



Drug & Alcohol Testing Policy for Non-Safety-Sensitive Employees (07/09/07)

POLICY

Pursuant to the Drug-Free Workplace Act of 1988 Hawaiian Airlines is committed to protecting the safety, health and well being of all its employees and customers. Hawaiian Airlines has established this policy to provide fair and reasonable guidelines for employees and describes the implementation of drug and alcohol testing pursuant to the Omnibus Transportation Employee Testing Act of 1991 ("The Act"), the rules published by the U.S. Department of Transportation ("DOT") and the Hawaiian Airlines' Drug & Alcohol Program ("Policy").

COMMENT

- 1** Pursuant to the Omnibus Transportation Testing Act of 1991, and Hawaiian Airlines' commitment to providing a safe and drug free workplace, the following five (5) basic components, as mandated by the Department of Transportation ("DOT") is included in Hawaiian Airlines' Drug & Alcohol Program:
 - 1.1 A policy statement that includes many DOT-specific elements.
 - 1.2 Annual two (2) hours of supervisory training to cover:
 - A The supervisor's responsibilities of covered-employees.
 - B The physical, behavioral, speech and performance indicators of probable drug use and alcohol misuse.
 - 1.3 Employer certification that employees have received drug and alcohol training/education.
 - 1.4 Drug testing of the five (5) specific drugs (Marijuana, Cocaine, Amphetamines, Opiates and Phencyclidine (PCP)).
 - 1.5 Alcohol testing using a Breathalyzer for all testing.
- 2** The Company recognizes that the employee's state of health affects job performance and the quality, safety and security levels of work performed, and that drug use and alcohol misuse pose serious health risks to users and others, and have a negative impact on productivity and morale.
- 3** Hawaiian Airlines also recognizes that the use of substances, including alcohol, ranks as one of the leading major health problems in the world. Substances include all controlled and illegal drugs, as well as legal, prescribed drugs which are not taken under the direct supervision of a medical physician.
- 4** Prior to beginning employment at Hawaiian Airlines, the prospective employee is advised of this policy and must pass a post-offer/pre-employment drug test. This applies to bargaining unit positions, non-bargaining unit positions, management positions, and officers. A positive finding for one of the illegal substances indicated below or refusal to submit to testing will result in the withdrawal of employment offer.
- 5** It is the Policy of Hawaiian Airlines to look for signs and symptoms of suspected drug and/or alcohol problems. The signs and symptoms of a drug and/or alcohol problem include, but are not limited to, changes in the appearance, behavior, speech, work performance and/or personal hygiene of the employee.
- 6** Refusing to submit to any type of testing required by the Policy will result in disciplinary actions, up to and including termination.



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- 7 Hawaiian Airlines encourages employees to voluntarily seek help with drug and alcohol problems by contacting the Manager, Drug & Alcohol Program.

8 Applicability

- 8.1 This Policy applies to all non-covered applicants for employment, and to all non-covered Hawaiian Airlines employees at all applicable locations during working hours, whenever conducting business or representing the Company, while on call, while on Company property and at Company-sponsored events.
- 8.2 A non-covered employee is any employee at Hawaiian Airlines whose position and/or job description is not indicated as being DOT, covered or safety-sensitive as described in the federal regulation 14 CFR Part 121 Appendices I & J.
- 8.3 Policies "Substance Abuse" and "Alcohol Misuse Prevention" will remain in effect for all applicants and transferees for DOT or covered employment and all other identified DOT or covered employees as described in federal regulation 14 CFR Part 121 Appendices I & J.

9 Definitions

- 9.1 "Controlled substances" refers to any drug or other substance, the use or possession of which is prohibited or controlled by law. Controlled substances may lead to psychological and/or physical dependence. Controlled substances include, but are not limited to, marijuana, cocaine, opiates, PCP (phencyclidine) and amphetamines.
- 9.2 "Illegal drugs" are defined as controlled substances that are not used pursuant to a valid prescription or otherwise authorized by law.
- 9.3 "Prescribed drugs" refer to drugs/substances taken under the direct supervision of a medical physician.

10 Prohibited Conduct

- 10.1 Hawaiian Airlines employees are prohibited from possessing, using, distributing, transporting, manufacturing, purchasing, dispensing and selling illegal drugs, controlled substances, drug paraphernalia, while on Company property, during Company working hours, and while performing their work duties. For purposes of this policy, "performing" means actually performing, being ready to perform, or being immediately available to perform work duties. Employees violating this provision will be subject to disciplinary actions, up to and including termination.
- 10.2 Pre-duty alcohol use: All employees in non-covered positions shall not use alcohol within four (4) hours of beginning work or returning to work.
- 10.3 Failure to inform supervisor that the employee has reason to believe or has been informed by their physician or pharmacist that the use of medically-prescribed drugs may affect their ability to safely and effectively perform their job duties.
- 10.4 Refusal to test.
- 10.5 Failure to enter required treatment.
- 10.6 Failure to comply with a Rehabilitation Agreement.
- 10.7 Failure to complete required treatment.



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- 10.8 Failure to comply with a Return to Duty Agreement.
- 10.9 Failure to notify the Manager, Drug & Alcohol Program of any drug or alcohol related conviction.
- 10.10 Violation of this policy will result in disciplinary action up to and including termination.

11 Responsibilities

- 11.1 Hawaiian Airlines has a duty to protect the safety and security of its employees and customers.
- 11.2 Hawaiian Airlines is responsible for maintaining the proper levels of communication and discipline in all cases of drug and alcohol misuse.
- 11.3 Hawaiian Airlines' Drug & Alcohol Program is responsible for providing education and prevention programs on drug and alcohol abuse in the workplace for supervisory personnel and other employees.
- 11.4 Hawaiian Airlines' Drug & Alcohol Program is responsible for providing referral guidance to all employees who self-disclose with drug and/or alcohol abuse problems.
- 11.5 Hawaiian Airlines' Drug & Alcohol Program incorporates the Anti-Drug Plan required by The Act and/or DOT rules to include the implementation of drug and alcohol testing.
- 11.6 It is the responsibility of each Hawaiian Airlines employee to comply with the provisions of this policy.
- 11.7 Employees are permitted to use or possess medically prescribed drugs in the workplace. However, the employee is responsible for knowing and being aware of any negative effect the medication may have on the safe performance of their job duties. Should an employee have reason to believe or have been informed by their physician or pharmacist that the use of such medically-prescribed drugs may affect their ability to safely and effectively perform their job duties, it is the employee's responsibility to inform his/her supervisor.
 - A Based upon the information provided by the employee and/or his/her physician/pharmacist, a determination will then be made by the Company as to whether the employee should be able to perform the essential functions of his/her job safely and properly. The employee may be temporarily assigned to perform other or non-safety sensitive duties until he/she provides medical certification and/or successfully passes a Fit for Duty examination and/or successfully passes a drug test that clears him/her to return to his/her usual and customary duties.
 - B Unless the employee elects to, he/she will not be required to reveal any medical information relating to the use of such prescription drugs.
 - C The Company shall ensure that the confidentiality of any information and the privacy of the employee as well as the safety of the employee and others are maintained.
 - D Failing to provide advance notice to the Company regarding the use of medically prescribed drugs will lead to disciplinary actions, up to and including termination.
- 11.8 It is the responsibility of supervisory employees at all levels to:
 - A Communicate and enforce the provisions of this policy; and



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- B Attend and complete Drug and Alcohol Supervisory Awareness Training, as such training is developed and administered within Hawaiian Airlines.

11.9 It is the responsibility of Human Resources to support the enforcement of this policy by ensuring that copies are disseminated in accordance with Section 21 below.

12 One Chance Policy

12.1 Hawaiian Airlines firmly believes in assisting our employees and has thus established the Hawaiian Airlines Substance Use and Alcohol Misuse Prevention Policies, where an employee who tests positive under either testing program and/or refuses a test, or commits any other violation described under this Policy and/or the DOT rules has the option for rehabilitation. This option is offered only once and if the employee should test positive again, including a refusal to test or having an adulterated or substituted specimen, or committing any other violation described in this Policy and/or the DOT rules, the employee will be terminated. If an employee decides to not enter a rehabilitation program, the employee will be terminated.

12.2 Does not apply to initial pre-employment drug testing.

12.3 The exception: If any employee is found to be taking illegal drugs or consuming alcohol while on duty, the employee will be immediately terminated and will not be eligible for rehabilitation.

13 Rehabilitation Program

13.1 All employees must sign a Rehabilitation Agreement. A refusal to sign will disqualify the employee for assistance.

13.2 All employees will be immediately referred to a SAP (Substance Abuse Professional) for an assessment and evaluation to determine the level of assistance the employee needs in resolving problems associated with drug and/or alcohol use. NOTE: All SAP services are paid for by the Company.

13.3 Only structured, recognized rehabilitation programs will be deemed acceptable for those employees choosing to seek assistance. Treatment may include, but not limited to in-patient, out-patient, education programs, aftercare and self-help groups. NOTE: Certain rehabilitation/treatment services may or may not be covered by the employee's medical insurance.

13.4 Administrative steps will be taken to allow for all employees use of vacation, sick leave and/or leave of absence without pay as determined by the Company for the duration of treatment. Except when stated per collective bargaining agreement, during this period, the employee's accrual sick leave and vacation will cease and a HAL76 form must be submitted to the Human Resources Department by the employee's supervisor.

13.5 Upon successful completion of a rehabilitation program and successful passing of his/her Return to Duty drug and/or alcohol test, all employees must sign a Return to Duty Agreement. Failing to sign a Return to Duty Agreement will find the employee in violation of his/her rehabilitation program which will result in immediate termination without recourse and the employee will be ineligible for rehire with Hawaiian Airlines.

13.6 If any employee, after successful completion of a rehabilitation program and successful passing his/her Return to Duty drug and/or alcohol test, commits any violation indicated in this Policy, (including, but not limited to, a positive test finding, a verified adulterated or substituted test, refusal to test and/or being found in non-compliance with the employee's Return to Duty



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Agreement), it will result in immediate termination without recourse and the employee will not be eligible for rehire with Hawaiian Airlines.

14 Self-Disclosure Policy

- 14.1 All current Hawaiian Airlines employees in any position at all locations will be provided a one-time only opportunity to self-disclose to the Company for a drug and/or alcohol problem. Termination shall not result from such self-disclosure.
- 14.2 Self-disclosures MUST be done prior to the Company notifying an employee of the requirement to perform any drug and/or alcohol test.
- 14.3 No self-disclosures will be allowed before, during or after any investigative, disciplinary or termination hearing. Participation in the Drug & Alcohol Program will not be used as a basis to prevent disciplinary action when such action is otherwise appropriate.
- 14.4 All employees must sign a Rehabilitation Agreement. A refusal to sign will disqualify the employee for substance abuse assistance.
- 14.5 All self-disclosing employees will be referred to a SAP (Substance Abuse Professional) for an assessment and evaluation to determine the level of assistance the employee needs in resolving problems associated with drug and/or alcohol use.
- 14.6 Only structured, recognized rehabilitation programs will be deemed acceptable for those choosing to seek assistance.
- 14.7 Treatment may include, but not be limited to, in-patient, out-patient, education programs, aftercare and self-help groups. NOTE: Certain rehabilitation/treatment services may or may not be covered by the employee's medical insurance.
- 14.8 Administrative steps will be taken to allow for the employee's use of vacation, sick leave and/or leave of absence without pay as determined by the Company for the duration of treatment. Except when stated per collective bargaining agreement, during this period, the employee's accrual sick leave and vacation will cease and a HAL76 form must be submitted to the Human Resources Department by the employee's supervisor.
- 14.9 If an employee self-discloses for a drug and/or alcohol problem and then declines rehabilitation, fails to successfully complete the prescribed rehabilitation program or is found in non-compliance with the Rehabilitation Agreement, the employee will be immediately terminated without recourse.
- 14.10 Upon successful completion of a rehabilitation program and successful passing of his/her Return to Duty drug and/or alcohol test, the employee must sign a Return to Duty Agreement. Failing to sign a Return to Duty Agreement will find the employee in violation of his/her rehabilitation program which will result in immediate termination without recourse and the employee will not be eligible for rehire with Hawaiian Airlines.
- 14.11 If an employee, after successful completion of a rehabilitation program and successful passing his/her Return to Duty drug and/or alcohol test, commits any violation indicated in this Policy (including, but not limited to, a positive test finding, a verified adulterated or substituted test, refusal to test and/or being found in non-compliance with the employee's Return to Work Agreement), it will result in immediate termination without recourse and the employee will not be eligible for rehire with Hawaiian Airlines.

15 Notification of Drug or Alcohol Related Convictions



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- 15.1 As a condition of continued employment, any Hawaiian Airlines employee who is convicted of any violation of any criminal drug statute must immediately notify the Manager, Drug & Alcohol Program.
- 15.2 As a condition of continued employment, any employee who is required to possess a valid driver's license in order to perform his/her duties at Hawaiian Airlines and who is convicted of any drug or alcohol related offense, including a DWI/DUI (also see policy Driver's Licensing) must immediately notify the Manager, Drug & Alcohol Program.
- 15.3 An employee's failure to comply with either or both provisions as indicated above within five (5) working days after conviction will result in termination without recourse.

16 Required Drug And/Or Alcohol Testing

16.1 Method and Types of Substances

- A In accordance with this Policy, The Act and/or DOT rules, urine testing for five (5) specific classes of drugs will be implemented. The specific drugs, including metabolites, are:

- (1) Cocaine
- (2) Opiates
- (3) Phencyclidine (PCP)
- (4) Amphetamines
- (5) Marijuana (Cannabinoids)

16.2 Method of Alcohol Testing

- A In accordance with the Policy, The Act and/or DOT rules, alcohol testing will be accomplished by a DOT-approved EBT (Evidentiary Breath Testing) device.

16.3 Types Of Drug And Alcohol Testing

- A **Post-Offer/Pre-Employment Drug Testing**

- (1) All applicants, including applicants for non-covered employee positions, will be advised at the time of application or during the application process that post-offer and/or pre-employment testing will be conducted and they must successfully pass a drug test. Specific for applicants of covered employee positions, no offer of employment will be made until the applicant first posts a negative post-offer/pre-employment drug test. Failure to submit to testing or positive indications of drug use other than through an authorized medical program on a drug test will render the applicant ineligible for employment with Hawaiian Airlines.
- (2) Any employee who has been out on any type of leave from the Company for 180 days or more will be required to submit to the proper type of post-offer and/or pre-employment drug testing as indicated by their job description. Failure to submit to testing or positive indications of drug use other than through an authorized medical program will result in the employee being terminated and ineligible for rehire with Hawaiian Airlines.



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- (3) Established employees in non-covered positions will be required, as mandated by DOT rules, to first successfully pass a DOT pre-employment drug test prior to being offered any covered positions.

B Non-DOT Post-Accident Drug & Alcohol Testing

- (1) According to this Policy, a Non-DOT Accident occurs when an employee's performance either contributed to, or cannot be completely discounted as a contributing factor to any evident damage caused to an aircraft or any other identified Company property, and/or if the employee sustains an injury, and/or if another party suffers an injury. The employee(s) will be required to submit to the following:
 - (a) a post-accident drug test as soon as possible, but not later than thirty-two (32) hours after the accident/incident.
 - (b) a post-accident alcohol test as soon as possible, but not later than eight (8) hours after the accident/incident.
- (2) All employees are responsible for immediately notifying their respective department supervisor whenever an accident has occurred. The department supervisor must then immediately notify the Manager, Drug & Alcohol Program. Hawaiian Airlines reserves the right to hold an employee out of service until an investigation is completed and/or until the results of the drug or alcohol test are obtained.
- (3) Employees who have been referred for post-accident drug and alcohol testing will be escorted to the testing facility by a supervisor/manager of the Company.

C Reasonable Cause Drug Testing

- (1) A drug test may be required where there is reasonable cause that an employee is under the influence of drugs while on Company property or while performing their work duties and where there is the reasonable prospect of impaired job performance.
- (2) An employee must submit to a drug test if at least two (2) supervisors, one of whom is trained in detecting the indicators of drug use, substantiate and concur in the decision to test an employee who is reasonably suspected of drug use on the basis of specific, contemporaneous physical, behavioral, or performance indicators of probable drug use. The department supervisor and the Manager, Drug & Alcohol Program must be notified immediately when an employee is suspected of drug use. Hawaiian Airlines will hold an employee out of service until the results of the drug test are obtained.
- (3) Examples of Reasonable Cause include, but are not limited to, the following:
 - (a) has slurred speech, altered motor skills, altered physical appearance or similar symptoms which may impair and/or make the employee incapable of performing his/her duties;
 - (b) has documented job performance deterioration through declining productivity, excessive absenteeism/tardiness, unaccounted for or suspicious time lapse(s) of availability, fighting, arguments with customers, co-workers, and supervisors, aberrant behavior, sleeping



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on the job, findings resulting from an investigation of a tip/police report, etc.

D Reasonable Suspicion Alcohol Testing

- (1) An alcohol test may be required where there is reasonable suspicion that an employee is under the influence of alcohol while on Company property or while performing their work duties and where there is the reasonable prospect of impaired job performance.
- (2) Any employee shall be tested within eight (8) hours when there is a reasonable suspicion to believe that the employee has violated the alcohol rules of this policy.
- (3) The reasonable suspicion determination shall be based on observations that are specific, contemporaneous, articulate and concern the appearance, behavior, speech, body odors or work performance of the employee. The determination to send an employee for reasonable suspicion alcohol testing must be made by a supervisor trained in detecting the symptoms of alcohol misuse who will not be conducting the required breath alcohol test on the employee.
- (4) If the test of an employee that is required by this policy is not administered within eight (8) hours following the reasonable suspicion determination, Hawaiian Airlines shall cease attempts to administer the test and record the reasons for not administering the test.
- (5) No other action shall be taken against any employee based solely on a reasonable suspicion in the absence of an alcohol test, absent independent authority. However, the Company may take any action that is otherwise consistent with law, safety, security-related issues or Company House Rules.

E Return to Duty Drug and/or Alcohol Testing

- (1) An employee who has successfully completed a rehab program and has been deemed able to return to work by a Substance Abuse Professional ("SAP"), must first take and post a negative Return to Duty drug test and/or take an alcohol test indicating an alcohol concentration of less than 0.02 before being allowed to return to work. The employee will be required to sign and adhere to a Return to Duty Agreement.

F Follow-Up Drug and/or Alcohol Test

- (1) An employee who has successfully completed the Return to Duty process, will be subjected to unannounced follow-up drug and/or alcohol testing for up to sixty (60) months effective with the date of return to duty.
- (2) Any employee who is subject to follow-up drug and/or alcohol testing shall only be tested while he/she is performing his/her job duties, just before performing his/her job duties, or just after performing his/her job duties.

G Random Drug Testing

- (1) All non-covered employees, at applicable locations are subject to random drug testing as mandated by this Policy.



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- (2) The selection of employees for random drug testing is made by a scientifically valid method, such as a computer-based random number generator that matches the employee's social security numbers. Under this selection process used, each non-covered employee shall have an equal chance of being tested each time selections are made.
- (3) Random testing shall be unannounced and spread reasonably throughout the calendar year.
- (4) Non-covered employees will remain in the random pools at all times, regardless of whether or not they have been previously selected for test.
- (5) Hawaiian Airlines will determine the number of random drug tests necessary per calendar year.
- (6) A non-covered employee can only be sent for random drug testing on a day of work.
- (7) Once a non-covered employee is provided notice to submit to a Non-DOT random drug test, the employee must proceed immediately to the collection facility. Failure to proceed immediately will be deemed a Refusal to Test and will subject the employee to disciplinary actions, up to and including termination.

17 Refusal To Test

17.1 The following actions from any covered or non-covered employee will be deemed a Refusal to Test and will subject the employee to immediate disciplinary action, up to and including termination:

- A Failure to proceed immediately, or as soon as possible if performing a safety-sensitive function at the time, for any test after being directed to do so.
- B Failure to remain at the collection site until the testing is complete.
- C Failure to provide a urine or breath sample for any test.
- D Failure to permit the observation or monitoring of urine collection.
- E Failure to provide sufficient urine ("Shy Bladder") or breath ("Shy Lung") sample as directed, and it has been determined through a required medical evaluation that there was no adequate medical explanation for the failure.
- F Failure to take a second test when directed to do so.
- G Failure to cooperate with any part of the testing process.
- H Failure to undergo a medical evaluation as part of the "Shy Bladder" or "Shy Lung" process as directed.
- I Failure to sign Step #2 on the Alcohol Testing Form.
- J Providing a specimen that is verified as adulterated or substituted.

18 Disciplinary Actions



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- 18.1 Any violation of this policy may be considered just cause for withholding of aviation related licenses and/or certificates by the appropriate authority, possible removal from current position with pay adjustments, and/or other disciplinary action up to and including termination. Hawaiian Airlines reserves the right to hold an employee out of service until an investigation is completed.
- 18.2 The following circumstances will result in any type of employee being immediately subjected to disciplinary action, up to and including termination:
- A Possession, use, distribution, transportation, manufacture, purchase, dispensation or sale of illegal drugs, controlled substances, drug paraphernalia while on Company property, during Company working hours, and while performing work duties.
 - B Failing to provide advanced notice to the Company regarding the use of any medically prescribed drugs which may have a negative effect on the safe performance of the employee's job duties.
 - C Refusal to test.
 - D Failure to enter required treatment.
 - E Being found in non-compliance with a Rehabilitation Agreement.
 - F Failure to complete required treatment.
 - G Being found in non-compliance with a Return to Duty Agreement.
 - H Failure to immediately notify Manager, Drug & Alcohol Program of any drug or alcohol related conviction.

19 Inspections

- 19.1 Hawaiian Airlines reserves that right to conduct inspections of all Company property at any time. No employee is required to be present during the inspection of Company property. Company property includes, but is not limited to, Company use parking lots, surrounding grounds, lockers, desks, restrooms, offices, storage areas, files and Company vehicles. Inspections are not deemed searches.
- 19.2 Employees may be required to submit to a search in accordance with Hawaiian Airlines' policy on Security and Searches.

20 Documentation & Confidentiality

- 20.1 Except for such information disclosure which is legally compelled or required by The Act and/or DOT rules, records or Agreements of employees who go through drug and/or alcohol testing and/or rehabilitation, including documentation supporting a reasonable cause/suspicion test, will be kept confidential and will be utilized on a need to know basis only. Such records/documentation will be kept locked and separate from the employee's personnel file.

21 Dissemination of Policy

- 21.1 A copy of this policy shall be disseminated to all employees within Hawaiian Airlines.

22 Modification To Policy



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- 22.1 Hawaiian Airlines will attempt to give employees prior notice of modifications to this policy. However, even without prior notice, this policy shall be subject to modifications in accordance with changes in the applicable laws and the changes in the policies of Hawaiian Airlines or applicable collective bargaining agreements.

23 No exceptions.