

Refusal of Termination Bioassay Requests

What is a contractor to do?

- ◆ **Question:** Upon termination, some personnel refuse to submit to WBCs or submit fecal/urine samples.
- ◆ **Result:** Termination samples may be considered “confirmatory” or “regulatory”. What do you do if the sample is “regulatory” and you need it in order to calculate dose (maybe in case of an event)?
- ◆ **Options:**
 1. Hold back pay
 - Usually governed by state law
 - Idaho – required to pay on next pay date or within 48 hours if requested by employee; can only with-hold “permitted” wages; if included in a subcontract, this would be considered “permitted”
 - Contract considerations for Represented Workers?
 2. Flag dosimetry record as “incomplete” which could potentially impact the individual’s ability to get new work at nuclear facilities
 - 10 CFR 835 does not provide a special allowance to have an “incomplete” dosimetry record because you have an uncooperative employee (or ex-employee)
 3. Calculate dose as allowed by 10 CFR 835.209(b).
 - Note to file that the employee refused to submit to WBC or submit fecal/urine samples.