

NOTICE TO EMPLOYEES

STANDARDS FOR PROTECTION AGAINST RADIATION; NOTICES, INSTRUCTIONS AND REPORTS TO WORKERS; INSPECTIONS; EMPLOYEE PROTECTION



The Iowa Department of Health & Human Services (HHS) has promulgated the Radiation Machines and Radioactive Materials Rules to set standards for your protection against radiation hazards and has established procedures for you, the employee, to report any suspected items of noncompliance in an Iowa licensed or registered facility.

WHAT RESPONSIBILITY DOES MY EMPLOYER HAVE?

Any company that conducts activities licensed or registered by the HHS must comply with the HHS requirements. If a company violates the HHS requirements, it can be fined or have its license modified, suspended, or revoked. Your employer must tell you which HHS radiation requirements apply to your work and must post HHS Notices of Violation involving radiological work conditions.

WHAT IS MY RESPONSIBILITY?

For your own protection and the protection of your co-workers, you should know how the HHS requirements relate to your work and should obey them. If you observe violations of the requirements or have a safety concern, you should report them.

WHAT IF I CAUSE A VIOLATION?

If you are engaged in deliberate misconduct that may cause a violation of the HHS requirements or would have caused a violation if it had not been detected, or deliberately provided inaccurate or incomplete information to either the HHS or to your employer, you may be subject to enforcement action. If you report such a violation, the HHS will consider the circumstances surrounding your reporting in determining the appropriate enforcement action, if any.

HOW DO I REPORT VIOLATIONS AND SAFETY CONCERNS?

If you believe that violations of HHS rules or the terms of the license have occurred, or if you have a safety concern, you should report them immediately to your supervisor. You may report violations or safety concerns directly to the HHS. However, the HHS encourages you to raise your concerns with the licensee or registrant because they have primary responsibility and are most able to ensure safe operation of regulated facilities. If you choose to report your concern directly to the HHS, you may report concerns to an HHS inspector, call, or write

the HHS at the address indicated below. If you send your concern in writing, it will assist the HHS in protecting your identity if you clearly state that you have a safety concern or that you are submitting an allegation.

WHAT IF I WORK WITH RADIOACTIVE MATERIAL OR IN THE VICINITY OF A RADIOACTIVE SOURCE?

If you work with radioactive materials or near a radiation source, the amount of radiation exposure that you are permitted to receive is limited by HHS regulations. The limits on your exposure are contained in Iowa Department of Health and Human Services Radiation Machines and Radioactive Materials Rules 641 Chapter 40. While these are the maximum allowable limits, your employer should also keep your radiation exposure "as low as reasonably achievable" (ALARA).

MAY I GET A RECORD OF MY RADIATION EXPOSURE?

Yes. Your employer is required to advise you of your dose annually if you are exposed to radiation for which monitoring was required by the HHS. In addition, you may request a written report of your exposure when you leave your job.

HOW ARE VIOLATIONS OF HHS REQUIREMENTS IDENTIFIED?

The HHS conducts regular inspections at licensed and registered facilities to assure compliance with HHS requirements. In addition, your employer and site contractors conduct their own inspections to assure compliance.

MAY I TALK WITH AN HHS INSPECTOR?

Yes. The HHS inspectors want to talk to you if you are worried about radiation safety or have other safety concerns about regulated activities, such as the quality of construction or operations at your facility. Your employer may not prevent you from talking with an inspector. The HHS will make all reasonable efforts to protect your identity where appropriate and possible.

MAY I REQUEST AN INSPECTION?

Yes. If you believe that your employer has not corrected violations involving radiological working conditions, you may request an inspection. Your request should be addressed to the HHS and must describe the alleged violation in detail. You or your representative must sign it.

CAN I BE FIRED FOR RAISING A SAFETY CONCERN?

Federal law prohibits an employer from firing or otherwise discriminating against you for bringing safety concerns to the attention of your employer or the HHS. You may not be fired or discriminated against because you:

- Ask the HHS to enforce its rules against your employer.
- Refuse to engage in activities which violate HHS requirements.
- Provide information or are about to provide information to the HHS or your employer about violations of requirements of safety concerns.
- Are about to ask for, testify at, help, or take part in an HHS, state or federal proceeding.

WHAT FORMS OF DISCRIMINATION ARE PROHIBITED?

It is unlawful for an employer to fire you or discriminate against you with respect to pay, benefits, or working conditions because you help the HHS or raise a safety issue or otherwise engage in protected activities. Violations of Section 211 of the Energy Reorganization Act (ERA) of 1974 include actions such as harassment, blacklisting, and intimidation by employers of (i) employees who bring safety concerns directly to their employers or to the HHS; (ii) employees who have refused to engage in an unlawful practice, provided that the employee has identified the illegality to the employer; (iii) employees who have testified or are about to testify in any federal or state proceeding regarding any provision (or proposed provision) of the ERA or the Atomic Energy Act (AEA) of 1954; (iv) employees who have commenced or caused to be commenced a proceeding for the administration or enforcement of any requirement imposed under the ERA or AEA or who have, or are about to, testify, assist, or participate in such a proceeding.

HOW DO I FILE A DISCRIMINATION COMPLAINT?

If you believe that you have been discriminated against for bringing violations or safety concerns to the HHS or your employer, you may file a complaint with the HHS or U.S. Department of Labor (DOL). If you desire a personal remedy, you must file a complaint with the DOL pursuant to Section 211 of the ERA. Your complaint to the DOL must describe in detail the basis for your belief that the employer

discriminated against you on the basis of your protected activity, and it must be filed in writing either in person or by mail within 180 days of the discriminatory occurrence. Additional information is available at the DOL web site at www.osha.gov. Filing an allegation, complaint, or request for action with the HHS does not extend the requirements to file a complaint with the DOL within 180 days. You must file the complaint with the DOL. To do so, you may contact the

Department of Labor
Two Pershing Square Building
2300 Main Street, Suite 1010
Kansas City, MO 64108-2416
(816) 283-8745

WHAT CAN THE DEPARTMENT OF LABOR DO?

If your complaint involves a violation of Section 211 of the ERA by your employer, it is the DOL, not the HHS, that provides the process for obtaining a personal remedy. The DOL will notify your employer that a complaint has been filed and will investigate your complaint.

If the DOL finds that your employer has unlawfully discriminated against you, it may order that you be reinstated, receive back pay, or be compensated for any injury suffered as a result of the discrimination and be paid attorney's fees and costs.

Relief will not be awarded to employees who engage in deliberate violations of the Energy Reorganization Act or the Atomic Energy Act.

WHAT WILL THE HHS DO?

The HHS will evaluate each allegation of harassment, intimidation, or discrimination. Based on the evaluation, the HHS will decide whether to pursue the matter further through an investigation. The HHS may not pursue an investigation to the point that a conclusion can be made as to whether the harassment, intimidation, or discrimination actually occurred. However, if you have filed a complaint with the DOL, the HHS will monitor the results of the DOL investigation. If the HHS or the DOL finds that unlawful discrimination has occurred, the HHS may issue a Notice of Violation to your employer, impose a fine, or suspend, modify, or revoke your employer's HHS license.

If you wish to contact the person responsible for radiation safety at your place of employment, you may call or write

If you wish to contact the Iowa Department of Health & Human Services, you may write or call
BUREAU OF RADIOLOGICAL HEALTH
LUCAS STATE OFFICE BUILDING
DES MOINES, IA 50319
(515) 725-4160