



# REVIEW COMMITTEE

**IBEW**



AUG 17 1990

PACIFIC GAS AND ELECTRIC COMPANY  
215 MARKET STREET, ROOM 916  
SAN FRANCISCO, CALIFORNIA 94106  
(415) 973-1125

**CASE CLOSED  
LOGGED AND FILED**

**RECEIVED AUG - 9 1990**

INTERNATIONAL BROTHERHOOD OF  
ELECTRICAL WORKERS, AFL-CIO  
LOCAL UNION 1245, I.B.E.W.  
P.O. BOX 4790  
WALNUT CREEK, CALIFORNIA 94596  
(415) 933-6060  
R.W. STALCUP, SECRETARY

D.J. BERGMAN, CHAIRMAN

- ☐ DECISION
- ☐ LETTER DECISION
- ☐ PRE-REVIEW REFERRAL

## REVIEW COMMITTEE DECISION

Diablo Canyon Power Plant Grievance No. 22-165-86-41  
Review Committee File No. 1648-87-1

The above-referenced grievance concerning the Diablo Canyon drug and alcohol policy was referred to Ad Hoc negotiations. Since that time Letter Agreement 89-210-PGE, the Diablo Canyon Fitness for Duty Policy, was executed. Accordingly, the grievance is returned to the Review Committee and settled based on the Letter Agreement and its transmittal cover letter.

### FOR COMPANY:

William J. Eddy  
Rodney J. Maslowski  
Ronald A. Morris  
David J. Bergman

By

Date

7-31-90

### FOR UNION:

Arthur D. Murray  
Patrick S. Nickeson  
Fred H. Pedersen  
Roger W. Stalcup

By

Date

7/27/90

1245

LOCAL UNION

P.O. Box 4790  
Walnut Creek  
CA 94596  
3083 Citrus Circle  
415 933.8060  
FAX 415 933.0115  
February 14, 1990

Mr. Richard B. Bradford  
Manager of Industrial Relations  
Pacific Gas and Electric Company  
215 Market Street, Room 916  
San Francisco, CA 94106

RE: LA 89-210-PGE

Dear Mr. Bradford:

I am returning a signed copy of LA 89-210-PGE.

Local 1245 continues to have strong reservations about the constitutionality of random drug testing as mandated by the Nuclear Regulatory Commission, and by signing this Letter Agreement we do not waive or abandon our right to raise constitutional issues in whatever forum is appropriate.

Sincerely,



Jack McNally  
Business Manager

Attachment

TD:lm

**IBEW**

International  
Brotherhood of  
Electrical  
Workers, AFL-CIO

Jack McNally  
Business Manager

Howard Stiefer  
President

Pacific Gas and Electric Company

215 Market Street  
San Francisco, CA 94106  
415/972-7000

December 4, 1989

Local Union No. 1245  
International Brotherhood of  
Electrical Workers, AFL-CIO  
P. O. Box 4790  
Walnut Creek, CA 94596

Attention: Mr. Jack McNally, Business Manager

Gentlemen:

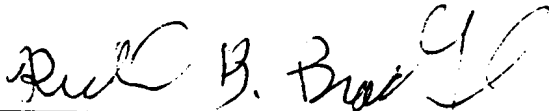
Company and Union recently concluded negotiations on the Diablo Canyon Power Plant Fitness for Duty Program. Attached is said program and a list of understandings reached by the parties regarding the policy to be effective January 3, 1990.

If you are in accord with the foregoing and the attachments and agree thereto, please so indicate in the space provided below and return one executed copy of this letter to Company.

Yours very truly,

PACIFIC GAS AND ELECTRIC COMPANY


By

  
Manager of Industrial Relations

The Union is in accord with the foregoing and the attachments and it agrees thereto as of the date hereof.

LOCAL UNION 1245, INTERNATIONAL  
BROTHERHOOD OF ELECTRICAL WORKERS, AFL-CIOFeb 14, 1989

By

  
Business Manager

UNDERSTANDINGS CONCERNING NPAP A-20

1. Application of Section 500.5 of the Physical Agreement to the policy. This includes any NRC amendments, clarifications or interpretations of the rule.
2. Establishment of Labor Management committee to review and audit FFD program and meet on a quarterly basis to consider revisions to policy (Union to provide draft).
3. Employees whose fitness is questioned without suspicion of drug or alcohol use, except when conducting post accident testing as provided in Section 5.7.3(b), will be treated under the Company's Medical Clarification Examination Procedure.
4. The DCPD Medical Facility will not be used as a collection site for chemical testing. Medical facility personnel may be used to draw a blood specimen at the Collection site facility.
5. At Union's request, the split sample shall be analyzed for ethanol and the results made available to the Union.
6. Company will meet and confer with Union on the selection of HHS-certified laboratories and Medical Review Officers used in the Fitness for Duty Program, including the appeals procedure.
7. Disciplinary action for violations of NPAP A-20 will be based upon and consistent with existing negotiated agreements (including the First Offender Letter Agreement) and past practice.
8. Substances will be added to the panel for testing only with the agreement of the parties or as required by NRC Guidelines following discussions between the parties.
9. Employees who commit to being available for emergency call-out, and who after being called for emergency work refuse the assignment as a result of alcohol use, will be credited for equivalent overtime as described in Section 212.3 of the Agreement. Employees who report to the Collection facility for testing as a result of an emergency call-out, and who are determined to be unfit for work, will not be credited with the equivalent overtime. Minimum call-out pay provisions will apply.
10. An employee unable to perform his or her normal work duties because of a temporary suspension of DCPD site access as required by Sections 5.2.3, 5.2.4, 5.2.5, 5.2.7, or 5.2.8 of NPAP A-20 shall be placed, at his or her option, on paid sick leave or vacation, if available, or unpaid leave.
11. Positive chemical test results prior to the implementation date of the Program will not be considered when determining sanctions except in situations where employees are at the "last step" stage.

12. Additional follow-up testing as prescribed by the treatment provider will be administered by the treatment facility, unless the employee requests that the testing be performed at the collection site facility, and used as one indication of successful treatment.
13. A "free standing" personal computer shall be used to generate the random selection of names for chemical testing.
14. At the time of chemical testing, employees shall be informed in writing of their shop steward representation rights. Employees are entitled to shop steward representation when meeting with management after a confirmed positive test, when a for cause test is being performed, when agreeing to give blood during a confirmatory alcohol test, and prior to an MRO interview resulting from a presumptive positive test. Shop steward representation will not be allowed during an MRO interview or medical clarification exam.

The Company will receive only the following information specific to an individual from the MRO interview:

- a) Negative test result
- b) Positive test result for illegal drugs
- c) Positive test result for alcohol
- d) Rehabilitation treatment program recommendations
- e) Expected date of return to work

Information provided to the MRO by the employee during the interview will be released by the MRO only as it relates to issues raised in the grievance procedure.

15. Employees will have access to the grievance procedure whether or not they avail themselves of the appeals procedure in the policy. Company will accept an employee's supporting documentation or information for consideration in the grievance procedure even if it is beyond the time limits specified in the appeals procedure.
16. If an employee subject to follow-up testing under Section 5.7.5 is assigned outside the DCPD site and unescorted access is removed, the testing requirement will be suspended. If unescorted access is later required, all elapsed time will be counted toward completion of the testing requirement. However, in all cases the employee will be required to continue and complete any prescribed rehabilitation program.

If an employee subject to follow-up testing is assigned outside the DCPD site but unescorted access is not removed, the testing will be conducted on Company time at an approved testing facility.

17. An employee who loses DCPD site access for three years and is terminated because of a second positive for illegal drugs, where no on the job impairment is apparent, will be considered eligible for rehire as soon as evidence of completion of an acceptable rehabilitation program is provided to the Company.

PACIFIC GAS AND ELECTRIC COMPANY

DEPARTMENT OF NUCLEAR POWER GENERATION  
DIABLO CANYON POWER PLANT

NUMBER NPAP A-20/NPG-10.4  
REVISION 2  
PAGE 1 OF 24  
UNITS

TITLE: NUCLEAR PLANT ADMINISTRATIVE PROCEDURE  
DCPP FITNESS FOR DUTY PROGRAM

1 AND 2

APPROVED: \_\_\_\_\_  
VICE PRESIDENT, NPG      DATE      EFFECTIVE DATE

1.0 SCOPE

- 1.1 This procedure sets forth the PG&E Policy for the Nuclear Power Generation Department's Fitness for Duty Program. The procedure establishes the program and provides guidance for the consistent implementation and administration of the program. The Fitness for Duty Program meets the requirements of 10 CFR Part 26, "Fitness for Duty Programs", (Reference 6.1).
- 1.2 The procedure includes the following aspects of the Fitness for Duty Program:
  - 1.2.1 Fitness for Duty Rules
  - 1.2.2 Fitness for Duty Sanctions
  - 1.2.3 Prescription and Over-the-Counter Drugs
  - 1.2.4 Other Factors Affecting Fitness for Duty
  - 1.2.5 Supervisory Responsibilities
  - 1.2.6 Contractor Compliance
  - 1.2.7 Chemical Testing
  - 1.2.8 Medical Review Officer
  - 1.2.9 Discovery of Drugs and Alcohol
  - 1.2.10 Call-Outs
  - 1.2.11 Pre-Access Screening
  - 1.2.12 Training
  - 1.2.13 Employee Assistance Program
  - 1.2.14 Appeals Process
  - 1.2.15 Confidentiality and Privacy

TITLE: DCPD FITNESS FOR DUTY PROGRAM

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1.3 This procedure encompasses other procedures, by reference, which address in detail specific aspects of the Fitness for Duty Program.

1.4 This program applies to all persons with unescorted security access to the protected area of Diablo Canyon Power Plant (DCPP) and to PG&E, vendor and contractor personnel required to physically report to the Technical Support Center (TSC) or Emergency Operations Facility (EOF) in accordance with DCPD Emergency Procedure EP G-2 Supplement 1 (Reference 6.6) and Corporate Emergency Response Plan Procedures 1.1, 3.2, 3.3, 4.3 and 4.7 (Reference 6.7).

Exception: Other than the rules contained in Section 5.1.1 of this procedure, the specific provisions of the Fitness for Duty Program will not be applied to NRC employees or NRC contractors. Where reason exists to suspect that an NRC employee has violated the NPG Fitness for Duty rules as described in Section 5.1.1, he or she will not be denied access, but shall be escorted at all times while in the protected area and the NRC Regional Administrator, NRC Region V, shall be notified immediately by the Plant Manager of the circumstances. During other than normal working hours, the NRC Operations Center shall be notified immediately.

The specific provisions will not be applied to emergency personnel (fire department, medical personnel, etc.) reporting to an emergency.

1.5 This procedure and changes thereto require PSRC review and may require union review.

## 2.0 OBJECTIVES

2.1 The performance objectives of the NPG Fitness for Duty Program are to:

2.1.1 increase the measure of public health and safety by providing reasonable assurance that persons with access to Diablo Canyon Power Plant perform their tasks in a reliable and trustworthy manner and are not under the influence of any substance, legal or illegal, or mentally or physically impaired from any cause, which in any way adversely affects their ability to safely and competently perform work; and

2.1.2 satisfy the requirements of 10 CFR Part 26, "Fitness for Duty Program."

2.2 The procedure encompasses the following supplements which provide detailed, step by step procedures for specific aspects and phases of the Fitness for Duty Program (see Section 9.0).

2.2.1 General Requirements

2.2.2 Specimen Collection Process

2.2.3 Medical Review Officer

2.2.4 Protection of Information

2.2.5 Records

2.2.6 Reporting Requirements

2.2.7 Selection and Notification

### 3.0 RESPONSIBILITIES

3.1 The Vice President, Nuclear Power Generation (NPG), is responsible for ensuring that the NPG Fitness for Duty Program meets the requirements of 10 CFR Part 26, "Fitness for Duty Program."

3.2 Managers, Supervisors, and Foremen are responsible for ongoing implementation of the NPG Fitness for Duty Program within their respective organizations.

3.3 The Fitness for Duty Program Supervisor is responsible for managing the NPG Fitness for Duty program.

3.4 Persons covered under the scope of the NPG Fitness for Duty Program are responsible for complying with the requirements of the program, as applicable.

3.5 The Medical Review Officer is responsible for medical evaluations and recommendations regarding fitness for duty.

3.6 The Fitness for Duty Staff (Collection Site Persons) is responsible for the day to day operation of the Collection Site Facilities; specimen collection, preparation and shipment; and record keeping.

TITLE: DCPD FITNESS FOR DUTY PROGRAM

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#### 4.0 DEFINITIONS

4.1 The following definitions apply to this procedure and all other procedures listed in Section 2.7.

- 4.1.1 "BAC" means blood alcohol concentration (BAC), which can be measured directly from blood or derived from a measure of the concentration of alcohol in a breath specimen. It is a measure of the mass of alcohol in a volume of blood such that an individual with 100 mg of alcohol per 100 ml of blood has a BAC of 0.10 percent. All alcohol analytic results will be expressed in accordance with California Administrative Code, Title 17, Section 1220.4.
- 4.1.2 "Chain-of-custody" means procedures to account for the integrity of each specimen by tracking its handling and storage from the point of specimen collection to final disposition of the specimen. The Chain-of-Custody procedures are being implemented through the Chain-of-Custody Form.
- 4.1.3 "Collection site" means the designated place where individuals present themselves for the purpose of providing a specimen of their urine, breath, and/or blood to be analyzed for the presence of drugs or alcohol.
- 4.1.4 "Collection site person" means the person who instructs and assists individuals at the collection site and who receives and makes an initial examination of the specimen(s) provided by those individuals.
- 4.1.5 "Confirmatory test" means a second analytical procedure to identify the presence of a specific drug or drug metabolite which is independent of the "initial screening test" and which uses a different technique and chemical principle from that of the initial test in order to ensure reliability and accuracy. (At this time gas chromatography/mass spectrometry [GC/MS] is the only authorized confirmation method for cocaine, marijuana, opiates, amphetamines, phencyclidine.) For determining blood alcohol concentrations, a "confirmatory test" means a second test using another breath alcohol analysis device. Further confirmation, upon demand by the individual, will be by gas chromatography analysis of a blood specimen provided by the individual.

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- 4.1.6 "Confirmed positive test" means the result of a confirmatory test that has established the presence of drugs, drug metabolites, or alcohol in a specimen at or above the cut-off level, and that has been deemed positive by the Medical Review Officer (MRO) after evaluation.
  - 4.1.7 "Cut-off level" means the value set for designating a drug or alcohol test result as positive.
  - 4.1.8 "Fit for Duty" means that a person is physically, psychologically and emotionally able to safely and competently perform assigned tasks and responsibilities.
  - 4.1.9 "Follow-up testing" means chemical testing at unannounced intervals, to ensure that an employee is maintaining abstinence from the abuse of drugs or alcohol.
  - 4.1.10 "For-cause testing" means chemical testing at the request of a supervisor if there are indications of substance abuse, if there was an accident indicating failure of the individuals performance, or after receiving a substantiated allegation.
  - 4.1.11 "HHS-certified laboratory" means a urine and blood testing laboratory that maintains certification to perform drug testing under the Department of Health and Human Services (HHS) "Mandatory Guidelines for Federal Workplace Drug Testing Programs" (53 FR 11970), (Reference 6.2).
  - 4.1.12 "Illegal drugs" means those drugs included in Schedules I through V of the Controlled Substances Act (CSA) (Reference 6.5), but not when used pursuant to a valid prescription or when used as otherwise authorized by law. Use of drugs by persons other than the person for whom the drug was prescribed shall be considered to be use of "illegal drugs."
  - 4.1.13 "Individual" means the person to be screened for the presence of drugs and alcohol by providing a specimen of his/her urine, breath and/or blood at the designated collection site.

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- 4.1.14 "Initial or screening test" means an immunoassay screen for drugs or drug metabolites to eliminate "negative" urine specimens from further consideration. Initial screening tests for drugs will be conducted by a HHS-certified laboratory. The initial or screening test for alcohol is the first breathalyzer test performed at the Collection Site.
- 4.1.15 "Medical Review Officer" means an independent licensed physician, under contract with PG&E, responsible for receiving laboratory results generated by the PG&E Fitness for Duty program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate a person's positive test result together with his or her medical history and any other relevant biomedical information.
- 4.1.16 "NRC Guidelines" means Appendix A, "Guidelines for Nuclear Power Plant Drug and Alcohol Testing Programs" to the NRC Rules and Regulations 10 CFR Part 26 (Reference 6.1).
- 4.1.17 "On-duty" means that period of time that a person is in paid status and is performing work within the PG&E service territory.
- 4.1.18 "Permanent record book" means the permanently bound book in which identifying data of each specimen collected at the collection site are permanently recorded in the sequence of collection. Each collection site maintains a separate permanent record book.
- 4.1.19 "Pre-Access Testing" means chemical testing within 60 days prior to the granting of unescorted security access to the DCPD protected area.
- 4.1.20 "Protected area" has the same meaning as in 10CFR73.2(g), that is, an area encompassed by physical barriers and to which access is controlled. For Diablo Canyon Power Plant the protected area is the area within the security perimeter fence to which unescorted security access can be gained only by use of a keycard.
- 4.1.21 "Psychotropic drugs" means those classes of drug which have a mind-altering effect.

TITLE: DCPD FITNESS FOR DUTY PROGRAM

- 4.1.22 "Random test" means a system of unannounced drug testing administered in a statistically random manner to a group so that all persons within that group have an equal probability of selection.
- 4.1.23 "Site Access" means access to the entire DCPD site, including all land, roads, buildings and structures outside the "protected area". This access is normally at the entrance at the Avila Beach gate but includes any other means of access.
- 4.1.24 "Split sample" means the portion of a urine specimen that will be stored at the Collection Site Facility to be tested in the event of appeal by the individual.
- 4.1.25 "Substances" means alcohol and the following illegal drugs: marijuana, cocaine, opiates, amphetamines and phencyclidine. This list (Attachment 9.1) may change based on experience gained.
- 4.1.26 "Unescorted Security Access" means access to the DCPD protected areas using a keycard issued to the person entering the areas.

5.0 FITNESS FOR DUTY PROGRAM

5.1 Fitness For Duty Rules:

PG&E prohibits the use of illegal drugs and the abuse of legal drugs or alcohol by persons covered under the scope of the NPG Fitness for Duty program. To that end, the following activities are prohibited:

- 5.1.1 Sales, offers of sales, use or possession of illegal drugs either on-duty or off-duty.
- 5.1.2 Being under the influence of alcohol during on-duty periods as indicated by a Blood Alcohol Concentration (BAC) of 0.04% or greater.
- 5.1.3 Consumption of alcohol during a five-hour period immediately preceding the start of pre-scheduled work at the DCPD site or within the General Office complex.
- 5.1.4 Consumption of alcohol during on-duty periods, as well as meal periods and breaks.

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5.1.5 Possession of alcohol on the DCPD Plant Site.

5.1.6 Use of prescribed medications in a manner other than that which is directed by the prescribing physician, and/or use of over-the-counter medications in a manner other than that which is recommended by the manufacturer, when such use can result in on-duty impairment.

5.2 Sanctions:

PG&E will, at a minimum, impose the following sanctions for Fitness for Duty Program violations:

5.2.1 Sales, offers of sale, and/or possession of illegal drugs for sale, either on-duty or off-duty, shall result in revocation of DCPD site access for a minimum of five years.

5.2.2 Possession and/or use of illegal drugs, on-duty, shall result in revocation of DCPD site access for a minimum of five years.

5.2.3 Possession and/or use of illegal drugs, off-duty, shall be considered to be a confirmed positive test result for illegal drugs and shall at a minimum, result in:

- a. Suspension of DCPD site access for a minimum of 14 days, and
- b. Referral to the Medical Review Officer for treatment assessment and evaluation.

DCPD site access shall only be restored under the conditions in Section 5.2.14.

5.2.4 Consumption of alcohol within a five-hour period immediately preceding the start of scheduled work or consumption of alcohol on-duty, shall, at a minimum, result in:

- a. Suspension of DCPD site access for a minimum of 14 days, and
- b. Referral to the Medical Review Officer for treatment assessment and evaluation.

DCPD site access shall only be restored under the conditions in Section 5.2.14.

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A second occurrence will result in revocation of DCPD site access for a minimum of three years.

5.2.5 On duty impairment, caused by use of over-the-counter medications in a manner other than that which is recommended by the manufacturer, shall result in:

- a. Suspension of DCPD site access for the remainder of the day; and
- b. Referral to the Medical Review Officer for treatment assessment and evaluation.

5.2.6 A first confirmed positive test for illegal drugs, lacking any other evidence to suggest drug activity on-duty, shall be presumed to be an indication of off-duty drug use. The first confirmed positive test shall, at a minimum, result in:

- a. Suspension of DCPD site access for a minimum of 14 days; and
- b. Referral to the Medical Review Officer for treatment assessment and evaluation.

DCPD site access shall only be restored under the conditions described in Section 5.2.14.

5.2.7 A second confirmed positive test for illegal drugs, or a confirmed positive test for illegal drugs followed by a confirmed positive test for alcohol, or a confirmed positive test for alcohol followed by a confirmed positive test for illegal drugs, shall result in revocation of DCPD site access for a minimum of three years.

5.2.8 A first confirmed positive test for alcohol, lacking any other evidence to suggest that consumption of alcohol occurred within the five-hour period immediately preceding the start of scheduled work or while on-duty, shall result in:

1. Suspension of DCPD site access; and
2. Referral to the Medical Review Officer for treatment assessment and evaluation.

DCPD site access shall only be restored under the conditions described in Section 5.2.14.

TITLE: DCPD FITNESS FOR DUTY PROGRAM

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5.2.9 A second confirmed positive test for alcohol: A confirmed positive test for alcohol, during the period that a person is subject to the follow up testing program as the result of a confirmed positive alcohol test, shall result in:

- a. Suspension of DCPD site access for a minimum of 14 days; and
- b. Referral to the Medical Review Officer for treatment assessment and evaluation.

DCPD site access shall only be restored under the conditions described in Section 5.2.14.

5.2.10 A third confirmed positive test for alcohol: A confirmed positive test for alcohol, during the period of follow up testing that was the result of a second confirmed positive test for alcohol, shall result in revocation of DCPD site access for a minimum of three years.

NOTE: DCPD site access will be suspended following a presumptive positive test result for alcohol pending review by the Medical Review Officer. If the Medical Review Officer is unable to confirm the presumptive positive test result, access will be reinstated.

5.2.11 Deliberate refusal to provide a specimen for analysis, or resignation in lieu of providing a specimen for analysis, shall result in revocation of DCPD site access for a minimum of three years.

5.2.12 Altering or substituting a specimen or in any other way attempting to invalidate the chemical testing process, shall result in revocation of DCPD site access for a minimum of five years.

5.2.13 A person who fails to report to the collection facility as directed shall have his or her unescorted security access suspended pending investigation. If after investigation, it is determined that the person failed to report to the facility for the purpose of avoiding the specimen collection, his or her DCPD site access shall be revoked for a minimum of three years.

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5.2.14 The DCPD site access of a person suspended for a Fitness for Duty violation as described in Sections 5.2.3, 5.2.4, 5.2.5, 5.2.6, 5.2.8, or 5.2.9 may only be restored after receiving notification from the Medical Review Officer that appropriate actions have been taken to provide a reasonable assurance that the person evaluated is fit to perform activities within the scope of the NPG Fitness for Duty Program. A person whose DCPD site access has been restored shall be subject to the follow up testing program, as described in Section 5.7.5, to ensure continued abstinence.

5.3 Prescription and Over-the-Counter (OTC) Drugs:

PG&E recognizes that even the proper and responsible use of prescription and OTC drugs can sometimes result in on-duty impairment. It is the responsibility of the person who is using prescription or OTC drugs to ensure that such use will not result in on-duty impairment.

The following precautions shall be taken to assist persons in evaluating whether their individual use of prescription and OTC drugs may result in on-duty impairment:

- 5.3.1 Annual training shall be provided on the effects of prescription and OTC drugs on job performance and fitness for duty.
- 5.3.2 Persons using psychotropic prescription (Attachment 9.2) drugs shall inform the prescribing physician of their job duties and responsibilities and receive a medical opinion that such use will not adversely affect their ability to safely perform work. Such persons may also consult, on a confidential basis, the Medical Review Officer.
- 5.3.3 Work restrictions that are the result of the use of prescription or OTC drugs shall be provided with proper documentation to the immediate supervisor by the person taking the drug.

For prescription drugs, proper documentation should include a note from the prescribing physician which 1) outlines the work restrictions and 2) lists the possible impairing effects from use of the drug. This note need not include the type of drug which is being taken or the reason the drug has been prescribed.

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For OTC drugs, proper documentation should include the manufacturer's warning of possible effects which may impair performance. If a person wishes for the type of drug which is being taken to remain confidential, the person's private physician, or the Medical Review Officer, may be used to report only the work restrictions and the possible effects which may impair performance to the immediate supervisor.

5.4 Other Factors Impacting Fitness for Duty:

Persons who believe they are either physically, psychologically, or emotionally unable to continue work in a safe manner shall notify their immediate supervisor.

5.5 Supervisor's Responsibility:

A person with supervisory responsibility who has reasonable grounds to suspect that a person under his or her direction is either physically, psychologically, or emotionally unfit for work shall prohibit such person from working until satisfactory medical or other evidence indicating fitness is secured.

## 5.6 Contractor Compliance

5.6.1 Contractor, subcontractor and vendor employees with unescorted security access are subject to, and shall abide by, the NPG Fitness for Duty Program or to a program, approved in writing by the Fitness for Duty Supervisor, which meets the requirements of the NPG Fitness for Duty Program.

5.6.2 Contractors, subcontractors, and vendors will not knowingly assign persons covered under the scope of the NPG Fitness for Duty program who have been denied access to, or who have been removed from nuclear safety activities at, any nuclear power plant for violations of a Fitness for Duty policy without the knowledge and written consent of the DCPD Fitness for Duty Supervisor.

5.6.3 The sanctions in Section 5.2 will be applied to contractors, subcontractors and vendor employees and are in addition to any administrative action that may be appropriate under the administrative policies and Fitness for Duty program of the person's employer.

5.7 Chemical Testing

5.7.1 The following chemical testing programs will be utilized to provide a means to determine and detect substance abuse:

5.7.2 Random testing: unannounced chemical testing imposed in a statistically random manner such that a person completing a test is immediately eligible for another unannounced test. Random testing shall be conducted at an annual rate equal to 100 percent, or at a slightly higher rate to ensure at least 100 percent of the number of persons with unescorted security access. Random testing shall be performed on a nominal weekly frequency and at various times during a 24-hour day.

5.7.3 For cause testing: chemical testing immediately performed when:

- a. Corroborated objective observed behavior indicates possible substance use or abuse in violation of Section 5.1, Fitness for Duty Rules; or
- b. An accident occurs which involves a failure in individual performance resulting in a personal injury requiring immediate medical attention beyond first aid (IRMA), or in a radiation exposure or release of radioactivity in excess of regulatory limits, or actual or potential substantial degradations of the level of safety of the plant, if there is reasonable suspicion that the person's behavior contributed to the event; or
- c. After receiving allegations of a violation of Section 5.1 when further investigation shows that additional corroborative information or circumstances exist.

5.7.4 Pre-Access testing: chemical testing within 60 days prior to the initial granting of unescorted security access or assignment to activities within the scope of the program.

5.7.5 Follow-up testing: chemical testing at unannounced intervals during, or as a follow up to, drug or alcohol treatment. Such testing shall provide for at least one test per month for four months and at least once every three months for the next two years and eight months after DCPD site access is reinstated to verify continued abstinence. Follow up testing shall be done in addition to random testing.

5.7.6 Chemical Testing Guidelines: Testing for drugs and alcohol shall, at a minimum, conform to the "Guidelines for Nuclear Power Plant Drug and Alcohol Testing Programs," in Appendix A of 10 CFR 26 (Reference 6.1), hereafter referred to as the NRC Guidelines and in accordance with Nuclear Plant Administrative Procedure NPAP A-20 Supplement 2, "Specimen Collection Procedure."

5.7.7 Laboratory: Department of Health and Human Services (HHS) certified laboratories shall be used in the chemical testing program. Quality controls and procedures shall be consistent with the HHS standards for "Certification of Laboratories Engaged in Urine Drug Testing for Federal Agencies," (Reference 6.2). Additionally, the HHS-certified laboratory shall meet the applicable requirements of 10 CFR 26. HHS-certified laboratories shall conduct a confirmatory test on all urine and blood specimens that are screened as presumptive positive. Blind performance test specimens shall be submitted to HHS-certified laboratories in accordance with the NRC Guidelines.

The panel of drugs for testing and the associated cut-off levels are shown in Attachment 9.1 of this procedure.

At least once each calendar year, such as, local law enforcement authorities, hospitals, and drug counseling centers may be surveyed by PG&E to determine whether substances with abuse potential, other than those in the NRC Guidelines, are being used in the geographical locale of DCPD and General Office. Where appropriate, other substances so identified may be added to the panel for testing with DCPD Plant Manager approval.

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5.7.8 Drug Testing: Urine specimens shall be collected for drug testing. The specimens shall be split at the collection facility with one specimen being sent to the HHS-certified laboratory for analysis in accordance with the NRC Guidelines. The second specimen shall be stored at the collection facility and will be available for use as part of the appeals process as described in Section 5.14.

5.7.9 Alcohol Test: Tests for alcohol shall be administered by breath analysis using breath alcohol analysis devices meeting individual standards described by National Highway Traffic Safety Administration guidelines (Reference 6.3). A breath alcohol concentration indicating a blood alcohol concentration of 0.04 percent or greater is a presumptive positive test result. The confirmatory test for alcohol must be done with another evidential grade breath measurement instrument. Should the person request further confirmation, a blood specimen must immediately be provided. The blood specimen will be tested by gas chromatography analysis at the HHS-certified laboratory.

5.7.10 If a person who is selected for random screening is unavailable (e.g., sick, day off, vacation, transferred to another shift, temporarily assigned to work off the DCPD Plant site or General Office complex) a chemical test will be required upon return to the DCPD Plant site or General Office complex.

5.8 Medical Review Officer (MRO)

5.8.1 A licensed medical doctor with knowledge of substance abuse disorders and chemical testing methods will fulfill the role of MRO as defined in the NRC Guidelines.

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5.8.2 The MRO will receive all laboratory results generated as part of the Fitness for Duty testing program. The MRO will review and interpret presumptive positive test results to determine if there is an alternate medical explanation for a positive test result. In reaching this determination, the MRO shall conduct an examination which may include a medical interview with the person, a review of the person's medical history or any other biomedical factors and, if requested by the person, a reanalysis of the original specimen. The MRO shall notify the FFD Supervisor within 10 days of the initial presumptive positive screening test at the HHS-certified laboratory of all confirmed positive test results and request that the split urine sample be placed in long term storage at the Collection Site (freezer).

5.8.3 The MRO shall evaluate each person whom he/she has confirmed as testing positive for illegal drugs or alcohol and determine treatment options and recommendations. The MRO will also recommend to the Fitness for Duty Supervisor the date that DCPD site access may be restored in accordance with requirements of 5.2.13.

5.8.4 Persons shall be informed in writing of all negative test results.

## 5.9 Searches

5.9.1 A search of an individual, to include, but not limited to, his or her personal effects, work space, storage space, or vehicle, may be made when reasonable suspicion exists to believe that he or she may be, at the time of the search, in possession of illegal drugs or alcohol. If at all possible, the individual shall be present during the search.

5.9.2 If conditions exist which may indicate a substantial drug or alcohol problem on the DCPD Plant site, such as a significant increase in the rate of positive test results or repeated detection of illegal drugs or alcohol on site, searches as described in section 5.9.1 may be conducted without a reasonable suspicion of individual responsibility. These searches may only be conducted with the approval of the Plant Manager.

5.10 Call-Outs

- 5.10.1 Persons who are notified of, and report for, unscheduled work at DCPD, and persons who are notified of, and report for, response associated with a site emergency, will proceed to one of the following locations, as applicable:
- a. The DCPD Security Building Information Counter;
  - b. The Emergency Operations Facility (EOF);
  - c. Another location, as directed.
- 5.10.2 Upon reporting to either the DCPD Security Building Information Counter or the EOF, the person will be given a form which asks the following:
- a. Has alcohol been consumed within the preceding five hours?
  - b. Does the person consider him/herself fit for duty?
- 5.10.3 If alcohol has been consumed within five hours of reporting for work but a person believes himself or herself to be fit for duty, a determination of fitness for duty will be made by use of breath analysis before the person is allowed to perform work.
- 5.10.4 If the results of the breath analysis indicate a BAC of between 0.03 and 0.039 percent, the person shall remain in the Collection Site Facility until the results of another breath analysis, given at 20 minute intervals, indicate whether the BAC level is increasing or subsiding. If the BAC level is subsiding, the person will be released to perform work. If the BAC is increasing, the person will be provided transportation or allowed to remain in the Collection Site Facility until such time as the BAC level begins to subside and is below 0.04 percent.
- 5.10.5 If the results of the breath analysis indicate a BAC at or above 0.04 percent, the person shall be offered transportation or allowed to remain in the Collection Site Facility until such time as the BAC falls below 0.04 percent.

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5.10.6 There will be no sanctions by PG&E for a positive finding on the breath analysis test taken as a result of an emergency call out, provided that a person appropriately identifies the use of alcohol.

5.11 Fitness for Duty Background Verification and Pre-Access Testing

5.11.1 Prior to the initial granting of unescorted access, a written statement shall be obtained from the person requesting access as to whether or not he or she has ever been denied access to any nuclear facility for violation of a fitness for duty policy. In addition, a suitable inquiry will be made to determine if a person has, in the past,

- a. Tested positive for drugs or use of alcohol that resulted in on-duty impairment;
- b. Been subjected to a plan for treating substance abuse (except for self-referral for treatment), or;
- c. Been removed from, or denied access to, any nuclear facility for violation of a fitness for duty policy.

If such a record is established and a decision has been made to continue the badging process, a psychological and medical assessment of fitness for duty must be secured before the person is considered for unescorted security access.

A person granted unescorted security access, under these circumstances, will be subject to the follow up testing program as described in Section 5.7.5.. One confirmed positive test for either illegal drugs or alcohol will result in permanent revocation of DCPD site access.

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- 5.11.2 A confirmed positive test for drugs or alcohol on the pre-access test shall result in denial of unescorted security access and revocation of site access for a minimum of 6 months. A retest may be allowed after 6 months provided that the person is again being considered for site access and he or she provides evidence of having successfully completed a substance abuse rehabilitation program which has been deemed acceptable by the DCPD Fitness for Duty Supervisor. If such person successfully completes the pre-access retest, he or she may be granted unescorted security access provided that satisfactory management and medical assurance, which includes a psychological and medical assessment of fitness is obtained that the person is fit for duty. Once at work, such person shall be subject to the follow-up testing program as described in Section 5.7.5 to ensure continued abstinence.

A person who has tested confirmed positive for illegal drugs on the pre-access screen, and who later receives unescorted security access after having satisfied the conditions as provided above, will be considered as having had a confirmed positive test for illegal drugs and be immediately subject to the provisions of Section 5.2.7.

## 5.12 Training

- 5.12.1 All persons shall receive Fitness for Duty policy and drug awareness training prior to being granted unescorted security access. Refresher training shall be provided on a nominal 12 month basis thereafter. The training shall include:
- a. Overview of FFD policies and procedures;
  - b. The personal and public health and safety hazards associated with abuse of drugs and misuse of alcohol;
  - c. The effect of prescription and over-the-counter drugs and dietary conditions on job performance and chemical test results, and the role of the Medical Review Officer;
  - d. The Employee Assistance Program;
  - e. Expectations and consequences of violating the FFD program;

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- f. Techniques for recognizing drugs and indication of use, sale, or possession of drugs;
- g. Techniques for recognizing aberrant behavior; and,
- h. The procedure for reporting problems to supervisors, FFD Supervisor or security personnel.

5.12.2 Managers and Supervisors of persons with unescorted security access shall receive Behavioral Observation Training within 3 months following initial supervisory assignment. Refresher training shall be provided on a nominal 12 month basis thereafter. The training shall include:

- a. The role and responsibilities of supervisors in implementing the program;
- b. The roles and responsibilities of others, such as MRO, Employee Assistance Program staffs and FFD Program staffs;
- c. Techniques for recognizing drugs and indications of the use, sale, or possession of drugs;
- d. Behavioral observation techniques for detecting degradation in performance, impairment, or changes in employee behavior; and,
- e. Procedures for initiating appropriate corrective action, to include referral to the Employee Assistance Program.

5.13 Employee Assistance Programs

- 5.13.1 An effective Employee Assistance Program (Reference 6.4) will be maintained to provide short-term counseling, referral services, and treatment monitoring to persons covered under the NPG Fitness for Duty Program.

- 5.13.2 The EAP will provide confidential assistance, unless the Employee Assistance Counselor believes the person's condition constitutes a hazard to himself or herself or others (consistent with current legal and ethical obligations of mental health professionals) and the employee has not, or will not, take appropriate/corrective action. In those situations, the EAP counselor will immediately notify the Fitness for Duty Supervisor who will notify appropriate plant management.

5.14 Appeals Process

A person may appeal a determination of a confirmed positive test result for either drugs or alcohol in the following manner:

- 5.14.1 The appeal must be submitted in writing and received by the Fitness for Duty Supervisor as soon as possible but in no case later than seven calendar days from the date the person was notified by the Medical Review Officer of a confirmed positive test result. The written appeal should provide the basis upon which the result is being challenged and include any supporting information or documentation. Additional supporting information or documentation will be accepted within the time limits specified in section 5.14.4 for the alternate Medical Review Officer to issue a final report.
- 5.14.2 Upon receipt of an appeal regarding a confirmed positive test for drugs, the Fitness for Duty Supervisor will authorize the release of the split urine sample which has been stored at the Collection Site Facility. The split sample will be analyzed by a HHS-certified laboratory other than the laboratory that performed the analysis of the first sample.

: **NOTE:** Because some analytes deteriorate or are lost during freezing and/or storage, quantification for an analysis of the split sample is not subject to a specific cut-off requirement but must provide data sufficient to confirm the presence of the drug or drug metabolite.

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5.14.3 The appeal will be considered by a licensed physician who meets the qualifications of a Medical Review Officer. This physician (hereafter known as the Alternate Medical Review Officer) shall not be the same physician who was involved in the determination of the confirmed positive test result on the first sample. The Alternate Medical Review Officer will review:

- a. The results of the split urine sample analysis for drug confirmed positive tests only;
- b. Collection, Chain of Custody Form, and laboratory procedures involved in the collection and analysis of the initial urine specimen and the split sample;
- c. Initial and confirmatory breath analysis results and gas chromatography analysis results of blood specimen, if available and,
- d. Any other information or documentation that he or she deems necessary.

As part of the review of information, the Alternate Medical Review Officer may meet with the person who appealed the test result and/or the Medical Review Officer.

5.14.4 Within 7 calendar days of receiving the written appeal, the Alternate Medical Review Officer will issue a report to the Fitness for Duty Supervisor. The Alternate Medical Review Officer will either 1) agree with the determination of a positive test result or 2) disagree with the determination of the confirmed positive test result.

5.14.5 The finding of the Alternate Medical Review Officer will be final and binding on PG&E and the person for the purposes of this program.

5.15 Confidentiality and Privacy

5.15.1 All information being generated during the pre-access screening regarding the person's previous employment and drug and alcohol testing will be treated as confidential information.

- 5.15.2 The information being generated during the specimen collection, test results from the testing laboratory and other personnel information will be treated as confidential.
- 5.15.3 All confidential information will be released in accordance with protection of information guidelines contained in Supplement 6.
- 5.15.4 The specimens collected will be used only for purposes within the scope of the Fitness for Duty Program.
- 5.15.5 Unauthorized release of confidential information may result in disciplinary action, up to and including discharge and/or revocation of DCPD site access.

#### 6.0 REFERENCES

- 6.1 Nuclear Regulatory Commission, 10 CFR 26 - Fitness For Duty Programs, 54 FR 24468, June 7, 1989
- 6.2 Department of Health and Human Services, Mandatory Guidelines for Federal Workplace Drug Testing Programs, 53 FR, 11970, 11986-11989, April 11, 1988.
- 6.3 National Highway Traffic Safety Administration (NHTSA) Standards, 49 FR 48855.
- 6.4 Pacific Gas and Electric Company, Employee Assistance Program.
- 6.5 Title 21, Food and Drugs, Section 812, "Schedule of Controlled Substances," - Schedules I through V, 883-886.
- 6.6 DCPD Emergency Procedure EP G-2, Supplement 1.
- 6.7 PG&E Corporate Emergency Response Plan Procedures.

#### 7.0 APPENDICES

None

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## 8.0 SUPPLEMENTS

The following are Supplements to this "DCPD Fitness For Duty Program" - NPAP A-20.

- Supplement 1 - General Requirements
- Supplement 2 - Specimen Collection Procedure
- Supplement 3 - Medical Review Officer
- Supplement 4 - Protection of Information
- Supplement 5 - Records
- Supplement 6 - Reporting Requirements
- Supplement 7 - Selection and Notification

## 9.0 ATTACHMENTS

- 9.1 Chemical Testing Cut-Off Levels for Initial and Confirmatory Test [10 CFR 26, Appendix A 2.7(e) and (f)], 11/89
- 9.2 Commonly Used Prescription and OTC Drugs, 10/89

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ATTACHMENT 9.1

TITLE: CHEMICAL TESTING CUT-OFF LEVELS FOR INITIAL AND CONFIRMATORY TEST -  
NPAP A-20

RANDOM DRUG/ALCOHOL SCREENING PANEL

<u>SUBSTANCE</u>	<u>INITIAL (ng/ml)</u>	<u>CONFIRMATORY (ng/ml)</u>
Marijuana Metabolites	100	15
Cocaine Metabolites	300	150
Opiate Metabolites	300	300
Phencyclidine	25	25
Amphetamines	1,000	500
Alcohol	0.04% BAC	0.04% BAC

10 CFR 26, Appendix A 2.7(e) and (f)

PRE-EMPLOYMENT SCREENING PANEL

<u>SUBSTANCE</u>	<u>INITIAL (ng/ml)</u>	<u>CONFIRMATORY (ng/ml)</u>
Marijuana Metabolites	20	10
Cocaine Metabolites	300	150
Opiate Metabolites	300	300
Phencyclidine	25	25
Amphetamines	300	250
Barbiturates	300	250
Benzodiazepines	300	250
Methaqualone	300	100
Alcohol	0.04% BAC	0.04% BAC

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ATTACHMENT 9.2

TITLE: COMMONLY USED PRESCRIPTION AND OTC DRUGS - NPAP A-20

[List Under Development]