

Wage and Hour

WAGE AND HOUR LAWS

NOTICE TO EMPLOYEES

Minimum Wage - You have the right to receive a minimum wage of at least \$10.10 per hour beginning January 1, 2018. Under certain conditions, “tipped employees” may be paid less per hour.

Overtime - You have the right to be paid overtime at least one and one-half times your regular rate for all hours worked in excess of 40 in a workweek. The law also requires employers to maintain payroll records for at least 6 years.

- The Hawaii Wage and Hour Law exempts certain types of employment from minimum wage and overtime, such as outside salespersons and employees in an executive, administrative, supervisory, or professional capacity.

Payment of Wages - You have the right to be paid at least twice monthly on regular paydays designated in advance in cash, by checks convertible into cash, or within certain requirements, by direct deposit into the employee’s account at a federally insured depository institution or pay card; within 7 days after the end of each pay period; paid wages in full at the time of discharge or no later than the next working day; or paid no later than the next regular payday if you quit or resign. However, if you give your employer one pay period’s notice of your intention to quit, you must be paid on your last day of employment.

Notification Requirements - You have the right to be notified in writing at the time of hire of your rate of pay and the paydays. Any changes in pay arrangements prior to the time of such changes, and of any policies with regard to vacation, sick, or holiday pay must be made in writing or through a posted notice. You must also be furnished with a pay statement on payday showing gross wages, amount and purpose of each deduction, net pay, date of payment, and pay period covered. If your employer requires that you give advance notice of quitting and you are terminated after giving that notice, your employer is liable for the wages you would have earned up to the last day you intended to work unless you were terminated for cause.

Withholding of Wages - You have the right to ensure that there are no wrongful withholdings of your wages. Your employer may not collect, deduct or obtain authorization to deduct for:

- Fines (For example - an amount you must pay to your employer for being tardy)
- Cash shortages in a common cash register or cash box used by two or more people, or in a cash register or cash box under your sole control unless given an opportunity to account for all moneys received at the start of a shift and all monies turned in at the end of a shift.
- Penalties or replacement costs for breakage.
- Losses due to your acceptance of checks which are later dishonored if the employer has authorized you to accept checks.
- Losses due to faulty workmanship, lost or stolen property, damage to property, or default of customer credit or nonpayment for goods or services received by customers, as long as those losses are not due to your willful or intentional disregard of the employer’s interest.

REV. 09/21/2020

NOTICE: This state has its own minimum wage law. Employers are also required to display the federal Employee Rights Under the Fair Labor Standards Act posting, which indicates the federal minimum wage. Where federal and state rates both apply to an employee, the U.S. Department of Labor dictates that the employee is entitled to the higher minimum wage rate.

THIS NOTICE IS FOR INFORMATIONAL PURPOSES ONLY.

Discrimination

LAWS PROHIBITING EMPLOYMENT DISCRIMINATION

NOTICE TO EMPLOYEES

You have the right to be free from unlawful discrimination in your employment. All applicants and employees of private and public employers (except the federal government), union members, and job seekers in employment agencies are protected by Hawaii law against employment discrimination.

You cannot be denied a job, fired, or subjected to unequal terms and conditions of employment because of your race, sex, including gender identity or expression, reproductive choices, refusing to enter into a nondisclosure agreement that prevents you from discussing workplace sexual harassment or assault sexual orientation, age, religion, color, ancestry/national origin, disability, marital status, civil union status, credit history, credit report, arrest and court record (except in limited circumstances), or domestic or sexual violence victim status. Sexual harassment by a supervisor or coworker is a form of sex discrimination. Employers are prohibited from retaliating against you for disclosing sexual harassment or sexual assault.

Examples of Unlawful Employment Discrimination:

- If you are a pregnant employee and are denied leave recommended by a doctor or are denied reinstatement to the same or comparable position after giving birth.
- If you are subjected to unwanted sexual advances or demands, offered benefits in exchange for sexual favors, threatened with demotion, firing, or loss of benefits for refusing sexual advances, or subjected to unwelcome sexual conduct.
- If you are denied a job or a promotion because of your race, sex, including gender identity or expression, sexual orientation, age, religion, color, ancestry, disability, marital status, civil union status, credit history, credit report, arrest and court record (except in limited circumstances), or domestic or sexual violence victim status.

Filing a Complaint: **You have the right to** file a complaint if you have been subjected to discrimination because of your race, sex, including gender identity or expression, reproductive choices, refusing to enter into a nondisclosure agreement that prevents you from discussing workplace sexual

harassment or assault, sexual orientation, age, religion, color, ancestry, disability, marital status, credit history, credit report, arrest and court record, or domestic or sexual violence victim status.

You can file a complaint by calling the Hawaii Civil Rights Commission. Under state law, you must file your complaint within 180 days of the act of discrimination.

You have the right to be free from discriminatory or retaliatory action from your employer for filing a complaint, participating in an investigation, or opposing a discriminatory practice.

Hawaii Civil Rights Commission:

Oahu: 586-8636

Hawaii: 974-4000, ext.68636

Maui: 984-2400, ext.68636

Kauai: 274 -3141, ext.68636

Molokai/Lanai: 1-800-468-4644, ext.68636

TDD/TTY 586-8692

This notice provides general background information on labor laws administered and enforced by DLIR's Disability Compensation Division and is not intended to serve as a substitute for legal counsel. For specific legal advice on individual situations, please consult an attorney.

**Anne E. Eustaquio, Director
Department of Labor and Industrial Relations**

***You may satisfy Hawaii Labor Laws' posting requirements by posting our official labor law poster.**
For more information: <http://labor.hawaii.gov/labor-law-poster/>

Equal Opportunity Employer/Program
Auxiliary aids and services are available upon request to individuals with disabilities.
TDD/TTY Dial 711 then ask for (808) 586-8866.

REV. 09/21/2020

Disability Compensation

DISABILITY COMPENSATION LAW

NOTICE TO EMPLOYEES

Workers' Compensation - You have the right to receive workers' compensation benefits and medical care if you suffer a work-related injury. You must report the date, time and circumstance of your injury immediately to your employer or supervisor. Give the name of the insurer to your doctor so that your doctor will know where to send the physician's report. If your employer does not file a report of the injury, you may file a written claim with the Disability Compensation Division. You do not pay for the premium cost; your employer pays the entire amount.

You are entitled to all required medical, surgical and hospital services and supplies including medication; weekly benefits from the fourth day of disability to replace wage loss, representing 66 2/3% of your average weekly wage but not more than the maximum weekly benefit amount annually set by the Department; additional benefits if the injury results in permanent disability or disfigurement; vocational rehabilitation, if appropriate; funeral and burial expenses if the work injury results in death; and additional weekly benefits to the surviving spouse and other dependents.

Temporary Disability Insurance - You have the right to file a claim for temporary disability insurance benefits within 90 days from the date of disability if you suffer a disabling non-work-related injury/illness or inability to work because of your pregnancy. Your employer or insurance carrier should furnish you with a TDI-45 claim form or some other authorized claim form. You may receive TDI benefits if a physician properly certifies your inability to work. Generally, you must have worked for an employer in Hawaii at least two weeks before your disability. During the last 52 weeks, you must have: worked for at least 14 weeks; been paid for at least 20 hours per week; and earned at least \$400.

After a 7 consecutive day waiting period, you will be paid 58% of your average weekly wage, not to exceed the maximum in the TDI law. Your employer may have an "equivalent" plan approved by the Department, which may provide different benefits. You should ask your employer for details if they have an "equivalent" plan.

You may be required by your employer to share in the premium cost. Your share cannot be more than one-half of the cost and should not exceed .5% of your weekly wages. Your employer pays the remaining portion exceeding the prescribed limitation. If you are not eligible for benefits (see second paragraph above), your employer cannot deduct any contributions from you to share in the premium cost.

Prepaid Health Care - You have the right to enroll in your employer's prepaid health care insurance plan after 4 consecutive weeks of employment where you have worked at least 20 hours each week. The Department of Labor & Industrial Relations must approve the health care plan and include insurance coverage for hospital, surgical, medical, diagnostic and maternity medical care.

You should claim benefits under this program if a non-work-related injury or illness requires medical care. Give your doctor or hospital the name of your employer's health care contractor and the plan name.

If you are required to share in the premium cost for your coverage, your share cannot be more than 1.5% of your monthly wages or one-half the premium cost (whichever is less). Your employer pays the balance.

Disability Compensation Division:

Oahu 586-9161 (Workers' Compensation)

586-9188 (Temporary Disability Insurance and Prepaid Health Care)

Hilo 974-6464

Kona 322-4808

Maui 243-5322

Kauai 274-3351

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REV. 09/21/2020

Plant Closings

REQUIRED NOTICE TO DISLOCATED WORKERS/PLANT CLOSINGS

NOTICE TO EMPLOYEES

You have the right to be notified in writing at least 60 days in advance of possible layoffs or terminations due to certain business transactions taken by your employer. Your employer must also notify the Department of Labor and Industrial Relations in the same manner according to the Dislocated Workers Act (DWA). The DWA applies to businesses which have at least 50 persons employed in the state at any time during the 12 months preceding the event, and are a party to a sale, transfer, merger, business takeover, bankruptcy, or business transaction, which will result in the relocation outside the state or the shutting down of all or a portion of operations.

You have the right to payment of a dislocated worker allowance if you are laid off or terminated due to these transactions and are eligible for unemployment compensation benefits. These payments supplement unemployment benefits for a maximum 4-week period.

For general information about the Dislocated Workers Act or the Dislocated Workers Allowance, please call the Workforce Development Division at 586-8877. For information about assistance to employers and employees facing a business closure, please contact the following Workforce Development Division offices:

Workforce Development Division:
Oahu: Honolulu: 586-8700 Maui: 984-2091
Waipahu: 675-0010 Kauai: 274-3056
Hawaii: Kona: 327-4770 Molokai: 553-1755
Hilo: 981-2860

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REV. 09/21/2020

Breastfeeding Rights

Breastfeeding in the Workplace

NOTICE TO EMPLOYEES

**Under the HAWAII EMPLOYMENT PRACTICES LAW
(Act 249, 2013 Regular Session)
BREASTFEEDING IN THE WORKPLACE
effective July 1, 2013**

You have the right to reasonable break time to express milk for your nursing child at the workplace in a location, other than the restroom, that is shielded from view and free from intrusion from coworkers and the public for one year after your child's birth.

Employers with fewer than twenty employees who can show that providing the time and place to express breast milk as required under Act 249 (SLH, 2013) would impose an undue hardship by causing the employer significant difficulty or expense in relation to the size, financial resources, nature, or structure of the employer's business shall not be subject to the time and place requirements of Act 249.

Employers who fail to comply with the requirements of Act 249 shall be fined \$500 per violation and may be liable for damages suffered by the employee.

ENFORCEMENT: If you believe your employer has violated this law you may file a lawsuit in state court for appropriate injunctive relief, actual damages, or both, within two years after the occurrence of the alleged violation. Damages may include reasonable attorneys' fees.

This notice provides general background information on Hawaii Employment Practices Law and is not intended to serve as a substitute for legal counsel. For specific legal advice on individual situations, please consult your attorney.

The law requires employers to post a notice in a conspicuous place accessible to employees providing information regarding this employment practice.

**Department of Labor and Industrial Relations
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TDD/TTY Dial 711 then ask for (808) 586-8866.**

REV. 11/10/2015

Whistleblowers

Whistleblower Protection Law

NOTICE TO EMPLOYEES

You have the right to not suffer from any adverse employment action, such as termination or discrimination, regarding your employment conditions because you reported or were about to report to a government agency or your employer, verbally or in writing, a violation or a suspected violation of a law or a contract executed by the government.

You have the right to not suffer from any adverse employment action because you participated in an investigation, hearing or inquiry conducted by a government agency or court of law.

If you believe your employer has violated this law, you may file a lawsuit in state court within 2 years after the occurrence of the alleged violation.

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REV. 01/09/2018

You Have a Right to a Safe and Healthful Workplace

IT'S THE LAW!

- You have the right to notify your employer or HIOSH (808-586-9092) about workplace hazards. HIOSH will keep your name and identity confidential.
- You have the right to request a HIOSH inspection if you believe that there are unsafe and/or unhealthful conditions at your workplace. You or your representative may participate in the inspection.
- You have a right to see HIOSH citations issued to your employer. Your employer must post the citations at or near the place of the alleged violation.
- Your employer must correct workplace hazards by the date indicated on the citation and must certify that these hazards have been reduced or eliminated.
- You have the right to copies of your medical records or records of your exposure to toxic and harmful substances or conditions.
- Your employer may not discriminate against you for making a safety and health complaint or for exercising your rights under the law, some of which are detailed above. You can file a discrimination complaint with HIOSH within 60 days of the discriminatory act. **Private sector employees must also file a discrimination complaint with the OSHA Regional Office below within 30 days of the discriminatory act or they will lose their rights to pursue a federal claim under section 11(c) of the federal Occupational Safety and Health Act of 1970 after the conclusion of the HIOSH investigation.**
- Report to OSHA all work-related fatalities within 8 hours, and all inpatient hospitalizations, amputations, and losses of an eye within 24 hours.
- Provide required training to all workers in a language and vocabulary they can understand.
- Your employer must post this notice in the workplace in a prominent location or where such notices are customarily located.

The Hawaii Occupational Safety and Health Law of 1972, Chapter 396, Hawaii Revised Statutes, assures safe and healthful working conditions for every worker in the State. The Hawaii Occupational Safety and Health Division (HIOSH) of the state Department of Labor & Industrial Relations, has the primary responsibility for administering the HIOSH Law. HIOSH does not cover those hired for domestic service in or about a private home, maritime or shipbuilding employees, employees covered by a federal agency, and employees working on military installations. The Occupational Safety and Health Administration (OSHA) monitors the HIOSH program to ensure its effectiveness. If you believe HIOSH is not meeting its responsibilities, you may file a Complaint About State Program Administration (CASPA) directly to the OSHA Regional Office:

**REGIONAL ADMINISTRATOR
U.S. DEPARTMENT OF LABOR
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION
90 7TH STREET, SUITE 18100
SAN FRANCISCO, CALIFORNIA 94103**

Copies of the State law, the HIOSH rules and Standards or other program information may be obtained at:

**HIOSH
830 PUNCHBOWL ST
RM 423
HONOLULU, HI 96813
TEL. (808) 586-9100**

<http://labor.hawaii.gov/hiosh/>

REV. 09/21/2020

Unemployment Ins.

UNEMPLOYMENT INSURANCE LAW

NOTICE TO EMPLOYEES

You have the right to unemployment benefits if you lose your job or your work hours are substantially reduced through no fault of your own. You may file your claim for unemployment insurance benefits online or in-person at a local claims office.

Go to uicclaims.hawaii.gov between 6:30 am to 11:00 pm, Monday through Friday and between 9:00 am to 11:00 pm on weekends & holidays (Hawaii Standard Time). You will need a valid email address to create an online account.

Important Information:

- When you file, you must provide your social security number.
- If you are not a U.S. citizen, you should have your alien registration number available.
- You will need to provide information for all of your employers in the past 18 months, such as the employer's name, address, zip code, phone number, dates of employment, and the reason for separation. Ex-military servicepersons should have their DD214 (member 4) available. Former federal employees should have their Standard Form 8, Standard Form 50, or pay stubs available.
- File your claim promptly. Your claim will begin only from the week that you file with the Unemployment Insurance Office.
- If benefits are payable, you must receive your payments by direct deposit. You must provide your account type (savings or checking), financial institution routing number, and your account number.

Unemployment Insurance Offices:

General Unemployment.....	(833) 901-2275
Oahu Claims Office.....	586-8970..... dliir.ui.oahu@hawaii.gov
Hilo Claims Office.....	974-4086..... dliir.ui.hilo@hawaii.gov
Kona Claims Office.....	322-4822..... dliir.ui.kona@hawaii.gov
Maui Claims Office.....	984-8400..... dliir.ui.maui@hawaii.gov
Kauai Claims Office.....	274-3043..... dliir.ui.kauai@hawaii.gov
Liability Interstate Unit.....	(808) 586-8970..... dliir.ui.oahu@hawaii.gov

COVID-19-Related Emails:
Request Language Services..... dliir.ui.languageassistance@hawaii.gov

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