

New Article 38

Old Article 41

Health and Safety

41.1 Safe and Healthy Environment

NRC will provide a safe and healthy environment for employees in accordance with the standards of the Occupational Safety and Health Administration which are applicable to office building structures.

41.1.1 The NRC will establish Joint Labor-Management Occupational Safety and Health Committees to function as described in NRC Management Directive 10.130.

41.2 Reporting of Unsafe Conditions

Employees are encouraged to report any unsafe or unhealthy practice, equipment or conditions which might represent a health and safety hazard to the proper officials as described in NRC Management Directive 10.130 and to the Union. The Union, if so notified, agrees to promptly relay all such complaints to the NRC. Once the NRC has been notified of a potential health or safety problem, the NRC will invite the Union to participate in meetings where bargaining unit employees are in attendance. The NRC agrees to keep the Union apprised of efforts to resolve the problem.

41.3 Employee Request for Ruling or Grievance

If an employee believes that work is being required under conditions which are unsafe or unhealthy beyond the normal hazards inherent in the operations in question, he/she may request a ruling from the NRC and/or have the right to file a grievance.

41.4 Employee Departure Due to Unsafe or Unhealthy Conditions

When there is exposure to an unsafe or unhealthy condition which requires immediate solution and it is not possible to obtain NRC concurrence beforehand, then the employee may, at his/her discretion, leave his/her duty station, so notify the NRC, and hold himself or herself available for work under appropriate working conditions. The parties recognize and agree that an employee's departure from his/her duty station without supervisory approval will occur only for unusual situations of extreme hazard. This provision does not intend to sanction insubordination or an action which would constitute a violation of 5 U.S.C. 7311 and 18 U.S.C., 1918, which prohibit strikes. The parties further recognize that the action of any employee in leaving his/her duty station based on an alleged safety or health hazard without supervisory approval will be reviewed by NRC to assure that such action was reasonable under the circumstances of the case. Any employee found to take such action without reasonable cause may be subject to

disciplinary action and/or the facts of the case may be referred to the Department of Justice for prosecution under 18 U.S.C., 1918.

41.5 Annual Building Inspections

Each office building occupied by bargaining unit employees will be inspected for health and safety at least annually. More frequent inspections may be conducted in all workplaces where there is an increased risk of injury, illness, or accident due to the nature of the work performed therein. A Union representative from the Joint Committee will be given an opportunity, on official time, to accompany the NRC Safety Inspector on initial inspections and any official NRC follow-up inspections.

41.6 Posting of Evacuation Plans

In each principal office building occupied by NRC employees, there will be posted in a conspicuous location, a diagram showing the proper means of evacuating that building in the event of an emergency.

41.7 Health Services or First Aid

41.7.1 In each office building which is the official duty station of at least five employees, NRC will provide at least one first aid kit (a 16-unit kit as defined by the Red Cross) of sufficient size to permit first aid to be rendered to injured employees and designate an individual to maintain each kit. Persons designated to maintain first aid kits will be given proper training in such maintenance. The names of designated employees shall be posted in reasonable places along with the location of the first aid kits.

41.7.2 **Subject to budgetary constraints**, health services will be provided to employees in accordance with NRC Management Directive 10.122, Employee Health Services Program.

41.7.3 The NRC will continue its current practice of encouraging and publicizing the availability of Cardiopulmonary Resuscitation Training (CPR). The names of all employees who are trained in CPR will be communicated to all employees.

41.8 Employee Health Maintenance Exams

The NRC will attempt to provide employee health maintenance examinations, and appropriate examination for diabetes, high blood pressure, colon/rectal cancer, cancer screening for males and females, hearing and vision, tuberculin test, immunization, and allergy shots. It is understood, however, that NRC may be constrained for budgetary reasons or by space limitation.

41.9 Excused Absence to Assist Other Employees

When it is necessary for an employee to leave work and return home because of illness or incapacitation, and there is reasonable cause to believe the employee is unable to return home safely by himself or herself, the NRC will assist in locating another employee to help the sick employee return to his/her residence. The NRC will allow a reasonable amount of excused absence, without charge to leave, to the employee who assists the sick employee to return to his/her residence.

41.10 Availability of Health Plan Information

~~NRC shall notify employees and the Union as to where employee health plan information is available on the internet, with a link to this site. agrees to keep on file copies of each health plan offered to employees. Such copies will be available for Union examination upon request.~~

~~41.11 Accommodations~~

~~The NRC will make all reasonable accommodations to assist employees who become ill at the work place.~~

41.1~~2~~ Notice of Exposure

As soon as NRC is made aware that any employee may be exposed to any toxic or hazardous substance listed in OSHA Standard 1910.1000 in an amount or for a period of time that may exceed the ceiling value or time weighted average set forth for that substance in Standard 1910.1000, the affected employee will be notified. The notice will include any warning statements which NRC has received from the manufacturer of the substance or the organization which is responsible for the exposure.

41.1~~2~~3 NRC Furnished Reports

NRC will furnish to the Union a copy of all health and safety reports it is required to file with any other Federal agency, simultaneously with the filing of such reports. NRC will not, however, furnish to the Union copies of any report of motor vehicle accidents or accident giving rise to compensation claims.

41.1~~3~~4 Elevator Shutdown

The parties agree that any elevator in any NRC building which malfunctions to the extent that individuals ~~are~~ have been trapped in the elevator car shall be shut down and shall not be used by employees until the elevator has been rendered operative.

41.15 Smoking Restrictions

In accordance with government-wide regulations and in recognition of the adverse health effects associated with "second hand" smoke, the NRC shall restrict smoking in to designated areas outside of NRC Headquarters's buildings. The Parties will negotiate

~~changes in over the determination of designated areas for each NRC building in accordance with the procedures of Article 49, Mid-term Bargaining. to those portions of Headquarter's buildings which have ventilation systems which are separate from the remainder of the ventilation system for the building. Further, areas where smoking is permitted must be designed so as to prevent smoke from leaving that area and mixing with the air in the remainder of the building. All areas designated as smoking areas shall be identified as employee smoking lounges and shall be accessible to all building employees who desire to smoke. If the NRC desires to establish one or more smoking lounges in any NRC Headquarter's building pursuant to this section, it shall consult with representatives of NTEU prior to the actual selection of locations to assure that employees have an input in the decision on the actual location(s) of the smoking lounge. Before any smoking lounge is opened for use, it must be examined by representatives of NTEU to assure that it is properly designed to meet the requirements of this section.~~

41.16 Safety Equipment

An employee may request that the Agency provide appropriate safety equipment, e.g., a hard hat, safety shoes, safety glasses, hearing protection, etc. If the employee's request is denied, such denial will be provided in writing and explain the basis for the denial.

~~41.16 Smoking Policy Negotiations~~

~~The parties agree that a smoking policy will be negotiated individually in each of NRC's four Regional offices and the Technical Training Center. The parties in each location shall exchange proposals within 30 days of the effective date of this agreement. Negotiations shall be conducted pursuant to the ground rules applicable for this Agreement.~~

~~41.17 Smoke Enders Program~~

~~The NRC agrees to continue to provide smoking cessation programs for employees as long as there is enough interest on the part of employees to warrant the programs.~~

~~41.18 Eye Exams~~

~~The agency will provide an eye screening exam, upon request, to any employee who must use a computer or other VDT a majority of his or her work time. Such an eye screening exam shall not exceed one per 6-month period for each employee.~~