



FOR IMMEDIATE RELEASE

Hawaiian Airlines' Failure to Provide Reasonable Accommodations for Vaccine Mandate Prompts Class-Action Lawsuit

Lack of a Legitimate Interactive Process Also Leads to Violation of Title VII of the Civil Rights Act of 1964 and the Americans with Disabilities Act

Honolulu, HI (Jan. 21, 2022) - A group of Hawaiian Airlines employees is suing the company for violating federal anti-discrimination regulations by denying reasonable religious or medical accommodations for its COVID-19 vaccine mandate.

John Sullivan from SJL Law, an attorney for the Plaintiffs, stressed that the employees are not challenging the mandate but rather the company's refusal to work with individuals who cannot take the vaccine for various reasons. The airline issued blanket denials to employees who applied for exemptions, rejecting virtually every application regardless of the person's sincerely held religious belief or medical reason not to take the vaccine.

The company's denials downplayed the value of sincerely held religious beliefs, substituted Hawaiian's medical judgment for that of the Plaintiffs' personal physician, and incorrectly interpreted CDC guidance about contraindications, thus endangering its employees. Hawaiian is forcing close to 300 employees entitled to exemptions under federal law to either take the COVID-19 vaccine or face termination.

"The employees Hawaiian is putting out of work here are more than willing to work with the airline to reach a reasonable accommodation — such as the regular testing offered by basically every other airline — that would allow them to continue serving the flying public safely," Sullivan said. "These employees should not be penalized for their faith or their disabilities."

Hawaiian announced its vaccine policy in August and, after offering a temporary testing program for unvaccinated employees, imposed a Jan. 4, 2022, deadline to provide proof of vaccination. Although the company said it would accommodate those with medical or religious reasons for not taking the vaccine, only a couple of employees without a vaccine have been allowed to remain at work.

The lawsuit claims that the Honolulu-based airline has adopted an absolute vaccine-or-terminate policy that leaves no room for alternatives such as periodic testing, mask-wearing, or social distancing. Hawaiian also refuses to accommodate employees with naturally-occurring COVID-19 antibodies rather than vaccine-induced antibodies.

Unvaccinated employees have the option of a one-year involuntary leave of absence and subsequent termination. Hawaiian will suspend all compensation, health insurance, and flight benefits during the leave of absence, and the involuntary leave option will not be available to nonunion workers. As a result, the plaintiffs will endure serious harm, including losing homes; suspension of health care (that will prevent one Plaintiff from having children); and severe mental anguish and distress.

Plaintiffs argue that failing to engage in a legitimate interactive process and Hawaiian's refusal to reasonably accommodate employees with religious beliefs and those with health conditions (verified by doctor orders) violates Title VII of the Civil Rights Act of 1964 and the Americans with Disabilities Act.

"The company has a duty under federal law to accommodate the civil rights of its religious and disabled employees," said Sullivan, who is also among the attorneys representing United Airlines workers in a separate dispute. "Instead, Hawaiian is terminating hundreds of loyal employees or placing them on unpaid leave with no benefits and termination to follow unless they take the vaccine. And this is at a time when the airline is short on workers to staff its flights."

The lawsuit also questions Hawaiian's purported safety rationale for the mandate. Hawaiian does not require passengers, vendors, or pilots from other airlines who ride in the "jump seat" of the aircraft with Hawaiian flight officers to be vaccinated. In addition, Hawaiian no longer ensures the deep cleaning of aircraft after each flight.

The Centers for Disease Control and Prevention (CDC) first noted in August that while COVID-19 vaccines work to prevent severe illness and death, they no longer prevent transmission. The CDC recently reiterated that the Omicron variant of COVID-19 is transmissible regardless of vaccination status.

The employees leading the lawsuit include two flight attendants, a captain, a first officer, an aircraft technician, a management instructor, and a customer service agent. They have also filed a motion for a temporary restraining order (TRO) to stop Hawaiian from putting employees out of work. Judge Jill A. Otake will hear the application for the TRO at 9 a.m., Feb. 1, 2022. The case is O'Hailpin v. Hawaiian Airlines Inc., case number [1:22-cv-00007](#), in the [U.S. District Court for the District of Hawaii](#). Attorneys for the Plaintiffs are John C. Sullivan of S|L Law PLLC, in Cedar Hill, Texas, and James Hochberg of James Hochberg AAL, LLLC of Honolulu.

CONTACT:

Teddi Anderson
TLC PR Honolulu
808.535.9099
Teddi@TLCPR.com

Elizabeth Fitzgerald
TLC PR Florida
808.294.1463
Elizabeth@TLCPR.com

###