

UNITY Update

SEPTEMBER 2005

CALENDAR OF EVENTS

OCTOBER 2005 MEMBERSHIP
MEETING* - ALL TIMES ARE LOCAL

OAK

DATE/TIME: Tues., 10/18/05 at 10:00 AM
LOCATION: Oakland Airport
Rear Conference Rm.
(Take Elevator to 2nd Floor,
Go through the Handicap
Door; Turn Left - go to the
very end of the hallway.)
(510) 563-6424

PHX

DATE/TIME: Wed., 10/19/05 at 10:00 AM
LOCATION: PHX Sky Harbor Airport
Terminal 4 - Level 3
(Past the food court, next
to the art gallery)
(602) 273-3382

DAL

DATE/TIME: Thur., 10/20/05 at 10:00 AM
LOCATION: Holiday Inn Select Love Fld.
3300 W. Mockingbird Lane
Dallas, TX
(214) 357-8500

HOU

DATE/TIME: Fri., 10/21/05 at 10:00 AM
LOCATION: Hobby Airport
The Cloud Room
(713) 641-7723

MCO

DATE/TIME: Wed., 10/26/05 at 10:00 AM
LOCATION: Hawthorn Suites MCO
7450 Augusta National Dr.
(407) 438-2121

MDW

DATE/TIME: Thur., 10/27/05 at 10:00 AM
LOCATION: American Legion
Clearing Post 600
4352 W. 63RD Street
Chicago, IL
(773) 767-0230

BWI

DATE/TIME: Fri., 10/28/05 at 10:00 AM
LOCATION: Sleep Inn BWI
6055 Bella Grove Road
(410) 789-7223

MEETING AGENDA: - General Business,
Outcome of Bylaw Amendments,
Outcome of a Member's Motion.

* All sessions constitute the meeting.

**GENERAL UNION MEETING - OPEN
TO MEMBERS ONLY - ID'S WILL BE
CHECKED**

PRESIDENT'S MESSAGE

by Thom McDaniel, TWU Local 556 President

As I write this, I have just returned from the Southwest Airlines "Labor of LUV" humanitarian relief and assessment flight to New Orleans. Our Union was invited on the first flight to deliver needed supplies, evaluate the airport, and rescue grateful evacuees. It was a wonderful and rewarding experience.

It is at times like these that I am most proud to be the leader of our Union and a SWA Employee. As a Company, we have learned valuable lessons from both the tragedies of 9-11 and the devastating hurricanes in Florida last year. Before, during, and since Katrina, I have seen a Company that was prepared and proactive in our plans for our Customers and our Employees.

I have received numerous calls and emails from our Members with suggestions and offers of help. With my home in Houston and our office in Dallas, our Texas residents will have many opportunities to volun-

teer in shelters and open our homes to evacuees whether they are fellow Employees or not. Many of our MSY Station Employees and commuters will be displaced or unable to commute and will welcome a home to stay in instead of a hotel room.

Most of our Members, however, do not live close enough to offer a room or do hands-on volunteer work. As Union Members, we can still do what we do best - work. During the uncertainty of 9-11, Southwest Airlines offered Employees who wanted to help the Company the opportunity to donate hours or TFPs back to the Company. Many of our Employees participated and well over a million dollars was raised. We can do the same thing for the victims of Katrina by donating to the Employee Catastrophic Fund or the American Red Cross.

I have asked Colleen if the Company will be able to duplicate the post 9-11 effort. I know that they are very concentrated on assist-



Pictured (L to R): Training Supervisors Emily Witkop, Gay Lynn Groff, Thom McDaniel, and Teena Little

ing our Employees and restoring our operation, so I do not know if they will be able take on the project. The great thing about this effort though is that each one of us can do it ourselves by simply picking up a turn, Reserve Day, or a TFP in a pairing and writing a check to the SWA Employee Catastrophic Fund or American Red Cross for the TFPs that you want to donate.

This is completely a volunteer effort, but if you decide to do it, please tell someone that you are working for the hurricane victims. Our Customers deserve to know that we have great Employees who make up a great Company. It may inspire our Customers to help too.

HIPAA: The Health Insurance Portability and Accountability Act

by Gayle Ross, TWU Local 556 Health Coordinator

The Health Insurance Portability and Accountability Act went into effect on July 1, 1997. It protects an insured person's insurability. Before this law, if an insured person lost insurance coverage for some reason, losing a job for example, he or she would be required to prove insurability before obtaining new coverage. For most people this wasn't a problem; however, for people with chronic health problems or whose health deteriorated while they were covered, it was a serious problem. Such people lived in constant fear of losing their jobs and thereby losing their health insurance. Now, if a person has been insured for the past twelve months, a new insurance company cannot impose pre-existing conditions or a waiting period before providing coverage. It became evident to Congress that successful HIPAA implementation would require a major upgrade to communications between health care providers, insurance plans and employers. Many security, privacy and confidentiality issues would also have to be addressed. So the law was written to include those kinds of mandates, with significant penalties for non-compliance. The Health Insurance Portability and Accountability Act is the single most significant piece of federal legislation, affecting the health care industry, since the inception of the Medicare and Medicaid programs.

HIPAA provides rights and protections for participants and beneficiaries in group health plans. HIPAA may also give you a right to purchase individual coverage if you have no group health plan coverage available, and you have exhausted COBRA or other continuation coverage. If you choose to apply for an individual policy for yourself or your family, HIPAA includes protections for individual

policies that guarantee access to individual policies for people who qualify and guarantee renewability of individual policies. Title II of HIPAA promotes "administrative simplification" in the health care industry through the development of standards for the electronic exchange of information. It also mandates rules to maintain the privacy of protected health information. The Privacy Rule provides for the protection of individually identifiable health information that is transmitted or maintained in any form or medium. The Security Rule specifies that an entity must implement and document security measures to protect electronic individually identifiable health information from inappropriate use, disclosure or destruction.

HIPAA requires the following entities to comply:

- **Health Plans:** This category includes individual or group plans that provide or pay the cost of medical care and includes both the Medicare and Medicaid programs.
- **Health Care Providers:** Under HIPAA they are defined as any provider who transmits any health information in electronic form in connection with transactions covered in the rules. Physicians, hospitals, physical therapist, pharmacists, providers of home medical equipment, and others would be included in this group.
- **Health Care Clearinghouses:** This category includes entities that process or facilitate the processing of health information received from other entities. It includes groups such as physician and hospital billing services.



Specific privacy requirements of HIPAA include the following:

- Defines Protected Health Information (PHI) as health-related information which identifies an individual member or provides a reasonable basis to believe that the information could be used to identify a member.
- Provides health plans with the ability to use PHI for treatment, payment and health care operations (TPO) purposes without member authorizations.
- Requires health plans and providers to make reasonable efforts to limit the use and disclosure of PHI to the minimum necessary in required circumstances.
- Requires member authorization for certain non-TPO uses and disclosures of PHI.
- Permits a health plan to disclose PHI to its business associates to perform services on behalf of the health plan.
- Provides members with the right to access their PHI.

PHI includes such information as a member's name, address, phone number, Social Security number, other demographic information, and any information related to their health condition or diagnosis. The Privacy Rule is not absolute. Employers, Unions and health plan sponsors may have access to that information which is necessary to administer health plans and to perform the plan's administrative

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Everything You Always Wanted to Know About Drug Testing... AND MORE!

by Mark Torrez - Executive Board Member, OAK

Most of us have probably encountered a drug or alcohol test at some point since we began working at Southwest Airlines. If you are anything like me, it seems that it never fails that the person shows up with a clipboard at the most inopportune times - especially when you have plans that evening, or if you've JUST gone to the bathroom. Last time I was drug tested it took me at least an hour of constant water drinking to produce the specimen that they needed. Then I had to go again by the time I reached the Employee parking lot, and again five minutes later... well, you get the point. Needless to say my 35 minute drive home turned into about an hour, and I now know every place between Oakland and Walnut Creek that has a working bathroom open after 10:00 PM.

Since we are on the subject of drug tests it seems appropriate for me to tell you what exactly you can expect and what they are looking for. I'm not going to say what prescription drugs you can and can't take, that is between you and your doctor, but I hope to give you some information that will help you make good choices.

SWA is required by the FAA and the DOT to perform random drug tests on certain Employee groups - usually those with safety-sensitive jobs. In the case of Inflight, 25% of these tests must be conducted outside of a domicile city. If you are randomly selected for a drug test, you will be notified when you arrive at the gate. You must proceed to the designated test location immediately. Once you arrive at the location they will take a urine sample. You must produce at least (8) ounces which they will split into two separate samples ("A" and "B") while in your presence. It is very important that you make sure that the specimen is split into two samples. This proves to be

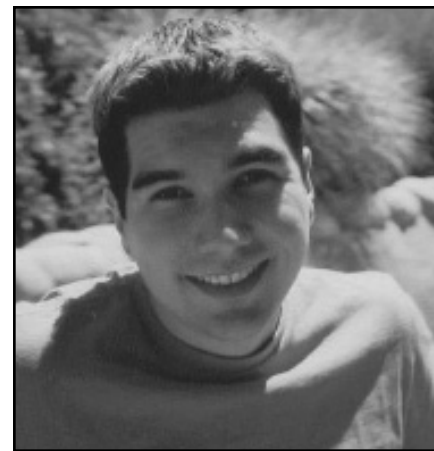
very important because if the first sample comes back positive, they then send the second sample to another lab for testing. So the moral of this story is DON'T RUSH! Make sure you can produce enough for a split specimen before you go.

So what exactly are they testing for? The MRO (Medical Review Officer) Dr. Van der Pluug, will look for the presence of Marijuana, Cocaine, Opiates, Amphetamines, & PCP in your body. A test for Ecstasy is also in the making, so the test could be expanded in the future.

Can prescription drugs show up as positives for any of these things? Yes they can! Anytime your doctor prescribes you medication, make sure that she/he knows you have safety sensitive duties. Ask her/him if the drug s/he prescribes could result in a positive drug test for the above mentioned drugs. Ask her/him if you will still be able to effectively perform emergency duties while taking any medication. Also, ask her/him if you should take the medicine while on duty or if you should only take it once you are off duty.

The MRO does not recognize out of country prescriptions or internet prescriptions. Additionally, we all know that there are medications that require prescriptions here in the United States that are available over the counter in Mexico, Canada, or other countries. Even if you legally obtain a medication over the counter in another country, if it requires a prescription in the United States, you must have a prescription for it. Along the same lines, even though we learned in kindergarten that is nice to share with others, that rule doesn't apply to prescription medication. Don't take other people's medicine!

And one last thing regarding prescription drugs... Make sure you keep medicine in its original prescription container. That bottle is



your proof that the medication was prescribed to you.

What happens if you can't produce a viable sample? In the event that your sample comes back unreadable, you have to give another and it could be observed. Not fun. Once again if you don't produce a sample at all, it is possible that your test will be deemed a refusal and you will be terminated.

In addition to random drug testing, there may be other times when you are asked to take a drug test: after an accident, or if there is cause for reasonable suspicion, just to name a couple. If Southwest has reasonable suspicion that you are under the influence, they can ask you to take a drug test at any time. If you have demonstrated behavior by at least two individuals trained in SWA drug & alcohol training (usually Supervisors or Managers), you may be asked to take a drug or alcohol test.

Flight Attendants must also be careful to make sure they are not drugged by someone else. Don't ever lose sight of your drink (alcoholic or non-alcoholic), anytime you are in a public place. If you ever feel like you've been drugged, call the police IMMEDIATELY and file a police report. Once that is done, call the Union and your Supervisor, if it is after hours call the Union's Emergency Notification System and the SWA Supervisor On Duty (SOD), and let them know this has happened so that you can discuss your options for a leave during the period of time needed to clear your body of the drug. Whatever you do, do not fly if

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DRUG TESTING

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there is any chance a drug is in your system. Do not wait to report that you have been drugged until after you have already tested positive.

So now you may be asking, "What happens if I test positive?" The first thing that happens is that the MRO will notify you to find out if the positive result could be medically related (he will ask what prescription medications are being taken). With your consent, the MRO will also speak to your doctor to validate that you have in fact been prescribed the drugs that could have impacted the test. If legal prescriptions caused the positive test, the MRO will not validate the positive test, and you can return to work.

If there is no medical reason for the positive result, the MRO will ask you if you want to have your "B" split sample tested at a different lab. We always recommend taking this option in the event that the results of the "A" sample were in error. If the results of the "B" sample come back negative, the MRO will deem the test "cancelled", and you can return to work. If the results of the "B" sample come back positive, the MRO will validate the test, notify the Company, and you will be terminated.

If the MRO can't contact you within 5 days of initial contact, he can verify the positive result of the "A" sample without speaking to you.

Some Flight Attendants have come up with some creative explanations for their positive results. They won't work! Second hand smoke from a Grateful Dead concert is not an acceptable excuse as to why you test positive for marijuana. Hemp shampoo is not going to cause a positive result, but some hemp foods are questionable, so I would recommend that you stay away from them in the event they contain trace amounts of THC. Basically if you have a doubt, stay away.

I'm sure many of you have questions about alcohol testing, but unfortunately, I'm running short on space. In an upcoming publication, I will go over alcohol testing in more detail.

In the meantime, I can't stress this enough, don't take illegal drugs, don't take other people's prescriptions, and make sure that the prescriptions you take will not cause you to fail a drug test. Most importantly, if you have a problem with drug use, get help. If you need help, call Southwest Airlines' Clear Skies program at **800-742-8911**.

Editor's Note: For complete information on SWA's Drug and Alcohol policy, refer to "SWA Policies on a Drug-Free Workplace and Alcohol Misuse and Policies Implementing the DOT/FAA Anti-drug Alcohol Misuse Prevention Program for Covered Employees". If you do not have a copy, you can request one from your Supervisor.

HIPAA

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functions. This could include: name and address information to send a refund check for covered benefits, family member identities and Social Security number's to verify eligibility, the collection of generic information for the purpose of obtaining coverage. Usually, it is necessary to obtain the consent of the person whose records are required. Most of you have already signed releases with your doctors and pharmacist.

When an employer has a right to PHI it must follow certain rules as well. The employer must maintain the information in a secure and protected manner. The employer must also develop and maintain policies and procedures for who has the information, the need for the information, who may be granted access and the category of access allowed. Realize that HIPAA does not guarantee that all PHI will remain completely private. Discussions are overheard by unauthorized listeners. As long as the employer has procedures in place to limit and control these kinds of leaks, the statute will be satisfied.

HIPAA seeks to provide safeguards of private medical and medically-related information. While not fool proof it does raise the bar in order to maintain privacy. If you would like additional HIPAA information please visit www.hhs.gov/ocr/hipaa/

Is Your Address Correct With SWA?

by Sonia Hall, Chairperson
TWU 556 Board of Election

TWU 556 Bylaw, Article IX (I) states:

It shall be the responsibility of each Member to advise the Union within thirty (30) days of any change of address, in writing; otherwise, the Union cannot be held responsible if the Member does not receive correspondence or ballots mailed out by the Local or International Union.

The 4th quarter Union meetings will be held in October. In order to be eligible to run for office in the 2006 Executive Board election, a Member must have attended at least two (2) Union Meetings in the twelve (12) month period prior to nominations. This means January to December 2005. The time limits for submitting a letter requesting absentee attendance for the 4th quarter end November 28, 2005.

Mail or Fax your letter to:

Kathy Anderson, Recording Secretary
TWU Local 556
2520 W. Mockingbird Lane
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214-357-9870

UNITY Update

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