

DOCKET NUMBER
PROPOSED RULE FR 5073
(53 FR 7534)

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System Council U-2

DOCKETED
KNPC

International Brotherhood Electrical Workers

88 APR 26 P4:03

Jurisdiction
PUBLIC SERVICE ELECTRIC
AND GAS COMPANY, N. J.

Office: 7 Centre Drive - Suite No. 4 - Jamesburg, N.J. 08831

Officers

Phone: (609) 395-8785

CHARLES D. WOLFE - President

OFFICE OF THE SECRETARY
DOCKETING & SERVICE
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Representatives

JOSEPH L. JASMINE, Dist.
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Locals

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- 1329 - 1330 - 1335
- 1338 - 1350 - 1355
- 1368 - 1576 - 1673
- 2060 - 2178

April 20, 1988

Secretary
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Re: 53FR5734 Nuclear Power Plant
Access Authorization Program

Commissioners:

I.B.E.W. Local Union #1576 is the authorized bargaining representative for certain employees at Salem 1 and Salem 2 and Hope Creek Nuclear Generating Stations. These facilities are operated by Public Service Electric and Gas Company of New Jersey.

In the last few years Public Service Electric and Gas Company and System Council U-2 I.B.E.W. have met and established an agreed upon Drug and Alcohol Program. This policy incorporates fair testing procedures, checking of behavioral patterns, rehabilitation programs and methods that satisfy requirements to regain vital access. Included, also, is a review committee that keeps on top of all needs and changes.

This Drug and Alcohol Policy has been very successful and has the absolute support of Local Union #1576. We must note that there is no provision for random testing and we feel that with a proper program random testing is not necessary.

We request that the N.R.C. not propose rules that include random drug and alcohol testing, but instead, uses solid programs like those agreed upon by PSE&G Co. and the I.B.E.W.

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PDR PR PDR
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Thank you for your consideration and we are enclosing
a copy of our present Policy.

Very truly yours,

*John Gerrity*_{KS}
*Charles D. Wolfe*_{KS}

John Gerrity
President L.U. #1576
97 David Drive
Mullica Hill, NJ 08062

Charles D. Wolfe
President
System Council U-2 I.B.E.W.
7 Centre Drive Suite #4
Jamesburg, NJ 08831

JG/CDW/kwj
Enclosure



PSEG

Public Service
Electric and Gas
Company

30 Park Plaza Newark NJ 07101 / 201 430-7000

MAILING ADDRESS PO Box 570 Newark NJ 07101

September 16, 1987

System Council U-2, IBEW
7 Centre Drive, Suite #4
Jamesburg, New Jersey 08831

Gentlemen:

GRIEVANCE 2986 (1986-22)
SYSTEMWIDE
CORPORATE DRUG POLICY

This reply supersedes the previous reply dated May 1, 1986.

Union Submission

"The Company violated Article II, Section A of the Collective Bargaining Agreement by unilaterally introducing a Drug Program on Public Service property that constitutes an unreasonable intrusion into the privacy of the employee. Negotiate standards for a fair and equitable drug program."

Company Reply

The parties fully recognize the nature of our industry and support the concept that all Company employees must be prepared to perform their duties with the highest level of integrity, both physically and mentally. Associated with this recognition is the mutual desire of the Company and the Union to have an effective Drug Program which will provide a safe and drug free work environment for the protection of all employees, the public and Company equipment. In the pursuit of this objective, the parties have agreed to a program for the detection of drug use and for dealing with employees who engage in this activity. The following is a general outline of this program and is not intended to be all inclusive.

1. The use, sale, or possession of controlled substances during working hours or on Company property will result in discharge.

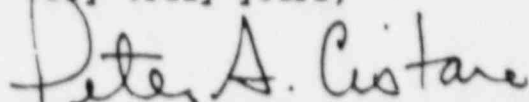
2. Employees will be subject to a fitness for duty exam which may include drug urinalysis under the following circumstances:
 - a. When required to take annual physical examinations.
 - b. When reliable information, such as a report of an arrest or indictment, gives the Company reason to believe an employee may be illegally involved with drugs.
 - c. When aberrant behavior is evidenced.
 - d. When there is reason to believe an employee is being affected by drugs because of patterns of unsatisfactory availability, misconduct or deteriorating job performance.
 - e. A serious accident where the employee appears to be at fault.
3. Employees undergoing a drug urinalysis will be given a letter to that effect which will also spell out the consequences of positive results. In addition, this letter will inform them that they are subject to a return-to-work physical examination, which includes a drug urinalysis, following any period of suspension for drug use. Finally, it will inform them that they are subject to testing at any time during the next three years. Any positive drug test during this three-year period, or on the return-to-work exam, will result in the employee's discharge.
4. Employees found to have illegal drugs in their system will be suspended and subjected to retesting as follows:

Marijuana - Testing for marijuana will incorporate an enzyme immunoassay (EIA) and radioimmunoassay (RIA) screen with a 50 ng/ml cut off level and a confirming gas chromatography/mass spectrometry (GC/MS) with a 10 ng/ml cut off level. Retesting may be done any time at an employee's option but no later than 14 days after the initial test. A final test will be taken no later than 21 days after the initial test in those cases when the employee continues to test positive. If this final test is positive, the employee will be discharged unless the confirming (GC/MS) analysis reveals a continuing decline of metabolite such that in the opinion of the Medical Director there has been no reuse; if so, the employee will continue on suspension and continue weekly tests as long as the metabolite is declining and until the results of the EIA/RIA are negative (less than 50 ng/ml). If at any time during the testing period the results of the GC/MS show an increased level of metabolite, indicating drug reuse, the employee will be discharged.

Other Drugs - If the initial urinalysis indicates the presence of drugs other than marijuana, the employee will be suspended and given a second test four days after the suspension, or earlier at the employee's option. If the results of the second urinalysis are positive, the employee will be discharged.

5. Employees who refuse to submit to a drug urinalysis when so ordered, or who submit a false specimen, will be considered insubordinate and subject to discharge.
6. The established Personal Guidance Program is available to any employee who needs help with a drug program. Employees who voluntarily consult with PGP before the Company acts to determine whether a drug problem exists, will be dealt with in strict confidence. Other employees who test positive for drugs will be encouraged to go to PGP, but under these circumstances will not be treated confidentially.
7. The Company and the Union have negotiated a Reemployment Program, effective September 9, 1985, for employees discharged for drug use.
8. The Drug Testing Procedure was previously spelled out in the Company's letter of September 13, 1985.
9. A copy of the test results of those employees who test positive will be given to the Union provided an appropriate release is signed by the employee.
10. A Company-Union Committee, consisting of three members each, will meet three times a year, or more often if necessary, to discuss matters pertaining to the Drug Policy.
11. This letter represents the guidelines to be used for drug testing. Any subsequent planned changes in the Drug Policy or drug testing guidelines will be reviewed by the above Committee prior to implementation. Unresolved changes, not required by law or other governmental requirements, that the Union feels are unreasonable will be subject to the grievance procedure.

Very truly yours,



Peter A. Cistaro
Manager - Industrial Relations

Accepted:



President-System Council U-2, IBEW



PSEG

Public Service
Electric and Gas
Company

80 Park Plaza Newark, NJ 07101 / 201 430-7000

MAILING ADDRESS / P.O. Box 570, Newark, NJ 07101

September 9, 1985

System Council U-2, I.B.E.W.
60 Park Place - Room 1115
Newark, New Jersey 07102

Gentlemen:

REEMPLOYMENT PROGRAM FOR EMPLOYEES
DISCHARGED FOR DRUG AND/OR ALCOHOL ABUSE

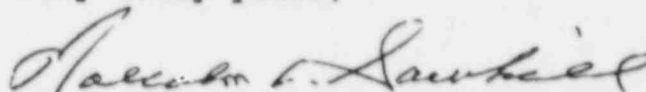
The following "Reemployment Program" has been agreed to by the Company and the IBEW:

1. A permanent employee who has completed the probationary period and who is discharged for drug and/or alcohol abuse will be given consideration for reemployment following successful demonstration to the satisfaction of the Company that the substance abuse has been eliminated and that he/she is otherwise qualified for employment.
2. If deemed eligible to participate, the employee will be so informed at the time of discharge or within one week thereafter by means of a letter outlining the program requirements and providing for signatures by the Company, the Union and the employee. The employee may then have up to one week, if necessary, to advise the Company of his/her decision to participate. Employees discharged for reasons other than the substance abuse problem will not be eligible to participate in the program.
3. If the eligible employee elects to participate in the program, no grievance may be submitted relative to the case.
4. The first phase of the Reemployment Program includes a specified program of rehabilitation determined by the Medical Department and accepted by the employee. It will consist of six months off the payroll. If, during this period, it is determined by the Medical Department that the employee has failed to adhere to the rehabilitation requirements, the employee will not be eligible for reemployment. It is further agreed that such determination will not be subject to the grievance procedure.

The Energy People


5. If the individual satisfactorily completes the first phase of the program and is approved by the Medical Department, he/she will be reemployed at an entry level job at the starting wage rate. The Company will normally reemploy an individual at the same location, except in very unusual circumstances. The individual may be placed in the occupational group from which discharged, or any other group for which qualified.
6. The second phase of the program will continue for one year from the date of reemployment. Wage progression will be in accordance with the Agreement, but the employee will not be eligible for promotion or transfer during this year.
7. An employee who successfully completes this second phase of the program will be returned to the classification, wage rate, and seniority held at the time of discharge. It is recognized that in some cases, restoring the employee to his/her former classification may result in creating a surplus. The surplus employee will be returned to his/her former classification and rate of pay effective immediately.
8. It is understood that an employee, both during the six months off the payroll and following reemployment for a period of three years, is subject to report, at any time, for any medical examination deemed appropriate by the Medical Department.
9. If it is determined within three years after reemployment that the provisions of the drug and alcohol program have again been violated, the employee will be discharged and will not be eligible for further consideration under the Reemployment Program. Discharges under these circumstances may be subject to the grievance procedure.
10. This program will become effective upon the date of signing by the Union.

Very truly yours,



Malcolm C. Sawhill
Manager - Industrial Relations
Electric Operations

Accepted for the Union


Charles D. Wolfe, President
System Council U-2, IBEW

9-9-85
Date

(SAMPLE LETTER TO EMPLOYEE AT TIME OF DISCHARGE)

Dear _____

On _____ you were discharged for violating the Company's Alcohol and Drug Policy.

However, it has been determined that you are eligible for re-employment under the provisions of the Company's Alcohol and Drug Program following successful completion of a six-month rehabilitation period, the specific requirements of which will be established by the Medical Department. As a condition of your participation, you automatically waive recourse to the grievance procedure. Participation in this Reemployment Program is voluntary.

If you fail to adhere to the rehabilitation requirements during this six months, you will no longer be considered for reemployment and no grievance may be filed in your behalf.

Upon successful completion of the above rehabilitation phase and approval by the Medical Department, you will be reemployed in an entry level job at the starting wage rate. You will remain in the entry level job for one year during which time you will not be eligible for promotion or transfer. After completing one year of satisfactory employment and continuing adherence to the rehabilitation requirements, you will be returned to your former classification and wage rate with seniority as of the time of discharge.

If you violate any provision of the Company's Alcohol and Drug Program within three years or reemployment, you will be discharged without further recourse to the Reemployment Program.

(Location Manager)

Accepted by the Union _____ Date _____

Accepted by the Employee _____ Date _____



PSEG Public Service
Electric and Gas
Company

80 Park Plaza, Newark, NJ 07101 / 201 430-7000

MAILING ADDRESS / PO Box 570, Newark, NJ 07101

September 13, 1985

System Council U-2, I.B.E.W.
60 Park Place - Room 1115
Newark, New Jersey 07102

Gentlemen:

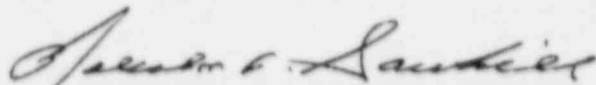
DRUG TESTING PROCEDURE

In response to your recent letter, this is to confirm the Company's modification to its drug testing procedure. Implementation of all these procedures will be effective on or before November 1, 1985.

1. Containers used for collecting specimens will be laboratory clean.
2. Specimens will be separated into two parts. One will be sent immediately for drug testing while the other will be frozen and retained by the Company. If the first specimen tests positive, the employee will be suspended and the second will be sent for a confirming test.
3. Employees undergoing drug screening will be permitted to witness the sealing and labeling of the specimen containers.
4. Negative test results will be communicated to suspended employees within 72 hours of shipment to the testing company.

Changes in the above procedure will be discussed with the Union before implementation.

Very truly yours,


Malcolm C. Sawhill
Manager - Industrial Relations
Electric Operations

DRUG TESTING
CUT-OFF LEVELS
(NG/ML)

<u>SUBSTANCE</u>	<u>SCREEN</u>
Amphetamine	1000
Barbiturates	200
Benzodiazepine	300
Cannabinoid (Marijuana)	50
Cocaine	300
Opitate	300
Pnencyclidine	25
Methadone	300