

Clarification & Guidance
DOE-0342 Chronic Beryllium Disease Prevention Procedure

Proposed Reviewed Rejected Accepted Approved for Use Procedure Updated Complete N/A

ID Number: **Title/Subject:** **Section 6.26.5, Replace Phrase Too Sick to Work**

Initiated by: Lisa Hart/Chuck Wildman **Company:** HAMMER **Date:** 5/17/2012 **Ph #:** 376-3484

Issue/Concern/Affected Step(s):

Section 6.26.5, Medical Removal Protection Benefits, of the *Hanford Site Chronic Beryllium Disease Prevention Program (CBDPP)*, DOE-0342, Rev 1, needs to be updated to incorporate a best in class change driven by the Beryllium Counseling and Benefits Handbook.

Discussion:

Change the phrase “too sick to work” in Section 6.26.5.

Recommended Resolution:

Replace the phrase “too sick to work” with updated language “beryllium-affected worker’s health affects his/her ability to perform normal job assignments.”

Existing Language:

First paragraph of Section 6.26.5, Medical Removal Protection Benefits:

“If or when a beryllium-affected worker has been permanently removed from beryllium exposure, the contractor will provide the worker, if necessary, the opportunity to transfer to another position, which is available, or later becomes available, for which the beryllium-affected worker is qualified (or for which the worker can be trained in a short period), and where beryllium exposures are as low as possible, but in no event at or above the Action Level of this CBDPP. When the beryllium-affected worker **cannot** be transferred to a comparable job where beryllium exposures are at or below the DOE approved CBDPP Action Level, then the contractor will provide a maximum of two years of permanent medical removal benefits. Based on DOE Interpretation D04-12-002 and Richland Operations Office letter 07-AMSE-0011, if the SOMD or a multiple physician review determines that a beryllium-affected worker is too sick to work, due to chronic beryllium disease, or a consequential illness related to chronic beryllium disease, the beryllium-affected worker shall be entitled to Permanent Medical Removal Benefits pursuant to 10 CFR 850.35 (b). For up to two years, the responsible employer must maintain the removed worker’s total normal earnings, seniority, and other worker rights and benefits as though the worker had not been removed.”

Proposed Language:

Change the first paragraph in section 6.26.5 to read:

“If or when a beryllium-affected worker has been permanently removed from beryllium exposure, the contractor will provide the worker, if necessary, the opportunity to transfer to another position, which is available, or later becomes available, for which the beryllium-affected worker is qualified (or for which the worker can be trained in a short period), and where beryllium exposures are in accordance with Section 6.14 of this Program. When the beryllium-affected worker **cannot** be transferred to a comparable job where beryllium exposures are in accordance with Section 6.14 of this Program, then the contractor will provide a maximum of two years of permanent medical removal benefits. Based on DOE Interpretation D04-12-002 and Richland

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Operations Office letter 07-AMSE-0011, if the SOMD or a multiple physician review determines that a beryllium-affected worker's health affects his/her ability to perform normal job assignments due to chronic beryllium disease, or a consequential illness related to chronic beryllium disease, the beryllium-affected worker shall be entitled to Permanent Medical Removal Benefits pursuant to 10 CFR 850.35 (b). For up to two years, the responsible employer must maintain the removed worker's total normal earnings, seniority, and other worker rights and benefits as though the worker had not been removed."

Clarification: **Guidance:**

Resolution Completion Plan/Summary:

Remarks:

Status:

Reviewed	Committee Chair	<u>Scott Seydel</u>	Date	<u>5/17/12</u>
Rejected	Committee Chair	<u>N/A</u>	Date	_____
<u>Accepted Concurrence/</u>	Committee Chair	<u>Scott Seydel</u>	Date	<u>5/17/12</u>
<u>Accepted Concurrence/</u>	DOE-RL	<u>Pete J. Garcia Jr.</u>	Date	<u>5/24/2012</u>
Accepted	DOE-ORP	<u>[Signature]</u>	Date	<u>24 MAY 12</u>
Approved For Use DOE-0342	Committee Chair	_____	Date	_____
Updated	Committee Chair	_____	Date	_____