

From: Clevenger, Larry R
Sent: Friday, March 23, 2001 11:32 AM
To: Zelicoff, Alan P
Subject: FW: Polygraph and Health - Follow-up

Al,

Here is a copy of the message I sent to Paul, et al. I talked with Jane yesterday and Paul is out of town to return sometime this weekend. He leaves again on Wednesday and she relates that Mon and Tue are tightly scheduled. I related that you and I were very interested in communicating with him and that I would send him a brief update (the following e-mail below) and that we would be amenable to talk or meet with him at anytime if he want to talk before he left again on travel.

I also heard back from Mim -- she will be talking with Roger and perhaps Joan next week. I think that our executive management will await reply from DOE on the proposed changes with "deadline" of sorts being the end of next week. Don Blanton will be back Monday and I will brief him sometime on Tuesday. I think if the DOE does not respond or does so in a slippery manner, I think that Paul would then be willing to take the step that I know you favor (just my opinion of course).

Larry

-----Original Message-----

From: Clevenger, Larry R
Sent: March 22, 2001 3:00 PM
To: Robinson, C Paul; Elson, Jane
Cc: Hagengruber, Roger L; Woodard, Joan; Clevenger, Larry R
Subject: Polygraph and Health - Follow-up

Paul,

As you know Roger arranged a meeting with the DOE polygraphers last Tuesday, March 20th. While minutes of this meeting will be generated through Roger's office, the meeting was intended to focus on the recent concerns associated with inquiries about health and medication issues. During the discussion the polygraph program manager, D. Renzelman, indicated that the only reason medical information was being solicited was to assure that it was safe for a participant to proceed with the examination. This perspective is at odds with the information provided by Mr. Matta to me at an earlier meeting who indicated that it is essential to have this information to satisfactorily conduct and interpret the polygraph. While this adds a new problem of consistency, Mr. Renzelman's statement provided a path for discussion. Roger successfully gained tentative agreement that medical inquiries should stop and that the only necessary question might be "Are you ready/able to take the examination?" Additionally, there is agreement that employee education/information needs to be enhanced. This general approach will be reviewed by Mr. Renzelman with DOE/HQ and assuming they concur, written feedback will be provided within the next several days.

My earlier communication to you and Joan was shared with Mr. Renzelman and Matta and I subsequently briefed my counterparts at LANL, LLNL and DOE/HQ. I wanted to be sure that these physicians were familiar with the issue so that they might provide constructive feedback should they be asked to consult on this topic.

Paul, if there are changes in the administrative practice of medical inquiry, then the immediate issue associated with private health information being inappropriately solicited and used is resolved. Unfortunately, there remain many serious concerns. Collectively, we have always erred on the side of protecting individual employees in ES&H, human subject research and drug free workplace programs. But the polygraph program as currently conceived and administered continues to put individuals at risk. Accordingly, I continue to recommend that

it is in the best interest of our employees that DOE suspend or at least substantially restrict implementation of the polygraph program until the National Academy of Sciences review is completed and reported and the DOE has structured an acceptable set of policies and procedures that address the many administrative and scientific issues associated with the use of polygraphs particularly in the screening mode.

Al Zelicoff and I are continuing dialog on this issue from the medical perspective and are amenable to meet with you at any time.

Larry Clevenger MD