and responsibilities as they relate to the Drug-free Federal Workplace Program.

The NRC schedules supervisory training on a regular basis and will provide spaces for Board employees in these courses. If, however, the Board wishes to provide training sooner and/or more extensively than can be accommodated by NRC's schedule, NRC will provide the names of possible sources for training which can meet the Board's needs.

- b) Informal Consultation. The NRC's Employee Assistance Program and Labor Relations staffs will be available to the Board's General Manager and other designated staff members to share their knowledge

and experiences in matters dealing with troubled employees, including drug testing, disciplinary action, confidentiality issues, the rehabilitation process, and reintegration of rehabilitated employees into the workplace. NRC staff will not, however, provide direct counseling to Board employees or directly advise Board supervisors and managers on specific cases.

- c) Referral Sources. The NRC will assist the Board with other EAP functions, i.e., individual counseling, referral, supervisory consultation, and employee education, by providing the names of EAP firms in the Washington metropolitan area who can provide those services to meet the unique requirements of the Board.

II. Period of Performance

The period of performance shall commence upon signature by both parties and shall continue uninterrupted at the pleasure of either party. This agreement may be modified with the consent of both parties. Either party may terminate the agreement by providing 60 days written notice to the other party.

III. Applicable Guidance

The NRC and the Board will follow the guidance and directives contained in NRC Manual Chapter 4161 and the NRC Drug Testing Plan (NUREG/BR-0134), Section IV.

IV. Funding

NRC training and informal advice will be provided to the Board at no cost.

V. Point of Contact

The organizational points of contact are:
NRC: Patricia Kaplan, (301) 492-4639
DNFSB: Janet Burke, (202) 376-5083

Accepted:

By: _____ Date: _____
John T. Conway, Chairman
Defense Nuclear Facilities Safety Board

By: _____ Date: _____
James M. Taylor
Executive Director for Operations
U.S. Nuclear Regulatory Commission