



600.202
HEALTH & SAFETY
SUBSTANCE ABUSE POLICY
AUGUST 2015

1.0 Policy and Purpose Statement

- 1.1 The Company has a strong commitment to the health, safety and well-being of all employees. Substance abuse, while at work or otherwise, seriously endangers the safety of employees as well as the general public, and creates a variety of workplace problems including increased injuries on the job, increased absenteeism, increased health care and benefit costs, possible fatalities and/or property damage.
- 1.2 The Company prohibits the use, possession, transfer, sale, manufacture, and distribution of narcotics, drugs or controlled substances while on Company property (including all company owned or leased property, vehicles, equipment and parking areas) or on the job away from Company property. The Company also prohibits the use and possession of alcohol on Company property or on the job away from Company property.
- 1.3 This policy, along with the Company's Substance Abuse procedures, provides the standards, monitoring activities, personal and organizational responsibilities to detect and control substance abuse by Company employees. In addition, it provides information for disciplinary action, return to duty criteria and voluntary assistance programs.

2.0 Scope and Coverage

This policy applies to all full-time, part-time, temporary or regular employees of the Company. **Employees in positions covered by the FMCSA or PHMSA will be held to Department of Transportation standards and/or subject to additional requirements.**

All agency temporary workers, contractors, consultants, and vendors working for the Company shall also abide by the Substance Abuse Policy and procedures while on Company premises and/or while performing work for the Company. Non-compliance with the Substance Abuse Policy and procedures may result in immediate removal from Company premises, bar from future re-entry onto Company premises, and/or termination of the contract and future contractual agreements.



3.0 Definitions

Term		Definition
3.1	The Company	Hawaiian Electric Company, Inc., and its subsidiaries Maui Electric Company, Ltd., and Hawai'i Electric Light Company, Inc.
3.2	FMCSA	Federal Motor Carrier Safety Administration
3.3	PHMSA	Pipeline and Hazardous Materials Safety Administration
3.4	DOT	Department of Transportation
3.5	Alcohol	Any beverage with an alcoholic content, including any medication containing alcohol
3.6	Controlled Substances	For the purpose of this Policy, marijuana, cocaine, opiates, amphetamines (including crystal methamphetamine), and phencyclidine (PCP), and any other substance hereafter recognized by the U.S. Department of Health and Human Services, U.S. FMCSA or PHMSA as a controlled substance.
3.7	Driver	Any position which requires the operation of a Company vehicle. Operation of commercial motor vehicles requires a Commercial Driver's License (CDL) , which is subject to DOT regulations.
3.8	Drug	Any substance (other than alcohol, but including paint and glue), whether legal or illegal, that is capable of altering the mood, perception, pain level, physical dexterity or judgment of the individual consuming or using it.
3.9	Prescription Drug	Any substance prescribed by a licensed medical practitioner for the individual consuming it.
3.10	Reasonable Suspicion	A good faith Company belief that the actions, appearance, or conduct of an employee are indicative of the use of alcohol, drugs and/or controlled substance(s).
3.11	Substance Abuse Professional (SAP)	A licensed physician, licensed or certified psychologist, social worker, employee assistance professional, or certified addiction counselor with knowledge of and clinical experience in the diagnosis and treatment of alcohol and illegal drug-related disorders.



4.0 Procedures

The procedures provide general guidelines to a safe, drug-free and alcohol-free working environment. All employees will be subject to drug testing in accordance with Federal and State DOT laws and regulations as well as Company policies. Drug/alcohol testing may be conducted for the following purpose(s):

- 4.1 **Pre-Employment** - All external and internal applicants will be subject to Pre-Employment DOT or non-DOT drug testing. Internal applicants for positions governed by FMCSA or PHMSA will be subject to DOT drug testing at the time of transfer.
- 4.2 **Reasonable Suspicion** – An employee will be tested for the use of drugs, controlled substances and/or alcohol if reasonable suspicion exists. Once a determination has been made that there is reason to require an employee to submit to a reasonable suspicion drug and alcohol test, the employee shall be relieved from duty and placed on administrative leave without pay until otherwise notified.
- 4.3 **Criteria for Drug and Alcohol Testing** - Any employee involved in a vehicle or non-vehicle accident shall submit to drug and alcohol testing based on (but not limited to) the following:
 - Vehicle accident resulting in an injury and/or fatality of self or another person, injury requiring immediate medical care away from the scene, and/or at least one vehicle being towed from the scene.
 - Non-vehicle accident resulting in fatality, or serious injury and illness (in-patient hospitalization, amputations or loss of an eye).
 - All electrical contact / flash incidents which result in injury.
 - Assessment of employee's fitness for duty
 - Any situation required by DOT for drivers covered under FMCSA
- 4.3.1 **Alcohol Testing** – Any employee who is requested by the Company to submit to post-accident alcohol testing shall provide specimen(s) to be tested pursuant to this policy as soon as possible, but no later than eight (8) hours after the accident. Any employee who is seriously injured and incapable of providing a specimen within these guidelines shall provide the necessary authorization for obtaining hospital reports and other documents that would indicate whether there was any alcohol in their system.
- 4.3.2 **Drug Testing** – The employee must submit to post accident drug testing as soon as possible, but no later than thirty-two (32) hours after the accident.



If the employee is seriously injured and incapable of providing a specimen, the Company will accept within thirty-two (32) hours other reports or documentation from the hospital that would indicate whether there were any drugs or controlled substances in the employee's system.

- 4.4 **Return-To-Duty Testing** – Any employee who returns to active employment status in any capacity at the Company after receiving an alcohol test result indicating an alcohol concentration of 0.02 grams/210L or greater, and/or who successfully undergoes treatment as recommended by the Company's SAP shall undergo a return to duty alcohol test at their own expense. Any employee who returns to active employment status in any capacity at the Company after testing positive for drugs pursuant to this Policy and successfully completes a rehabilitation program shall undergo a return to duty drug test at their own expense.
- 4.5 **Fitness-for-Duty or Follow Up Testing** – Any employee who returns to active employment status in any capacity at the Company after testing positive for drugs or after receiving an alcohol test result indicating an alcohol concentration of 0.04 grams/210L or greater and successfully completes a rehabilitation program shall be subject to unannounced drug and/or alcohol testing scheduled solely at the discretion of the Company.
- 4.6 **Random Testing** - (DOT covered employees only) – Testing will be in accordance with State and/or Federal laws and regulations. Random drug and alcohol tests will be unannounced and the dates will be randomly spread throughout the year with the schedule at the sole discretion of the Company. The employee shall be subject to a minimum of six (6) drug and/or alcohol tests over the following twelve (12) months and may be subject to further follow-up tests, as determined by the Company's SAP and/or a properly designated Company official.
- 4.7 **Refusal To Test** – If an employee refuses to be tested, the employee should be warned that the refusal is an act of insubordination. Such refusal shall subject the employee to disciplinary action up to and including termination of employment. **A refusal to test will be presumed and counted as a positive test result.** Refusal to test includes, but is not limited to:
- Refusal to undergo testing
 - Refusal to sign consent forms
 - Failure to provide an adequate breath or urine specimen within a reasonable time or without a valid medical reason



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- Failure to report for a scheduled appointment to provide a specimen
 - Adulteration of the specimen
 - Substitution of the specimen
 - Failure to cooperate with collection site personnel
 - Failure to comply with the recommendation of the SAP
- 4.8 **Return-to-Duty** – Employees who are suspended for violating the Company's Substance Abuse Policy will be allowed to return to duty upon written agreement and satisfactory completion of the stipulations provided in the Substance Abuse procedures.
- 4.9 **Employee Assistance Program** – Under the Employee Assistance Program (EAP), employees and their families with a substance abuse problem can call the current EAP provider located on each of the islands for assistance. The program is personal and confidential. Initial problem assessment and counseling services are provided at no cost to the employee. If further assistance is necessary, the counselor will make referrals to the most appropriate outside agency. The Company is committed to continually review this program in an effort to determine which methods, procedures, and policies will most effectively enhance the employee's chances for successful rehabilitation.
- 5.0 Use of Legal and Prescription Drugs** – Employees who are undergoing medical treatment taking prescribed medication with a controlled substance must report this treatment to his/her supervisor prior to beginning work, so that the supervisor may determine, after consultation with the Corporate Health & Wellness Director (Hawaiian Electric), Manager of Administration (Hawai'i Electric Light), or Human Resources Director (Maui Electric), whether the employee can perform his/her assigned duties in a safe and efficient manner. If the employee is not able to perform his/her assigned duties in a safe and efficient manner because of prescription medication, it may be necessary to reassign or relieve the employee from duty while on that medication/treatment.
- 5.1 Any possession of marijuana in any form including synthetic forms of marijuana, or its use or presence in an employee's body while at work or while on Company premises, either **with or without medical prescription, is prohibited by Company rules and policies**. This applies regardless of Hawaii State laws regarding medically-prescribed possession and use of marijuana or synthetic forms. This applies to employees and to all individuals who are on Company premises.
- 5.2 Failure to report the use of medically prescribed controlled substances (including medical marijuana) may result in administrative and disciplinary action up to and including termination of employment.



6.0 Testing Methodology

- 6.1 Alcohol Test– Non-DOT testing will be administered using a blood test in accordance with State of Hawaii requirements. DOT testing will be administered using an Evidential Breathalyzer (EBT) in accordance with DOT regulations.
- 6.2 Drug Test - All drug tests will be administered using a urine test in accordance with DOT and State of Hawaii requirements. Employees will be tested for the presence of controlled substances (marijuana, cocaine, opiates, amphetamines including crystal methamphetamines and phencyclidine (PCP)).

7.0 Record Retention

All investigation records, reports, disciplinary actions, appeals and decisions shall be maintained in accordance with the provisions of the Code of Conduct, Section 3, Information, Records, Security and Company Property - Record Retention, and other applicable Information Technology policies.

8.0 Discipline

Violations of this Substance Abuse Policy may result in disciplinary action up to and including termination. Different standards may apply for positions covered by FMCSA and PHMSA.

9.0 Training

All employees of the Company shall receive initial training of this Substance Abuse Policy within 12 months of its effective date and the policy will be provided to all new employees as part of their on-boarding process. This policy shall also be made part of the recurring training program and made available to all agency temporary workers, contractors, consultants, and vendors.



10.0 Reporting Policy Violations

All employees of the Company must immediately report known, suspected, or potential violations of this policy in accordance with the Corporate Code of Conduct, Part 15, *Guidance and Reporting Potential or Suspected Violations*.

11.0 Related Company Policies and Procedures

11.1	Corporate Code of Conduct, dated December 11, 2014
11.2	Substance Abuse Program (revised 08/2013)
11.3	Discipline and Appeals Policy dated February 2014

12.0 Revision History

12.1	Prior version(s)	February 2015 - Original
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13.0 Review and Approval List

13.1	Preparer	Wanya Ogata – Director, Health & Wellness
13.2	Review and Recommend for Approval	Steven Newell –Manager, Safety, Security & Facilities Rhea Lee –Manager, Administration, Hawai'i Electric Light Eileen Wachi –Manager, Administration, Maui Electric
13.3	Legal Review	Lester Goo, Senior Associate General Counsel, Legal
13.4	Approver:	Patricia U. Wong – Senior Vice President, Corporate Services