



**TVA Standard
Programs and
Processes**

TITLE

**Fitness for Duty Program for Non-
Nuclear Organizations**

**TVA-SPP-11.5.11
Rev. 0001
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Revision Log

Revision or Change Number	Effective Date	Affected Page Numbers	Description of Revision/Change
0001	12/01/2010	All	This procedure supersedes Employment Procedure 11, For-Cause Fitness for Duty Alcohol and Drug (A&D) Testing Psychological and Medical Evaluations for Non-Nuclear Organizations and Employment Procedure 13, Random Alcohol and Drug (A&D) Testing Program for Non-Nuclear Power Organizations in their entirety. Reviewed 12/01/2010 and will be reviewed again by 12/01/2012.

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1.0 PURPOSE

TVA is committed to providing a safe and healthful work environment for employees, contractors, and visitors and a workplace free of from the influence of alcohol and the misuse/abuse of controlled substances. A program of random testing for alcohol and drugs will serve as a deterrent for those employees tempted to abuse alcohol and/or to misuse controlled substances. It will also help identify employees with substance abuse difficulties and allow an opportunity for them to take remedial actions.

2.0 SCOPE

This TVA Standard Programs and Processes (SPP) summarizes TVA's policies and practices for actions taken in connection with random and for-cause Alcohol and Drug (A&D) testing, psychological, and medical evaluations for all TVA employees in TVA's non-nuclear organizations. This SPP is designed to assist management in establishing an environment to protect the health and safety of TVA employees and visitors, and to safeguard TVA property.

This SPP also applies to personal services contractors with an employee-employer relationship with TVA. This SPP may apply to non-personal services contractors or personal services contractors where an employer-employee relationship with TVA is not created. See Appendix A, Pre-Access Drug Testing for Non-Nuclear Contracts. The contract language governs the responsibility of each contractor.

This SPP does not apply to positions covered by TVA's Nuclear Power Group Fitness for Duty Program.

Review Cadence: This SPP will be reviewed at least every two years with the review documented in the Revision Log.

3.0 PROCESS

All A&D tests will be conducted in a manner consistent with U.S. Department of Health & Human Services (HHS) Mandatory Guidelines for Federal Workplace Drug Testing Programs, and/or other applicable Federal or TVA standards.

All A&D tests will be conducted at TVA health stations or approved contracted facilities. See list of approved collection sites or contact Non-Nuclear Fitness for Duty for approved testing facilities.

A&D testing will be conducted by the analysis of breath, saliva, and/or urine specimens.

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3.1 Testing Programs

3.1.1 Random Testing Program

Employees whose duties are safety-sensitive in nature will be subject to random testing. The criteria used to designate positions for inclusion into the random testing pool include, but are not limited to:

- A. Positions requiring health and safety responsibilities that could cause immediate, substantial physical injury, usually involving a potentially dangerous instrument or machine;
- B. Positions where there is a nexus between the work performed and a compelling interest in safety, such that small errors or momentary lapses could have catastrophic consequences for coworkers, the public, or the employee;
- C. Front line law enforcement and security personnel including individuals authorized to carry or having access to firearms; and
- D. Personnel involved in the administration of the Fitness for Duty Program.

Voluntary Inclusion - In order to demonstrate their commitment to TVA's goals and to set an example for other employees, employees not in testing designated positions may volunteer for unannounced random testing by completing form TVA 17612 and providing it to their Employee Relations representative. Volunteers will remain in the random testing pool until they withdraw by completing form TVA 17613 and providing it to their Employee Relations representative at least 48 hours prior to a scheduled test.

3.1.2 For-Cause Fitness for Duty Evaluations

Fitness-for-duty evaluations, which may include A&D testing, psychological evaluations, and medical exams may be required of any non-nuclear employee who exhibits aberrant behavior and/or there is a concern about the employee's ability to work safely, pursuant to TVA-SPP-11.5.0, Occupational Health.

A. A&D Testing

A&D Testing may be required of any employee in a position that is considered to be *safety-sensitive* when there is reasonable suspicion that the employee uses illegal drugs or abuses alcohol whether *on or off duty*. Testing may also be required of *any* employee in any position when there is reasonable suspicion of *on-duty* use or *on-duty* impairment.

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3.1.2 For-Cause Fitness for Duty Evaluations (continued)

On-duty use or on-duty-impairment should be based upon:

1. Observable phenomena, such as direct observation of drug use or possession, use of alcohol on the job, and/or the physical symptoms of being under the influence of drugs and/or alcohol; and/or
2. Aberrant behavior, which raises suspicion of illegal drug use or abuse of alcohol and/or concern that an emotional disorder might exist that would adversely impact the employee's ability to work safely.
3. In addition to the above, employees in safety-sensitive positions may be tested when there is reasonable suspicion of off-duty use or involvement based upon:
 - a. Arrest or conviction for an alcohol or drug related offense or the identification of an employee as the focus of a criminal investigation into illegal drug possession, use, manufacturing, or trafficking;
 - b. Information provided either by reliable and credible sources or independently corroborated (mere "hunches" are not sufficient to meet this standard); or
 - c. Newly discovered evidence that the employee has tampered with a previous A&D test.
4. The following table summarizes the above criteria for requesting for-cause evaluations for employees in safety-sensitive and non-safety-sensitive positions.

3.1.2 For-Cause Fitness for Duty Evaluations (continued)

CRITERIA FOR REQUESTING FOR-CAUSE A&D TESTING		
Criteria Category	For-Cause A&D Test	Medical and/or Psychological Fitness for Duty Evaluation
Safety-Sensitive Position		
On-job observable phenomena	Yes	Yes*
Aberrant behavior	Yes	Yes*
Off-job substance-related arrest or investigation	Yes	Yes*
Off-job other arrests	No	Yes*
Non Safety-Sensitive Position		
On-job observable phenomena	Yes	Yes*
Aberrant behavior	Yes	Yes*
Off-job substance-related arrest or investigation	No	Yes*
Off-job other arrests	No	Yes*

* When the supervisor feels that there is a question about the employee's ability to work safely.

B. Aberrant Behavior

Aberrant behavior falls into two general categories:

- a. Those behaviors for which even single, isolated episodes are of serious concern (such as serious accidents or intimidating/violent behavior); and
- b. Those behaviors which form a pattern over time and which raise concern, such as absenteeism, safety violations and/or repeated accidents, declining work performance, angry or intimidating behavior, emotional behavior, strange or eccentric behavior, changes in social behavior, or physical signs or conditions. A pattern of unsafe job-related activities that pose a danger to others or the overall operation of TVA, failure to observe safety precautions, or unusual careless acts identified in post-accident (or near miss-accident) investigations would be grounds for testing. See [Appendix B, Some Typical Aberrant Behaviors Checklist](#) for some commonly encountered aberrant behaviors.

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3.1.2 For-Cause Fitness for Duty Evaluations (continued)

C. Post Accident A&D Testing

Employees involved in on-the-job accidents may be subject to A&D testing. A&D testing is required in post-accident circumstances when:

- There is a loss of life; or
- The employee receives a citation under State or local law for a moving traffic violation arising from the accident; or
- Anyone is transported by Emergency Medical Services for medical care from the scene of the accident or from the work site; or
- There is property damage in what appears to be in excess of \$10,000.

A&D testing may also be directed by a supervisor in accident/incident situations when the Reasonable Suspicion Testing criteria are met.

3.2 Follow-up A&D Testing Program

Follow-up testing is required for employees who have been returned to work following rehabilitation. This follow-up testing program may include those non-nuclear employees who have tested positive on any type of Nuclear or DOT test, but are not covered by the Nuclear or DOT follow-up testing programs.

The following steps will be taken:

- A. The employee must submit a negative A&D test approved or administered by Non-Nuclear Fitness for Duty before being allowed to return to work.
- B. Non-Nuclear Fitness for Duty will ensure the employee is placed in a follow-up testing program. This placement is in addition to participation in the random testing program.
- C. The employee will be subject to a minimum of six (6) follow-up A&D tests during the first 12 months. Follow-up testing may be extended up to 60 months. These follow-up tests are coordinated by Non-Nuclear Fitness for Duty through the designated organizational contact.
- D. Follow-up drug testing may be collected under direct observation.

3.3 Roles and Responsibilities

3.3.1 Non-Nuclear Fitness for Duty Program Staff

- Ensure that program operates consistently with HHS Mandatory Guidelines for Federal Workplace Drug Testing Programs and other applicable Federal and TVA guidelines and standards.
- Responsible for administration of Non-Nuclear Fitness for Duty Programs. Manage issues, concerns, and difficulties that arise in the course of the programs.

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3.3.1 Non-Nuclear Fitness for Duty Program Staff (continued)

- Make available, via use of TVA and/or contracted vendors, collection facilities near the work sites, certified Medical Review Officer (MRO) resources, and training resources.
- Administer and/or approve all tests and evaluations and notify the requestor and/or Employee Relations representatives of the results.
- Ensure employees who have returned to work following rehabilitation are placed in a follow-up testing program.
- Maintain the random pool and selections from it.
- Notify designated organizational representatives of employees selected for testing.
- Maintain confidential records, develop statistical reports, and perform other program and administrative duties.

3.3.2 Employee Relations Representative

- Responsible for providing consultation with management and the Non-Nuclear Fitness for Duty staff to ensure adherence with the procedures outlined in this SPP.
- Identify specific positions and the individuals currently filling them for inclusion in the random testing program.
- Provide notice to affected individuals at least 30 days prior to inclusion in the program, together with an explanation of their responsibilities in the program.
- Provide notice to supervisors of occasions when specific positions are identified for random A&D testing.
- Coordinate with designated senior organizational managers to decide optimal time for notification of positions selected for testing which have vital duties.
- Communicate to supervisors and other appropriate TVA individuals of test results that are positive or otherwise non-negative.
- Assist the Non-Nuclear Fitness for Duty Program for on issues, concerns, and difficulties that arise in the course of the conduct of the program.
- Identify supervisors who will be required to complete training on fitness-for-duty material.

3.3.3 Employee

- Responsible for adherence with the procedures outlined in this SPP, including cooperating fully and in a timely manner with any portion of specimen collection and psychological and/or medical evaluations.

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3.3.3 Employee (continued)

- Employees who are experiencing difficulties as a result of excessive use and/or dependence on alcohol or drugs, including prescription drugs, are encouraged to seek help from TVA's EAP.

3.3.4 Senior Management

- Responsible for adherence with the procedures outlined in this SPP.
- Determine positions to be included in the random testing program.

3.3.5 Supervisor or Designee

- Responsible for adherence with the procedures outlined in this SPP, in consultation with Employee Relations.
- Inform, in writing, the affected employees of inclusion in random testing program
- Inform, in writing, employees of consequences for engaging in prohibited conduct.
- Inform individuals of selection for testing, with no advanced notice.
- Ensure employees are escorted for testing and provided transportation home, when applicable.
- Complete training and updates on fitness-for-duty materials.

3.3.6 Organizational Contacts

- Complete required training.
- Provide notification of selection for testing.

3.4 Instructions

3.4.1 Random Testing Procedures

1. TVA reserves the right to vary the testing rate as it deems appropriate. Biological specimens may be collected to test for both alcohol and drugs.
2. Employees holding safety sensitive positions are selected for random testing by the use of a random number generator computer program designed so that every position has an equal chance of being selected. The Non-Nuclear Fitness for Duty Program administers this process and coordinates with each organization's designated contact representatives to facilitate notification of selection for testing.
3. Employees selected for random testing will not be provided advanced notice of their selection. These employees will be sent immediately to the collection facility upon their notification that they are to be tested.

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3.4.1 Random Testing Procedures (continued)

4. Employees who are unavailable for testing on their scheduled date will be sent for testing immediately when they are available.
5. Since specific employees holding positions selected for testing may occasionally be involved in vital duties which cannot be covered in their absence, a designated manager in each organization can decide to delay testing for up to 48 hours. In such instances, the employees are not notified of their selection and the ensuing delay until they are available for immediate testing. A designated manager will consider, in making the decision to delay testing, the vital nature of the employee's duties at the time of selection, the availability of qualified substitute staff, any suspicions and concerns about the employee's alcohol and/or drug abuse, and any other related information or circumstances. When a delay is necessary, the designated manager is encouraged to make the affected employee available for testing as soon as possible within the 48 hour allowable delay.
6. The Non-Nuclear Fitness for Duty Program notifies each testing site and authorizes the testing of specific employees. Issues, concerns, and difficulties that arise in the course of selection and testing are addressed by the Non-Nuclear Fitness for Duty staff in conjunction with appropriate Employee Relations Representatives and Supervisors.

3.4.2 For-Cause Evaluation Procedures

1. All for-cause testing must be approved by the department-level manager or his/her designee. Managers should consult with their Employee Relations representative and Non-Nuclear Fitness for Duty before the decision is made to for-cause test. After consultation, if it is determined that a Fitness for Duty evaluation is needed, Employee Relations must submit a written request to Non-Nuclear Fitness for Duty. See Appendix C, Procedures for Requesting For-Cause Alcohol & Drug Testing and/or Fitness for Duty Evaluations.
2. For-cause testing may also be directed by the Manager of Non-Nuclear Fitness for Duty, or designee, based on material developed during a fitness-for-duty evaluation.
3. Prior to making a decision about for-cause testing, the supervisor should ask the employee for an explanation of the observed behavior or speak with the employee concerning the allegation.
4. The supervisor should obtain the assistance of the TVA Police if a decision is made to for-cause test an employee and if there is:
 - a. Physical evidence present.
 - b. A physical confrontation is likely.
 - c. A basis to search the employee and/or his/her possessions.

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3.4.2 For-Cause Evaluation Procedures (continued)

5. If time permits, a written request should be prepared before taking the employee to the testing facility and should indicate for-cause A&D testing. (See TVA's Non-Nuclear Fitness for Duty Program Contacts located on the Employee Resource Center under Help Links).
6. The employee must be transported for testing by appropriate staff to the approved testing facility. The employee should also be provided transportation home following testing.
7. The employee must remain in non-work pay status (time is charged to the NWP code in the time reporting system) until the fitness-for-duty evaluation is completed and a decision on the employee's ability to work safely has been made by the Non-Nuclear Fitness for Duty staff and/the TVA Medical Examiner.
8. Non-Nuclear Fitness for Duty staff will notify the requestor of the evaluation results. Employees with negative A&D tests and/or favorable psychological and/or medical exams may be returned to work at management's discretion.
9. Employees with A&D results that are positive, adulterated, substituted, or otherwise subverted, or are not found to be psychologically and/or medically fit for duty will be held off duty and subject to the actions described in section "Resulting Actions for Confirmed Positive A&D Tests and Psychological and Medical Evaluations" below.
10. All tests and evaluations will be administered and/or approved by TVA Non-Nuclear Fitness for Duty, and the results will be reported to the requesting Employee Relations representative.

3.4.3 Post-Accident Testing Procedures

Employees in an accident must immediately notify their supervisor. If time permits the supervisor will notify the Employee Relations representative of the accident and the need for A&D testing, who in turn notifies the Non-Nuclear Fitness for Duty Program. TVA's Non-Nuclear Fitness for Duty Program Contacts is available via the InsideNet on the Employee Resource Center under Help Links.

The Non-Nuclear Fitness for Duty Program will then notify the collection site. Non-Nuclear Fitness for Duty Program staff and/or the Employee Relations representative can assist the supervisor in determining the nearest collection facility. The approved list of A&D collection sites is available on the Health Services homepage via InsideNet.

A&D testing is required in post-accident circumstances when:

- There is a loss of life; or
- The employee receives a citation under State or local law for a moving traffic violation arising from the accident; or
- Anyone is transported by Emergency Medical Services for medical care from the scene of the accident or from the work site; or

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3.4.3 Post-Accident Testing Procedures (continued)

- There is property damage in what appears to be in excess of \$10,000.

A&D testing may also be directed by a supervisor in accident/incident situations when the Reasonable Suspicion Testing criteria are met.

Supervisors shall ensure that employees are escorted to the collection site. If the employee is believed to be under the influence of alcohol or drugs, or otherwise impaired, he/she must also be transported home following the testing.

Employees will be tested for alcohol and drugs as soon as practical, but in the case of alcohol, testing should occur within two hours, but not later than eight hours following any accident/incident. A drug test should be administered within 32 hours following the accident.

An employee subject to post-accident testing must remain available for testing or may be deemed to have refused testing. A drug test should be administered within 32 hours following the accident. The employee must refrain from consuming alcohol for eight hours following an accident, or until tested, whichever comes first. The consequence of refusing to take a test is termination of employment.

3.4.4 Failure by Employees to Submit A&D Testing or Cooperate Fully with Fitness for Duty Evaluations

The following will result in termination and a permanent hiring and contract restriction:

1. Failure or refusal by employees to agree to A&D testing, to report immediately to the collection facility, and/or to cooperate fully in a timely manner with any portion of specimen collection. *Immediately*, in this context, means that all the employee's actions, after notification, lead to an immediate specimen collection. The employee shall not do anything that may affect the outcome of the test, such as running an errand, going to a meeting, stopping by his/her locker, performing a job, eating lunch, etc.
2. Tampering, that is substituting, adulterating, and/or other tactics designed to defeat the purpose of testing with a specimen, or an attempt to tamper with a specimen.
3. Failure or refusal by employees to fully cooperate with any part of a fitness-for-duty assessment, including psychological and medical evaluations. This includes but is not limited to, the employee signing the necessary release of information forms that allow the Non-Nuclear Fitness for Duty Program to obtain pertinent information from private physicians in order to make a determination of fitness for duty.

The following are considered refusal to test:

4. Refusal to submit to any required test after receiving notice of required testing;
5. Failure to provide adequate breath for testing without a valid medical explanation after receiving notice of the required alcohol testing;

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3.4.4 Failure by Employees to Submit A&D Testing or Cooperate Fully with Fitness for Duty Evaluations (continued)

6. Failure to provide an adequate urine sample for drug testing without a valid medical explanation after receiving notice of required drug testing;
7. Engaging in conduct that obstructs the testing process;
8. Being found to possess or wear a prosthetic or other device that could be used to interfere with the collection process;
9. Refusing to follow collector instructions during an observed collection process to raise and lower clothing as specified in regulations; or
10. Admitting to the collector or MRO that he/she adulterated or substituted the specimen.

B. Dilute Specimens

1. Employees providing a urine specimen for random or periodic (e.g. crane operator) testing that is negative and diluted may be required to provide another urine specimen, which may be collected under direct observation.
2. Employees providing a urine specimen for return to work, follow-up, for-cause, or post-accident testing that is negative and diluted will be required to provide another urine specimen, collected under direct observation.
3. A positive test result that is diluted will be considered a confirmed positive test.

3.4.5 Reporting Results

Urine and any other appropriate biological specimens will be sent to a certified Substance Abuse & Mental Health Services Administration (SAMHSA) testing laboratory, which will report the results to a TVA designated and certified Medical Review Officer (MRO).

If the laboratory results are non-negative, MRO will attempt to contact the employee before declaring the test result as confirmed positive, adulterated, substituted, or negative with safety concern. If the employee cannot be reached in a timely manner or if the employee is unresponsive to contact by the MRO, the MRO will continue the review of the test results.

The following are not legitimate medical explanations for a positive test result:

- the use of hemp, coca leaf, or herbal products
- a physician's recommendation to use an illegal drug
- a prescription from a state in which marijuana is legal

The results of specimen analysis for alcohol are reported by the Breath Alcohol Technician (BAT) directly to the Non-Nuclear Fitness for Duty Program.

- A level of 0.040 Breath Alcohol Content (BrAC) or above is considered a positive test result.

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3.4.5 Reporting Results (continued)

- A level of 0.020 to 0.039 BrAC is considered an administratively positive result.
- A level of 0.019 BrAC or below is considered a negative result.
- A saliva test result of 0.020 or greater must be confirmed by a breath alcohol test. If saliva testing has been used for the screening test, the first breath test will be the confirmation test.

The Non-Nuclear Fitness for Duty Program receives all test results. The confirmed positive, adulterated, substituted, negative with safety concern, and otherwise irregular results are communicated to the designated Employee Relations representative, who notifies the employee's supervisor.

If the test result is Negative with Safety Concern, the Employee Relations representative will ensure the employee is removed from safety-sensitive duties immediately and until approved to perform safety-sensitive duties. The employee may be held off work in non-work pay status and medically evaluated for the ability to work safely.

If the test result is otherwise non-negative, the Non-Nuclear Fitness for Duty Program Manager and Employee Relations representative will draft an appropriate letter for use by the supervisor.

No notifications are made for negative test results.

Confidentiality must be protected when communicating test results. Contact must only be made with designated Employee Relations contacts and/or with managers and others with a legitimate need to know. Program records shall be maintained in a secured location with access only by authorized employees.

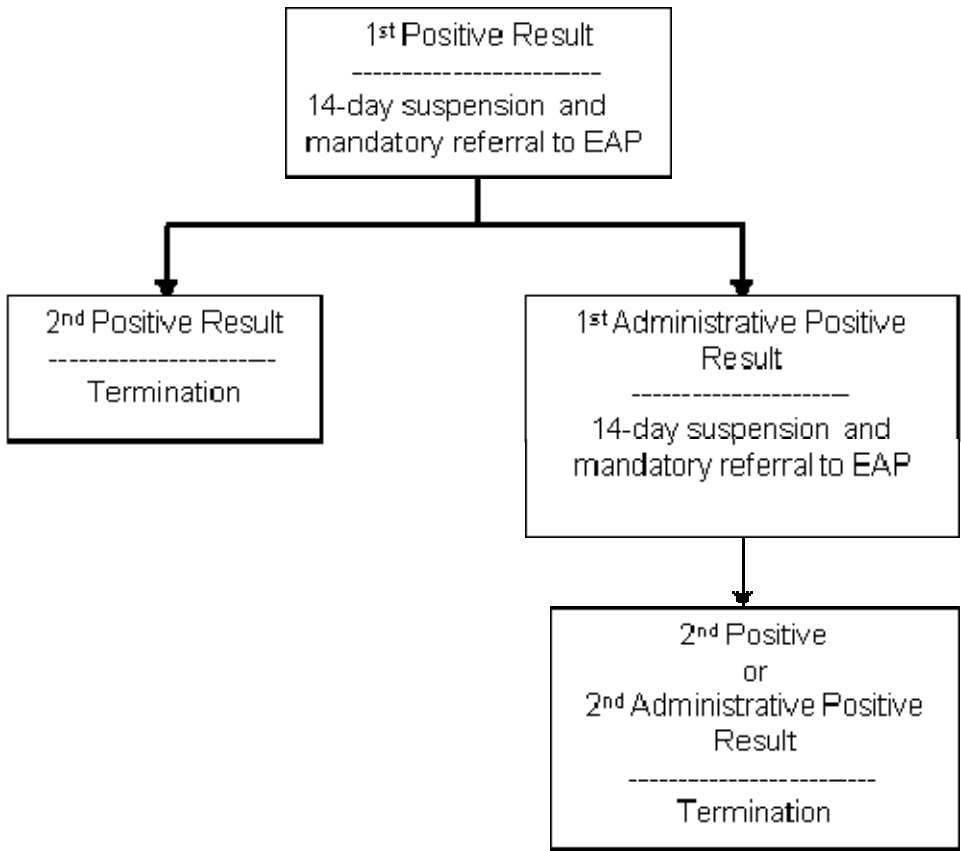
3.4.6 Resulting Actions for Confirmed Positive A&D Tests and Psychological and Medical Evaluations

1. The actions taken are the same whether the test is positive for alcohol or drugs.
2. For an alcohol test result of 0.020 BrAC or above, the supervisor must make arrangements for the employee to be driven home.
3. The following actions are also taken if a TVA non-nuclear employee tests positive for either alcohol or drugs on any type of TVA Nuclear Power Group, or other TVA A&D test. These actions are taken in addition to whatever actions TVA Nuclear takes in regard to the employee's work for TVA Nuclear, and/or in addition to any administrative actions taken by the employee's supervisor:
 - a. The appropriate Employee Relations representative must be consulted before any actions are taken.
 - b. There are additional considerations that may alter these actions for veterans, for managers under the Manager & Specialist Salary Structure, or for other FLSA-exempt employees. The Employee Relations representative will assist the supervisor in determining the correct actions in these cases.

3.4.6 Resulting Actions for Confirmed Positive A&D Tests and Psychological and Medical Evaluations (continued)

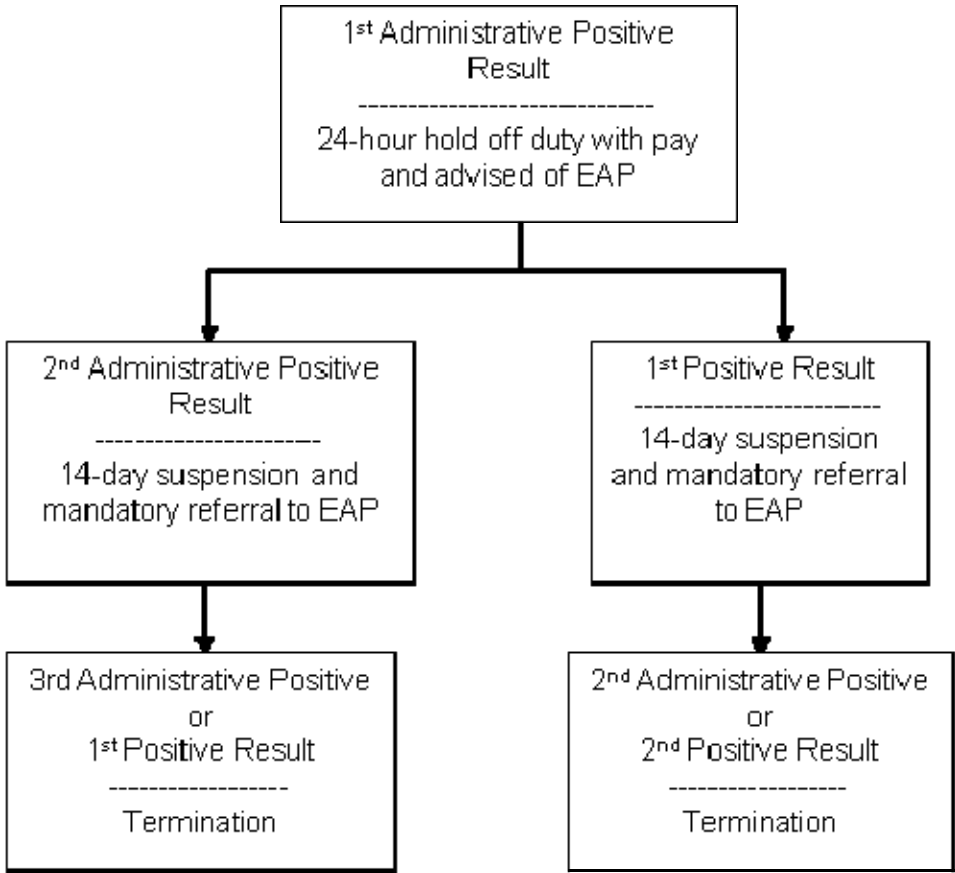
- c. Non-Nuclear Fitness for Duty will provide the Employee Relations representative a draft of the employee notification letter for use by the supervisor. This letter notifies the employee about the actions that must be taken by the employee before he or she can be considered for possible return-to-work.
4. The charts on the following pages set forth the various consequences for positive/non-negative test results on first and subsequent tests. The chain of consequences for employees depends on whether the first non-negative test result is a positive result or an administrative positive result.
- Chart A sets forth the consequences to an employee when the first non-negative test result is a positive test result.
 - Chart B sets forth the consequences to an employee when the first non-negative test result is an administrative positive test result.

CHART A



3.4.6 Resulting Actions for Confirmed Positive A&D Tests and Psychological and Medical Evaluations (continued)

CHART B



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3.4.6 Resulting Actions for Confirmed Positive A&D Tests and Psychological and Medical Evaluations (continued)

5. For a test result of which the consequence is a suspension, the employee will be suspended and the suspension action will be documented in HRIS. The Employee Relations representative will process a suspension transaction (SUS/FFD) in HRIS for the appropriate period. At the end of the suspension, a Recall from Suspension (REC/REC) action will be processed in HRIS. The employee is not permitted to use leave during this suspension period. The employee will be referred to the Employee Assistance Program (EAP) for possible rehabilitation.
6. A psychological and/or medical FFD evaluation may be scheduled for the employee by Non-nuclear Fitness for Duty. The employee must appear for the scheduled appointments and fully cooperate or the employee's employment may be terminated, barring extenuating circumstances which prevent the employee from appearing at his or her scheduled appointments.
7. Any action, in addition to the above or in place thereof on a positive test result, up to and including termination, will be based on a consideration of the nature of the employee's position, any pattern of alcohol or drug involvement, the employee's past work and disciplinary record, any notoriety of the offense, any impact on the agency's reputation, and any aggravating or mitigating factors. If the above factors result in termination, the employee may contact EAP to request assistance in gathering information about community-based rehabilitation resources. A statement to this effect should be included in the employee's termination notice.
8. The employee will be directed to contact EAP within five working days for assistance in identifying a rehabilitation program.
9. The employee must sign the EAP Statement of Understanding Regarding the Counseling Program form, TVA 9168, when he or she meets with the EAP Counselor. Failure to contact EAP within five working days or refusal to be seen for an EAP appointment within ten days will result in termination of employment. The employee is expected to enter into the rehabilitation program within ten days of being directed to do so, and complete it without undue delay. If the employee is unable to immediately enter into rehabilitation or is unable to complete it in a timely manner, the employee must request a delay. The delay must be approved by the employee's responsible management.

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3.4.6 Resulting Actions for Confirmed Positive A&D Tests and Psychological and Medical Evaluations (continued)

10. The employee will be in non-work status while in the rehabilitation program and until approved for return to duty. After the suspension period noted above, the employee must contact his or her supervisor for approval for either sick or annual leave, and/or leave without pay to cover the time in rehabilitation. Employees who are preference eligible veterans are entitled to certain procedures before they are placed in leave status. Management should consult with Employee Relations to ensure that appropriate procedures are followed. Administrative leave is not an approved leave option. Supervisors, after consultation with their Employee Relations representative, will determine the appropriateness, extent, and type of leave in accordance with TVA's leave policies. Employees are not eligible for leave transfer or advanced leave while they are off-duty following a positive or administrative positive A&D test. Supervisors may contact their Employee Relations representative for the appropriateness and extent of leave.
11. The employee's progress in rehabilitation will be monitored by Non-Nuclear Fitness for Duty, and the Employee Relations representative will be notified regarding the employee's compliance. If the employee is not compliant, management may take disciplinary action up to and including termination of employment.
12. After completing rehabilitation, the employee must provide a negative A&D test administered at an approved TVA collection site; successfully complete another psychological and/or medical FFD evaluation, if applicable; and be approved for return-to-work. Return-to-work drug testing may be collected under direct observation.
13. If the employee successfully completes all of the above-cited actions, management will make a decision concerning the employee's return to work.
14. Employees will be required to sign a "return-to-work" agreement that outlines aftercare requirements and notifies them of their inclusion in the follow-up testing program. See "Follow-up A&D Testing Program" section below. Compliance with return-to-work agreements will be monitored by Non-Nuclear Fitness for Duty. Failure to comply with return-to-work agreements may lead to disciplinary action up to and including termination of employment and a three-year hiring and contract restriction for TVA work.
15. For a test result of which the consequence is termination of employment, the employee will be immediately notified of his or her termination and placed in non-work, non-pay status for 30 calendar days (time will be charged to leave code FFD). At the end of the 30-day period, unless the supervisor is otherwise advised by the Employee Relations representative or by the Non-Nuclear Fitness for Duty Program of a successful appeal outcome, the employee's employment will be terminated. See special provisions below for preference-eligible veterans.

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3.4.6 Resulting Actions for Confirmed Positive A&D Tests and Psychological and Medical Evaluations (continued)

16. If the employee is a preference-eligible veteran, he or she will be notified of his or her proposed termination and placed in non-work, pay status (this time is charged to the NWP code in the time reporting system) for 30 calendar days. At the end of the 30-day period, unless the supervisor is otherwise advised by the Employee Relations representative or by the Non-Nuclear Fitness for Duty Program of a successful appeal outcome, the preference-eligible veteran will be issued a notice of decision.

17. A permanent hiring and contract restriction for TVA work will be imposed. Only positive tests from TVA and other governmentally-regulated testing programs (that is, DOT, Nuclear Regulatory Commission, and Drug Free Work Place) will result in the employment actions above in paragraph. Both positive tests must have occurred since October 1, 1987. This action is taken regardless of whether either the first or second test occurred under Nuclear Power Group, DOT, non-nuclear power programs, or under any other governmentally-regulated testing program.

18. Individuals who have an alcohol test result classified as Administrative Positive with no prior non-negative tests, will be held off duty, in pay status (this time will be charged to the NWP code in the time reporting system), until the start of the next regularly scheduled shift, but not less than 24 hours following administration of the test. Such an employee must provide a negative alcohol test before returning to work. Additionally, such individuals will be advised of the EAP. Employee Relations will obtain a letter template for use by the supervisor, who will issue the employee a written notice documenting the consequences of additional non-negative test results.

3.4.7 A&D Appeals

The following processes are provided to appeal A&D test results, not management actions which are taken as a result of the non-negative A&D test.

A. Positive, Adulterated, or Substituted Urine Drug Test

Any individual with a positive, adulterated, or substituted urine drug test result is informed of the opportunity to request within 72 hours of being informed by the MRO that a portion of the urine specimen can be sent to a different SAMHSA certified laboratory for testing. This second laboratory analysis is the individual's appeal of the original positive test result. If the re-test of the original specimen yields a different result from the first test, the result of the re-test takes precedence and any actions taken will be modified accordingly.

B. Breath Alcohol Test Result of 0.020 or Above

Any individual who has a breath alcohol test result of 0.020 BrAC or above will be given a confirmation test after a 15-minute waiting period. If the test results are not identical, the confirmation test result will be the final test result upon which any action is based. This second breath test is the individual's appeal of the original test result.

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3.4.7 A&D Appeals (continued)

C. Saliva Tests

Saliva tests used for alcohol screening, similarly, must be confirmed by a breath alcohol test, which is the individual's appeal of the result of the initial saliva screening test. The first breath test will be the confirmation test. If the test results are not identical, the confirmation test result will be the final test result upon which any action is based.

D. Psychological Evaluation

Employees who are denied approval for return-to-work based on a psychological evaluation are eligible for an appeal if this action is likely to result in termination of employment. Non-Nuclear Fitness for Duty will provide appeal information to the Employee Relations representative who will work with supervisors to notify employees in writing of their appeal rights.

3.4.8 Self-Referral to the Employee Assistance Program

Employees experiencing difficulties as a result of excessive use of and/or dependence on alcohol or drugs, including prescription drugs, are encouraged to seek help from TVA's Employee Assistance Program (EAP). Such self-referrals are not considered if disciplinary actions are later taken for subsequent A&D involvement, unless special circumstances are present. Such special circumstances would include, among others, if the employee self-referred only after having been observed under the influence, or if the self-referral was made only after the supervisor determined independently to refer the employee to EAP.

3.4.9 Supervisor Training

All management-level supervisors must complete an online training module on Fitness & and Duty. The training will minimally provide the supervisors information about the effects of A&D abuse, the indications and symptoms of possible substance abuse, and the procedures of the Non-Nuclear Fitness for Duty Program.

3.4.10 Employee Education

Employees holding positions included in the random testing program will be provided written material concerning substance abuse and the procedures of the random testing program before they are tested under this random program.

3.4.11 Contractors

Contractors are responsible for their own testing program which must meet TVA's testing requirements established by TVA's Non-Nuclear Fitness for Duty Program as set out in their contracts. See [Appendix A, Pre-Access Drug Testing for Non-Nuclear Contracts](#) from Contractors' drug testing requirements.

A. Resulting Actions for Positive Tests for Contracted Individuals

1. The relevant TVA Contract Manager/Agent and/or Technical Contract Manager should be consulted before any actions are taken.

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3.4.11 Contractors (continued)

2. A first-time confirmed positive drug test will result in immediate removal from the TVA worksite and a three (3) year restriction from TVA employment or contract work.
3. Two confirmed positive drug tests will result in immediate removal from the TVA worksite and a permanent hiring and contract restriction for TVA work.
4. Only positive tests from TVA and other governmentally-regulated testing programs (that is, DOT, Nuclear Regulatory Commission, Drug Free Work Place) will result in this hiring and contract restriction. Both test results must have occurred after October 1, 1987. This action is taken regardless of whether the first test occurred under TVA's Nuclear Power, DOT, Non-Nuclear Power programs, or under any other governmentally-regulated testing program.

4.0 RECORDS

4.1 QA Records

None

4.2 Non-QA Records

None

5.0 DEFINITIONS

Administrative Positive - Alcohol test result of 0.020 to 0.039 BrAC.

Contractor - Any company or individual with which TVA has contracted for work or services to be performed on property owned, leased, or otherwise controlled by TVA.

Medical Review Officer (MRO) – A licensed physician who is responsible for receiving and reviewing laboratory results generated by an employer's drug testing program and evaluating medical explanations for certain drug test results.

Negative with Safety Concern – Test result reported by MRO when an employee is taking prescription medication that poses a potential safety risk.

Positive – Drug test result reported by MRO as confirmed positive, or confirmed alcohol test result of 0.040 or greater BrAC.

Safety-Sensitive – those positions in which the incumbent, as part of his or her normal, regular duties, has the potential to cause immediate serious physical injury or harm to himself or herself or to the health and safety of other TVA employees, contractors, visitors, property, or the general public.

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**Appendix A
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Pre-Access Drug Testing for Non-Nuclear Contracts

In addition to the provisions covered under Public Law 100-690, the Drug-Free Workplace Act of 1988, Contractor shall implement and/or maintain a pre-access drug screening program when its employees and employees of its subcontractors are expected to perform work for more than 20 consecutive work days or 90 cumulative work days in any 180 calendar day period on property owned, leased, or otherwise controlled by TVA. In the event Contractor or its subcontractor's employees are not expected to perform work for more than 20 consecutive work days or 90 cumulative work days, as the case may be, but actually do perform work for such period of time, then drug testing must be conducted within 14 calendar days from when the employee exceeded such 20 work day or 90 cumulative work day period.

Employees working on TVA property less than the above-specified amounts of time but who will be performing in safety sensitive positions or safety-sensitive type functions must be tested prior to TVA site access. Safety-sensitive positions are those positions in which an individual has the potential to cause immediate serious physical injury or harm to persons or property. Safety-sensitive functions include but are not limited to: carrying fire arms; working with explosives; working on or around energized equipment; working on or around powered equipment; working at unprotected elevations ; working in or around water; performing safety inspections; piloting, co-piloting, or maintaining aircraft; performing plant maintenance, modifications, or operations; and performing construction work. Notwithstanding the foregoing, TVA may determine, in its discretion, which positions and functions are safety-sensitive.

Contractor and subcontractor employees performing work TVA property are subject to TVA's drug testing policy guidelines. These guidelines allow TVA to conduct reasonable suspicion, post-accident, random, and return-to-duty, and follow-up testing.

Except as provided below for emergencies, Contractor and subcontractor employees subject to the above testing requirements may only begin working on TVA property if one of the following conditions is satisfied:

- A. A negative result has been reported for the employee for a drug test administered within 30 calendar days prior to or on the initial work date.
- B. The employee had a documented negative drug screen within the last 60 days from a TVA contractor and the contractor's drug testing program has been determined to be in compliance with TVA testing requirements.
- C. The employee has been subject to a random drug testing program within the past 30 days with a TVA contractor whose drug testing program has been determined to be in compliance with TVA testing requirements.

In case of emergency the TVA Technical Contract Manager may approve drug testing to be performed after an employee's initial work date.

**Appendix A
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Pre-Access Drug Testing for Non-Nuclear Contracts

Contractor is responsible for its own drug screening program which must meet the following drug testing standards:

1. Collections and specimen transport for all drug screens must be conducted by certified collectors and follow proper chain-of-custody documentation, pursuant to the requirements in the Mandatory Guidelines for Federal Workplace Drug Testing and/or DOT regulations.
2. Point-of-collection urine drug screens must be conducted with FDA-approved testing devices.
3. Non-negative results on initial screens must be confirmed by Gas Chromatography/Mass Spectrometry (GC/MS) testing at a Substance Abuse and Mental Health Service Administration (SAMHSA) certified laboratory.
4. Non-negatives confirmed by GC/MS must be reviewed by an AAMRO- or MROCC-certified Medical Review Officer (MRO).
5. Laboratory-based urine drug testing must be conducted by laboratories certified by SAMHSA to perform urine drug testing.
6. All drug screens must test as a minimum for the following substances identified in the Mandatory Guidelines for Federal Workplace Drug Testing at the cutoff levels listed below.

Drug	Screening Limit (ng/ml)	Confirmation Limit (ng/ml)
Amphetamines	500	250
MDMA ¹	500	250 ²
Cocaine	150	100
Marijuana	50	15
Opiates	2000	2000
6-Acetylmorphine	10	10
PCP	25	25

¹ Methylendioxyamphetamine (MDMA)

² Including Methylendioxyamphetamine (MDA) and Methylendioxyethylamphetamine (MDEA)

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Pre-Access Drug Testing for Non-Nuclear Contracts

Pre-access alcohol testing is not required, but in the event that breath alcohol testing is performed in connection with this Contract, it must be conducted in accordance with 49 CFR Part 40, which outlines specific requirements for testing devices, collection protocols, confirmation testing, and documentation requirements.

Contractor shall maintain, at a minimum, the following data during the term of the Contract and for at least three years thereafter:

- Number of employees tested for drugs and/or alcohol
- Number of drug tests deemed positive by the MRO
- Number of individuals refused to be tested
- Number of individuals tampering or attempting to tamper with a specimen
- Specific drugs that were positive

Such data shall be provided to TVA upon request.

These standards do not exempt Contractor from complying with applicable Department of Transportation or any other federal or state drug and/or alcohol testing programs covering its employees.

Any Contractor or subcontractor employee who tests positive under a drug screening program established by the Contractor shall be immediately removed from TVA property and will not be assigned again to perform work or provide service under contract with TVA for a period of three years for a first positive drug test result and permanently for a second positive drug test result. A refusal to be tested, adulteration, substitution, tampering, attempting to tamper with, failure to cooperate in a timely manner, or otherwise attempting to subvert the testing process will result in an employee being permanently barred from access to TVA sites.

An individual providing a urine specimen that is negative and diluted may be required to provide another specimen under direct observation. A positive test result that is diluted will be considered a confirmed positive test.

Contractor is responsible for informing their employees and subcontractors of these requirements and to specify the consequences associated with substituting, adulterating, and/or otherwise tampering, or attempting to tamper with a specimen and/or positive test results. Contractor is also responsible for informing TVA Security of its employees or employees of their subcontractors who have violated the drug testing requirements. This must be done immediately upon testing confirmation utilizing TVA's Web Contractor Security System (WCSS).

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Pre-Access Drug Testing for Non-Nuclear Contracts

The cost of preparing and administering (including recordkeeping) a drug screening program and the cost of employees' and subcontractor employees' time to have test performed, laboratory expenses, and expenses of test review results by an MRO shall be the Contractor's responsibility.

TVA shall have the right to audit all documentation and records describing and supporting Contractor's drug screening program.

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**Appendix B
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Some Typical Aberrant Behaviors Checklist

This checklist is designed for supervisors to assist them during their consideration whether or not to send an employee to a for-cause alcohol and drug test and/or psychological and/or medical FFD evaluation based on the employee's behavior. Aberrant behavior is behavior, on or off the job, which raises suspicion of illegal drug use or abuse of alcohol and/or concern that an emotional disorder might exist that would adversely impact the employee's ability to work safely. The behavior may be observed directly by the supervisor or reported to the supervisor by sources deemed reliable and credible. The significance of a specific aberrant behavior should be considered in the context of the nature and extent of the employee's safety-sensitive duties.

This checklist contains only some of the more commonly occurring aberrant behaviors that may raise concerns about an employee's ability to work safely. It is recognized that such potential behaviors and the circumstances in which they occur are extremely large, and that every situation is unique. This checklist does not identify every possible example of aberrant behavior, nor does it suggest that each listed example is of equal significance to other examples. Further, the presence of several aberrant behaviors may heighten safety concerns.

Thus, this checklist is only intended to aid supervisors in identifying and their concerns and observations. This checklist should not be used as a score sheet, by assigning numerical weights to each example, and then summing them to obtain a point score in order to make a decision whether or not to send an individual for a fitness-for-duty evaluation.

A single episode of the following behavior or action behaviors that raise a concern about the employee's ability to work safely can be an indication of drug or alcohol abuse and be grounds for directing an employee to submit to a drug and alcohol test and/ or psychological and/or medical FFD evaluation:

- On-the-job accidents
- Acts of violence, major or minor
- Direct or indirect threat of violence
- Statements by the employee involving or suggesting substance abuse within the last 12 months
- Statements by the employee suggesting recent treatment for serious psychological problems
- Events away from the workplace involving violence, substance abuse, and/or bizarre behavior, such as arrests

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Some Typical Aberrant Behaviors Checklist

- Statements or actions that are bizarre, nonsensical, and/or wholly inappropriate in nature, such as gross confusion, disorientation in time and space, irrational thought, catatonic behavior, talking to self or to no one, and/or lack of awareness of surroundings
- Intentional self-injurious behavior, up to and including a suicide attempt, or statements of intention to do self-harm
- Indications of possible acute intoxication, including:
 1. Speech difficulties, such as slurring, incoherence, confusion, overly quiet, and whispering
 2. Problems with balance and coordination, such as staggering, swaying, stumbling, needing support, sagging knees, rigidity, and difficulties with standing or walking
 3. Eyes that are bloodshot, droopy, glassy, watery, or dilated
 4. Facial appearance that is pale, flushed, or sweaty
 5. Demeanor that is overly calm, hyper, overly excited, crying, sarcastic, or irritable an angry
 6. Awareness of events that is slowed confused, paranoid, or sedated
 7. Appearance that is shabby, dirty, poor body odor, or there is odor of alcohol

An apparent pattern, developing over time, of behaviors that raise a concern about the employee's ability to work safely can also be grounds for directing employees to a drug and alcohol test and/ or psychological and/or medical FFD evaluation:

- Absenteeism and tardiness
- Unexplained absences and leaving early
- Safety violations, major and/or minor
- Accidents, major and/or minor, on and/or off the job
- Near-accidents
- Failure to observe safety precautions
- Unusual careless acts
- Poor judgment
- Declining or erratic work performance

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Some Typical Aberrant Behaviors Checklist

- Angry, confrontational and/or intimidating behavior
- Emotional behaviors, such as crying
- Depressed, lethargic behaviors
- Overexcited, overly active, overly friendly, and/or “hyper” behaviors
- Mood swings, with alternating normal with overly active or depressed behaviors in an unpredictable fashion
- Over-reacting to ordinary workplace events
- Slow and progressive, or sudden decrease in ordinary social contacts
- Peculiar, odd, and strange comments
- Concerns and complaints expressed by multiple coworkers
- Increasing distrust and paranoia about coworkers
- Excessive complaints about coworkers and/or supervisors
- Concentration or attention problems
- Increasing memory lapses and/or need to have instructions repeated
- Episodes of confusion as to place and time
- Taking excessive time to complete routine tasks
- Unusual difficulties with learning new tasks

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Procedures for Requesting For-Cause Alcohol & Drug Testing and/or Fitness for Duty Evaluations

A&D testing may be requested by using one of the following methods. Contact your Employee Relations representative and/or Non-Nuclear Fitness for Duty, if time permits.

Options:

Option 1:

Use this method at any time, but especially when you are requesting a psychological fitness-for-duty evaluation along with the for-cause or post-accident A&D test.

Employee Relations representative emails the Manager of Non-Nuclear Fitness for Duty Program a request for a Fitness for Duty evaluation, including the employee's name, employee identification number, and job title. Describe the observations and/or information on which the request is being made. This request must include a statement that the evaluation is being requested under TVA's SPP regarding Occupational Health and this SPP.

Option 2:

You may use this method if you are not requesting a concurrent psychological fitness-for-duty evaluation with the for-cause or post-accident A&D test.

Complete the top portion of form TVA 1444: Request for Medical Evaluation, including date of request and requesting supervisor, with address and phone number. Identify the employee with name, date of birth, and employee identification number. Include job title and organization information if available. Fill the bubbles for Alcohol Test and Drug Test. Enter "for-cause" for Type.

If after hours, take form TVA 1444 to testing location (list of approved A&D collection locations are available on the Health Services homepage) with the employee. During business hours, after consultation with Employee Relations email the Non-Nuclear Fitness for Duty Manager a brief memo describing the observations and/or information which justifies the request.

Notes:

If employee is going to be held off duty pending the psychological fitness-for-duty evaluation, A&D testing should be performed while employee is still on duty.

If testing is for a DOT-covered employee, form TVA 20187 should be completed by the supervisor documenting the reason for testing.

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**Source Notes
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Requirements Statement	Source Document	Implementing Statement
Guideline for pre-access drug testing for non-nuclear contracts	Pre-Access Drug Testing for Non-Nuclear Contracts	Scope
Conduct drug testing in a manner consistent with	U.S. Department of Health & Human Services Mandatory Guidelines for Federal Workplace Drug Testing Programs, and/or other applicable Federal or TVA standards	Throughout
Requires employees to cooperate in job related health examinations	TVA-SPP-11.5.0, Occupational Health	3.3.1