

University of Cincinnati  
Radiation Safety Committee  
Policy Statement 03-1

Policy Concern: This policy clarifies the responsibilities of authorized users (AU) for individuals who enter laboratories listed as areas of use on the AU's authorization. The clarification includes individuals for whom the AU does not have direct supervision, including facility staff or contractors (hereafter called ancillary staff). The policy outlines the responsibility of the ancillary staff member's supervisor and the department through which the ancillary staff member reports. Finally, the policy recommends disciplinary action to be implemented under the Radiation Control and Safety Program (RCSP) when an ancillary staff member causes a noncompliance under the program.

Policy Implementation: The Radiation Safety Officer (RSO) is directed to implement the policy upon approval by the Radiation Safety Committee (RSC). The RSO is directed to provide copies of the policy to the primary departments that hire or oversee the hiring of ancillary staff members. The "ancillary staff" hiring or "ancillary staff" oversight departments the Radiation Safety Office (RSOf) is expected to provide copies of the policy to are purchasing, facilities management and construction management, or their equivalents, for the University of Cincinnati, Children's Hospital Medical Center, and The University Hospital, along with upper management of Shriner's Hospital.

Discussion: A major revision of the RCSP was implemented in 1990. Since then there have been several instances where non-compliances were observed in radioactive material use areas and the individual who committed the noncompliance could either not be identified, was identified as ancillary staff or was an individual to whom no AU approved for the area had supervisory oversight. When such events occurred, the RSOf, in accordance with RSC policy, issued a notice of non-compliance to each of the AUs who had the laboratory approved as an area of use on their authorization. Frequently if the non-compliant individual was an ancillary staff member the AU expressed concern. The concern included the AU being responsible for actions of an individual for whom they have no direct supervisory control and the AU's perception that disciplinary action was limited to the AU(s), e.g., noncompliance with associated RSC points assessed to the AU and no action taken against others.

Policy Statement

1) Responsibilities/actions of AUs and their staff:

- a) All AUs are responsible for ensuring RCSP compliance within all areas listed under their authorization.
  1. The AU and the AU's staff are expected to be vigilant about compliance within areas listed on the AU's authorization. This vigilance includes, but is not limited to, questioning individuals who enter the laboratory and are not part of the routine laboratory staff, and ensuring the individuals need to be in the laboratory and are aware of major RCSP rules. Rules that should be emphasized are no food and/or drink in the laboratory and do not handle anything with the "caution radioactive material" symbol.

- b) If a member of the AU's staff observes a noncompliance in an area, the AU's staff member is expected to immediately attempt to correct the noncompliance.
1. If the non-compliant individual can be identified, the observing staff member shall discuss the noncompliance with the individual and follow-up by:
    - a. If the non-compliant individual is a member of the AU's staff, the AU shall be notified in a timely manner. The AU shall take more long-term corrective action, including, but not limited to appropriate disciplinary action.
    - b. If the non-compliant individual is a member of another AU's staff, the observing individual shall notify their AU, and either the observing individual or their AU shall notify the non-compliant individual's supervisor (i.e., other AU).
      - i. The non-compliant individual's supervisor (i.e., other AU) shall take more long-term corrective action including, but not limited to, appropriate disciplinary action and shall provide written feedback about the action taken.
      - ii. The AU shall contact the RSO for assistance if it appears the supervisor (i.e., other AU) will not take appropriate action to improve the compliance of their staff. The RSO (or ARSO for the RSO) shall contact the supervisor (i.e., other AU) and/or the supervisor's superior to discuss the problem. The RSO (or ARSO for the RSO) shall provide written feedback to the AU/AU staff member about action taken.
    - c. If the non-compliant individual is a member of ancillary staff the observing individual shall notify their AU, and either the observing individual or their AU shall notify the individual's supervisor.
      - i. The individual's supervisor is expected to take appropriate disciplinary action as noted in "recommended disciplinary action" under (2) below and shall provide written feedback about the action taken.
      - ii. The AU/AU staff shall contact the RSO for assistance if it appears the supervisor will not take appropriate action to improve the compliance of their staff. The RSO (or ARSO for the RSO) shall contact the supervisor and/or the supervisor's superior to discuss the problem. The RSO (or ARSO for the RSO) shall provide written feedback to the AU/AU staff member about the action taken.
      - iii. In the event the non-compliant individual indicates they will not come into compliance the AU and the individual's supervisor should be notified immediately.
  2. If the non-compliant individual cannot be identified, the observing individual shall take action to correct the noncompliance and inform their AU of the noncompliance observed. The identifying individual and/or the AU shall inform all other AUs who use the laboratory and supervisors of ancillary workers present in the area or suspected of causing the noncompliance of the noncompliance. (Note: an AU/AU staff member may contact the RSO to obtain a list of other AUs)
  3. If a member of the RSO observes the noncompliance, the RSO staff member is expected to immediately attempt to locate the noncompliance individual and to correct/provide assistance to correct the noncompliance.

- a. If the non-compliant individual can be identified, the RSO of staff member shall:
  - i. Discuss the noncompliance with the non-compliant individual.
  - ii. Inform the RSO or Assistant Radiation Safety Officer (ARSO) in accordance with departmental procedures.
    - (1) The RSO, or ARSO in the name of the RSO, shall issue a noncompliance.
      - (a) If the non-compliant individual was a RAM radiation worker listed under the authorization of one or more of the AUs approved to use the area, the noncompliance shall only be issued to the AU(s) under whom the individual is listed as a RAM radiation worker.
      - (b) If the non-compliant individual is not a listed RAM radiation worker but states their “supervisor” is one of the listed AUs, the noncompliance shall only be issued to the supervising AU.
      - (c) If the non-compliant individual is not supervised by any of the AUs listed as approved for the area (e.g., an ancillary worker), the noncompliance shall be issued to all AUs listed as approved to use the area.
      - (d) If any AU issued a noncompliance believes there are extenuating circumstances or the noncompliance was issued in error, the AU should submit a point removal request to the RSC through the RSO.
    - (2) If the non-compliant individual is ancillary staff, the RSO or the ARSO, for the RSO, shall contact the supervisor and will request appropriate disciplinary action be taken. The supervisor is expected to take appropriate disciplinary action as noted in “recommended disciplinary action” under (2) below and shall provide written feedback about the action taken.
      - (a) Depending on the interaction of ancillary staff in the non-compliance the notification shall be by phone, e-mail or memorandum.
        - (i) If it is known that the non-compliance was the result of actions of ancillary staff the notification shall, at a minimum, include a memorandum.
        - (ii) If it is known that the non-compliance was the result of actions of ancillary staff working under a contract issued by Purchasing, a copy of the memorandum shall be sent to Purchasing.
- b. If the non-compliant individual can not be identified, the RSO of staff member shall:
  - i. Attempt to find an AU, RAM radiation worker or worker for the area and discuss the noncompliance with the individual.
  - ii. Inform the RSO or ARSO in accordance with departmental procedures. The RSO, or ARSO in the name of the RSO, shall issue a noncompliance to all AUs listed as approved for the area. If any AU issued a

noncompliance believes there are extenuating circumstances, the AU should submit a point removal request to the RSC through the RSO.

iii. If there is a possibility that the non-compliant individual was a member of the ancillary staff, the RSO, or the ARSO for the RSO, shall contact the area supervisor and discuss the non-compliance. The supervisor shall be instructed to review the noncompliance with their staff.

(1) If there is a reasonable probability that the non-compliant individual was a member of the ancillary staff, the area supervisor shall also be instructed to perform an investigation to try and determine the non-compliant individual. The supervisor is expected to take appropriate disciplinary action as noted in “recommended disciplinary action” under (2) below and shall provide written feedback about the action taken.

2) Responsibilities/actions of ancillary workers:

a) The RSO shall maintain a list of non-compliant ancillary workers. The list shall include names of individuals, contractors and/or subcontractors for a least 2 years after a non-compliance was observed.

b) Ancillary workers are covered by two main categories.

1. The first category is employees of an institution under the University of Cincinnati Radiation Control and Safety Program. For these employees the responsible supervisor is the department head.

2. The second category is contract employees and their subcontractors. For these employees the responsible supervisor is the department head of the hiring/requisitioning department.

c) All ancillary workers are expected to follow the rules of the RCSP. Reasonable assurance of ancillary worker compliance shall be by:

1. Providing training, as directed by the RSC or as requested by ancillary worker supervisors.

2. Requiring responsible supervisors to monitor their staff for compliance.

3. Requiring responsible supervisors to enforce compliance within their department.

a. First category employees – all supervisory staff shall be expected to maintain an overall culture of safety/radiation safety within their departments

b. Second category employees – a statement shall be included in all bid packets and contracts that outline compliance expectations (Example statement: Appendix A) and institutional staff working with or overseeing the work of contractor/subcontractor employees shall be expected to maintain an overall culture of safety/radiation safety.

4. Requesting responsible supervisors to implement the following progressive discipline policy:

a. First category – (e.g., University of Cincinnati or RSCP program institution employee)

i. Employees shall be disciplined in accordance with institutional policies and/or union contracts.

ii. Grievances shall be handled in accordance with institutional policies and/or union contracts.

- iii. Documentation of disciplinary action taken and/or results of grievances shall be forwarded to the RSO.
- b. Second category – (e.g. Contractor or subcontractor employee)
  - i. First offense within 1-year period
    - (1) The contract company shall be requested to remove the non-compliant individual from work being performed under the contract.
  - ii. Second within a 1-year period
    - (1) The contract company shall be requested to remove the non-compliant individual from work being performed under the contract (and)
    - (2) The supervising department shall be required to issue a fine. Fines shall range from \$100 - \$500 per noncompliance and shall increase with each subsequent offense.
  - iii. Three or more offences within 1-year period
    - (1) The contract company shall be requested to removed the non-compliant individual from work being performed under the contract (and)
    - (2) The supervising department shall be required to issue a fine. Fines shall range from \$100 - \$500 per noncompliance and shall increase with each subsequent offense (and)
    - (3) The vendor shall be required to meet with representatives of the University and provide written procedures and assurances that their employees shall abide by University of Cincinnati radiation safety policies and procedures. If the vendor does not provide sufficient assurances and/or non-compliance continues to be repeated the Purchasing Department shall be instructed to exclude the company in the next year or subsequent year bid approvals. Exclusion from the bid process may be for a minimum of two years.
  - iv. Contractors/subcontractors may submit grievances to disciplinary actions:
    - (1) Grievances shall be in writing and shall be submitted within 1 week to the RSO.
      - (a) The RSO shall call a meeting.
        - (i) Attendees to the meeting shall, at a minimum include, a representative of the contractor/subcontractor, a representative from the hiring department, and a subcommittee of the Radiation Safety Committee.
        - (ii) Unless delayed by contractor/subcontractor schedule, this meeting shall be held within 30 days of the date the grievance request was made by the contractor/subcontractor.
      - (2) Changes to disciplinary action that will result in more lenient action than that initially implemented shall require approval by at least a subcommittee of the Radiation Safety Committee.
- d) If an ancillary worker observes or suspects a noncompliance or problem in an area labeled as a radioactive source use area, the ancillary worker shall notify their supervisor and/or laboratory personnel immediately. If the ancillary worker does not feel comfortable notifying their supervisor and/or laboratory personnel or they feel their supervisor and/or laboratory personnel did not adequately address their concern, ancillary

workers shall notify the Radiation Safety Office. The Radiation Safety Office shall respect confidentiality requests made, in accordance with Radiation Control and Safety Program policy.

### Approvals

Radiation Safety Committee

May 21, 2003

### Appendix A

Safety: When contracted services are provided on University of Cincinnati premises the contractor agrees to abide by all established health and safety policies and procedures listed in the Industrial Health and Safety Manual and under the University of Cincinnati Radiation Control and Safety Program. These policies include, but are not limited to, no food, drink, gum or tobacco products and no application of cosmetics (e.g., lip balm) in any laboratory environment and watching for hazardous material signage. Prior to working in areas where hazardous material signage is present contractors shall contact an appropriate representative of the University of Cincinnati and ensure the contractor is made aware of and then abides by applicable safety precautions. Progressive penalties may be applied for non-compliance of health and safety policies and procedures. The penalties may include requiring selected individuals to not work under a contract, fines and/or suspension of contractors/subcontractors from future bid processes.