

**FED** **EMPLOYEE RIGHTS UNDER THE FAIR LABOR STANDARDS ACT**  
THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION

**FEDERAL MINIMUM WAGE**  
**\$7.25 PER HOUR**  
**BEGINNING JULY 24, 2009**

**OVERTIME PAY**  
At least 1½ times your regular rate of pay for all hours worked over 40 in a workweek.

**CHILD LABOR**  
An employee must be at least 16 years old to work in most non-farm jobs and at least 18 to work in non-farm jobs declared hazardous by the Secretary of Labor.

**YOUTHS 14 AND 15 YEARS OLD** may work outside school hours in various non-manufacturing, non-mining, non-hazardous jobs under the following conditions:

- No more than
  - 3 hours on a school day or 18 hours in a school week;
  - 8 hours on a non-school day or 40 hours in a non-school week.
- Also, work may not begin before 7 a.m. or end after 7 p.m., except from June 1 through Labor Day, when evening hours are extended to 9 p.m. Different rules apply in agricultural employment.

**TIP CREDIT**  
Employers of "tipped employees" must pay a cash wage of at least \$2.13 per hour if they claim a credit against their minimum wage obligation. If an employee's tips combined with the employer's cash wage of at least \$2.13 per hour do not equal the minimum hourly wage, the employer must make up the difference. Certain other conditions must also be met.

**ENFORCEMENT**  
The Department of Labor may recover back wages either administratively or through court action, for the employees that have been underpaid in violation of the law. Violations may result in civil or criminal action.

U.S. Department of Labor - Wage and Hour Division - WHD Publication 1088 **REV. 07/2009**

**HI** **Wage and Hour Laws**

**NOTICE TO EMPLOYEES**

**Minimum Wage - You have the right to receive a minimum wage** of at least \$7.25 per hour through December 31, 2014; at least \$7.25 per hour beginning January 1, 2015; at least \$8.50 per hour beginning January 1, 2016; at least \$9.25 per hour beginning January 1, 2017; and 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 3 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 month'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 you are notified, 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 monies 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.**

Your employer or prospective employer cannot require you to pay a job application processing fee. Your employer may deduct state and federal withholding taxes, amounts specified by court orders and amounts you authorized in writing.

**Collection of Unpaid Wages - You have the right to file a complaint** for unpaid wages with the Wage Standards Division within one year from the time the wages were due. Certain executives, administrators, professionals and outside salespersons may need to file a claim in a court of competent jurisdiction.

**Hawaii Family Leave Law - You have the right to receive up to 4 weeks** of unpaid, job-protected leave for the birth or adoption of your child, or to care for your child, parent, spouse or reciprocal beneficiary with a serious health condition. You are eligible only if you have at least 6 consecutive months of service, and your employer has 100 or more employees. Accrued paid leaves may be substituted for any part of the 4-week period. If your employer provides for paid sick leave, you may use 10 days of your accrued and available sick leave per year unless a collective bargaining agreement provides for more than 10 days.

**Certain full-time students, student learners, apprentices, and workers with disabilities may be paid less than the minimum wage under special certificates issued by the Department of Labor.**

For additional information: **1-866-4-USWAGE (1-866-487-9243)**  
TTY: 1-877-889-5627  
[WWW.WAGEHOUR.DOL.GOV](http://WWW.WAGEHOUR.DOL.GOV)

U.S. Department of Labor - Wage and Hour Division - WHD 1462 **REV. 01/2012**

**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 dictates 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.**

**HI** **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, municipalities, and job seekers in employment agencies) are protected by Hawaii laws 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, 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.

**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, 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 Hawaii laws prohibiting discrimination in employment, which are administered and enforced by the Hawaii Civil Rights Commission. This is not intended to serve as a substitute for legal counsel. For specific legal advice on individual situations, please consult an attorney.**

**Dwight Takamine, 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://hawaii.gov/labor/official-labor-law-poster>

**REV. 01/11/2012**

**HI** **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 to your insurer 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 services including medical and dental care. You are also entitled to the disability to replace wage loss, representing 66.23% 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 your inability to work is properly certified by a physician. You must have worked for an employer in Hawaii at least two weeks prior to 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 health care plan must be approved by the Department 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

**This notice provides general background information on labor laws administered and enforced by DLI'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.**

**Dwight Takamine, Director**  
Department of Labor and Industrial Relations  
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**REV. 07/2014**

**HI** **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 [uiclaims.hawaii.gov](http://uiclaims.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 in order 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 reason for separation. Ex-military servicemembers should provide their DD214 (member 4) available. Former federal employees 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.
- 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:**

|                           |                      |  |
|---------------------------|----------------------|--|
| Honolulu Claims Office    | 586-8970 or 586-8971 | <a href="mailto:dlir.uh.honolulu@hawaii.gov">dlir.uh.honolulu@hawaii.gov</a>       |
| Waipahoehoe Claims Office | 675-0030             | <a href="mailto:dlir.uh.waipahoehoe@hawaii.gov">dlir.uh.waipahoehoe@hawaii.gov</a> |
| Hilo Claims Office        | 974-4086             | <a href="mailto:dlir.uh.hilo@hawaii.gov">dlir.uh.hilo@hawaii.gov</a>               |
| Kona Claims Office        | 322-4822             | <a href="mailto:dlir.uh.kona@hawaii.gov">dlir.uh.kona@hawaii.gov</a>               |
| Maui Claims Office        | 984-8400             | <a href="mailto:dlir.uh.maui@hawaii.gov">dlir.uh.maui@hawaii.gov</a>               |
| Molokai Claims Office     | 553-1750             | <a href="mailto:dlir.uh.molokai@hawaii.gov">dlir.uh.molokai@hawaii.gov</a>         |
| Kauai Claims Office       | 274-3043             | <a href="mailto:dlir.uh.kauai@hawaii.gov">dlir.uh.kauai@hawaii.gov</a>             |
| Liability Interstate Unit | (808) 586-8960       | <a href="mailto:dlir.uh.honolulu@hawaii.gov">dlir.uh.honolulu@hawaii.gov</a>       |

**This notice provides general background information on Hawaii Unemployment Insurance laws and is not intended to serve as a substitute for legal counsel. For specific legal advice on individual situations, please consult an attorney.**

**Dwight Takamine, Director**  
Department of Labor and Industrial Relations  
\*You may satisfy Hawaii Labor Laws' posting requirements by posting our official labor law poster.  
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**REV. 09/26/2014**

**FED** **EMPLOYEE RIGHTS**  
**EMPLOYEE POLYGRAPH PROTECTION ACT**  
THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION

**The Employee Polygraph Protection Act prohibits most private employers from using lie detector tests either for pre-employment screening or during the course of employment.**

**PROHIBITIONS**  
Employers are generally prohibited from requiring or requesting any employee or job applicant to take a lie detector test, and from discharging, disciplining, or discriminating against an employee or prospective employee for refusing to take a test or for exercising other rights under the Act.

**EXEMPTIONS**  
Federal, State and local governments are not affected by the law. Also, the law does not apply to tests given by the Federal Government to certain private individuals engaged in national security-related activities.

The Act permits polygraph (a kind of lie detector) tests to be administered in the private sector, subject to restrictions, to certain prospective employees of security service firms (armored car, alarm, and guard), and of pharmaceutical manufacturers, distributors and dispensers.

The Act also permits polygraph testing, subject to restrictions, of certain employees of private firms who are reasonably suspected of involvement in a workplace incident (theft, embezzlement, etc.) that resulted in economic loss to the employer.

The law does not preempt any provision of any State or local law or any collective bargaining agreement which is more restrictive with respect to lie detector tests.

**EXAMINEE RIGHTS**  
Where polygraph tests are permitted, they are subject to numerous strict standards concerning the conduct and length of the test. Examinees have a number of specific rights, including the right to a written notice before testing, the right to refuse or discontinue a test, and the right to have test results disclosed to unauthorized persons.

**ENFORCEMENT**  
The Secretary of Labor may bring court actions to restrain violations and assess civil penalties up to \$10,000 against violators. Employers or job applicants may also bring their own court actions.

**THE LAW REQUIRES EMPLOYERS TO DISPLAY THIS POSTER WHERE EMPLOYEES AND JOB APPLICANTS CAN READILY SEE IT.**

For additional information:  
**1-866-4-USWAGE (1-866-487-9243)**  
TTY: 1-877-889-5627  
[WWW.WAGEHOUR.DOL.GOV](http://WWW.WAGEHOUR.DOL.GOV)

U.S. Department of Labor - Wage and Hour Division - WHD 1462 **REV. 01/2012**

**FED** **YOUR RIGHTS UNDER USERRA**  
**THE UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT**

**USERRA protects the job rights of individuals who voluntarily or involuntarily leave employment positions to undertake military service or certain types of service in the National Disaster Medical System. USERRA also prohibits employers from discriminating against past and present members of the uniformed services, and applicants to the uniformed services.**

**REEMPLOYMENT RIGHTS**  
You have the right to be reemployed in your civilian job if you leave that job to perform service in the uniformed service and:

- you ensure that your employer receives advance written or verbal notice of your service;
- you have five years or less of cumulative service in the uniformed services while with that particular employer;
- you return to work or apply for reemployment in a timely manner after conclusion of service; and
- you have not been separated from service with a disqualifying discharge or under other than honorable conditions.

If you are eligible to be reemployed, you must be restored to the job and benefits you would have attained if you had not been absent due to military service or, in some cases, a comparable job.

**RIGHT TO BE FREE FROM DISCRIMINATION AND RETALIATION**

- are a past or present member of the uniformed service;
- have applied for membership in the uniformed service; or
- then an employer may not deny you:
  - initial employment;
  - reemployment;
  - retention in employment;
  - promotion; or
  - any benefit of employment

are obligated to serve in the uniformed service;

In addition, an employer may not retaliate against anyone assisting in the enforcement of USERRA rights, including testifying or making a statement in connection with a proceeding under USERRA, even if that person has no service connection.

**HEALTH INSURANCE PROTECTION**

- If you leave your job to perform military service, you have the right to elect to continue your existing employer-based health plan coverage for you and your dependents for up to 24 months while in the military.
- Even if you don't elect to continue coverage during your military service, you have the right to be reinstated in your employer's health plan when you are reemployed, generally without any waiting periods or exclusions (e.g., pre-existing condition exclusions) except for service-connected illnesses or injuries.

**ENFORCEMENT**

- The U.S. Department of Labor, Veterans Employment and Training Service (VETS) is authorized to investigate and resolve complaints of USERRA violations.
- For assistance in filing a complaint, or for any other information on USERRA, contact VETS at **1-866-4-USADOL** or visit its website at <http://www.dol.gov/vets>. An interactive online USERRA Advisor can be viewed at <http://www.dol.gov/elsa/vets/userra.htm>.
- If you file a complaint with VETS and VETS is unable to resolve it, you may request that your case be referred to the Department of Justice or the Office of Special Counsel, as applicable, for representation.
- You may also bypass the VETS process and bring a civil action against an employer for violations of USERRA.

The rights listed here may vary depending on the circumstances. The text of this notice was prepared by VETS, and may be viewed on the internet at this address: <http://www.dol.gov/vets/programs/userra/poster.htm>. Federal law requires employers to notify employees of their rights under USERRA, and employers may meet this requirement by displaying the text of this notice where they customarily place notices for employees.

U.S. Department of Labor - 1-866-487-2365 U.S. Department of Justice - Office of Special Counsel  
Employer Support of the Guard and Reserve - 1-800-336-4590 **REV. 10/2008**

**HI** **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.

This notice provides general background information on Hawaii labor and employment law and is not intended to serve as a substitute for legal counsel. For specific legal advice on individual situations, please consult an attorney.

**Dwight Takamine, 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://hawaii.gov/labor/official-labor-law-poster/>

**REV. 10/2008**

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**REV. 10/2008**

**HI** **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 to another 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 employees and employers facing a business closure, please contact the following Workforce Development Division offices:

**Workforce Development Division:**

|                       |                    |                |
|-----------------------|--------------------|----------------|
| Oahu:                 | Honolulu: 586-8700 | Maui: 984-2091 |
| Waipahoehoe: 675-0010 | Kauai: 274-3056    |                |
| Kapolei: 692-7630     | Molokai: 553-1755  |                |
| Kaneohe: 233-3700     |                    |                |
| Hawaii:               | Kona: 327-4770     |                |
| Hilo: 981-2860        |                    |                |

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**REV. 07/2013**

**FED** **EMPLOYEE RIGHTS AND RESPONSIBILITIES UNDER THE FAMILY AND MEDICAL LEAVE ACT**

**Basic Leave Entitlement**  
FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- incapacity due to pregnancy, prenatal medical care or child birth;
- care for the employee's child after birth, or placement for adoption or foster care;
- care for the employee's spouse, son, daughter or parent, who has a serious health condition;
- for a serious health condition that makes the employee unable to perform the employee's job.

**Military Family Leave Entitlements**  
Eligible employees whose spouse, son, daughter or parent is on covered active duty or call to covered active duty status may use up to 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegrations briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is:

- a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness;
- a veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness;

**"The FMLA definitions of 'serious injury or illness' for current servicemembers and veterans are distinct from the FMLA definition of 'serious health condition'."**

**Benefits and Protections**  
During FMLA leave, the employer must maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

**Eligibility Requirements**  
Employees are eligible if they have worked for a covered employer for at least 12 months, have 1,250 hours of service in the previous 12 months, and if at least 50 employees are employed by the employer within 75 miles.

**\*Special hours of service eligibility requirements apply to airline flight crew employees.**

**Definition of Serious Health Condition**  
A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

**Use of Leave**  
An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

**Substitution of Paid Leave for Unpaid Leave**  
Employees may choose or employers may require use of accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the employer's normal paid leave policies.

**Employer Responsibilities**  
Employers must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. If 30 days notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer's normal call-in procedures.

**Unlawful Acts by Employers**  
FMLA makes it unlawful for any employer to:

- interfere with, restrain, or deny the exercise of any right provided under FMLA; and
- discharge or discriminate against any person for opposing any practice that is unlawful by FMLA, or for involvement in any proceeding under or relating to FMLA.

**Enforcement**  
An employee may file a complaint with the U.S. Department of Labor or bring a private lawsuit against an employer.

FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

**FMLA Section 109 (29 U.S.C. § 2619) requires FMLA covered employers to post the text of this notice.** Regulation 29 CFR § 825.300(a) may require additional disclosures.

For additional information:  
**1-866-4USWAGE (1-866-487-9243)**  
TTY: 1-877-889-5627  
[WWW.WAGEHOUR.DOL.GOV](http://WWW.WAGEHOUR.DOL.GOV)

U.S. Department of Labor - Wage and Hour Division - WHD Publication 1420 **REV. 02/2013**

**FED** **Equal Employment Opportunity is the LAW**

**Private Employers, State and Local Governments, Educational Institutions, Employment Agencies and Labor Organizations**  
Applicants to and employees of most private employers, state and local governments, educational institutions, employment agencies and labor organizations are protected under Federal law from discrimination on the following bases:

**RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN**  
Title VII of the Civil Rights Act of 1964, as amended, prohibits applicants and employees from discrimination in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment, on the basis of race, color, religion, sex (including pregnancy), or national origin. Religious discrimination includes failing to reasonably accommodate an employee's religious practices where the accommodation does not impose undue hardship.

**DISABILITY**  
Title I and Title V of the Americans with Disabilities Act of 1990, as amended, protect qualified individuals from discrimination on the basis of disability in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. Disability discrimination includes not making reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship.

**AGE**  
The Age Discrimination in Employment Act of 1967, as amended, protects applicants and employees 40 years of age or older from discrimination on the basis of age in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment.

**SEX (WAGES)**  
In addition to sex discrimination prohibited by Title VII of the Civil Rights Act, as amended, the Equal Pay Act of 1963, as amended, prohibits sex discrimination in the payment of wages to workers in the same job performing substantially equal work in jobs that require equal skill, effort, and responsibility, under similar working conditions, in the same establishment.

**GENETICS**  
Title II of the Genetic Information Nondiscrimination Act of 2008 protects applicants and employees from discrimination based on genetic information in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. GINA also restricts employers' acquisition of genetic information and strictly limits disclosure of genetic information. Genetic information includes information about genetic tests of applicants, employees, or their family members; the manifestation of diseases or disorders in family members (family medical history); and requests for or receipt of genetic services by applicants, employees, or their family members.

**RETALIATION**  
All of these Federal laws prohibit covered entities from retaliating against a person who files a charge of discrimination, participates in a discrimination proceeding, or otherwise opposes an unlawful employment practice.

**WHAT TO DO IF YOU BELIEVE DISCRIMINATION HAS OCCURRED**  
There are strict time limits for filing charges of employment discrimination. To preserve the ability of EEOC to act on your behalf and to protect your right to file a private lawsuit, should you ultimately need to, you should contact EEOC promptly when discrimination is suspected.

The U.S. Equal Employment Opportunity Commission (EEOC), 1-800-669-4000 (toll-free) or 1-800-669-6822 (toll-free TTY number for individuals with hearing impairments). EEOC field office information is available at [www.eeoc.gov](http://www.eeoc.gov) or in most telephone directories under "Federal Government and Government Section. Additional information about EEOC, including information about charge filing, is available at [www.eeoc.gov](http://www.eeoc.gov).

**Employers Holding Federal Contracts or Subcontracts**  
Applicants to and employees of companies with a Federal government contract or subcontract are protected under Federal law from discrimination on the following bases:

**RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN**  
Executive Order 11246, as amended, prohibits job discrimination on the basis of race, color, religion, sex or national origin, and requires affirmative action to ensure equality of opportunity in all aspects of employment.

**INDIVIDUALS WITH DISABILITIES**  
Section 503 of the Rehabilitation Act of 1973, as amended, protects qualified individuals from discrimination on the basis of disability in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. Disability discrimination includes not making reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship. Section 503 also requires that Federal contractors take affirmative action to employ and advance in employment qualified individuals with disabilities at all levels of employment, including the executive level.

**DISABLED, RECENTLY SEPARATED, OTHER PROTECTED, AND ARMED FORCES SERVICE MEDICAL VETERANS**  
The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. 4212, prohibits job discrimination and requires affirmative action to employ and advance in employment disabled veterans, recently separated veterans (within three years of discharge or release from active duty), other protected veterans (veterans who served during a war or in a campaign or expedition for which a campaign badge has been authorized), and Armed Forces service medical veterans (veterans who, while on active duty, participated in a U.S. military operation for which an Armed Forces service medal was awarded).

**RETALIATION**  
Retaliation is prohibited against a person who files a complaint of discrimination, participates in an EEOC proceeding, or otherwise opposes discrimination under these Federal laws.

Any person who believes a contractor has violated its nondiscrimination or affirmative action obligations under the authorities above should contact immediately:

The Office of Federal Contract Compliance Programs (OFCCP), U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210; 1-800-397-6251 (toll-free) or (202) 693-1337 (TTY). OFCCP may also be contacted by e-mail at [OFCCP-PLR@dol.gov](mailto:OFCCP-PLR@dol.gov), or by calling an OFCCP regional or district office, listed in most telephone directories under U.S. Government, Department of Labor.

**Programs or Activities Receiving Federal Financial Assistance**  
**RACE, COLOR, NATIONAL ORIGIN, SEX**  
In addition to the protections of Title VII of the Civil Rights Act of 1964, as amended, Title VI of the Civil Rights Act of 1964, as amended, prohibits discrimination on the basis of race, color or national origin in programs or activities receiving Federal financial assistance. Employment discrimination is covered by Title VI if the primary objective of the financial assistance is provision of employment, or where employment discrimination causes or may cause discrimination in providing services under such programs. Title IX of the Education Amendments of 1972 prohibits employment discrimination on the basis of sex in educational programs or activities which receive Federal financial assistance.

**INDIVIDUALS WITH DISABILITIES**  
Section 504 of the Rehabilitation Act of 1973, as amended, prohibits employment discrimination on the basis of disability in any program or activity which receives Federal financial assistance. Discrimination is prohibited in all aspects of employment against persons with disabilities who, with or without reasonable accommodation, can perform the essential functions of the job.

If you believe you have been discriminated against in a program of any institution which receives Federal financial assistance, you should immediately contact the Federal agency providing such assistance.

**Occupational Safety & Health Laws**

**NOTICE TO EMPLOYEES**

**You have the right to a safe and healthful workplace.** The State of Hawaii has developed a federally approved Occupational Safety and Health Administration (OSHA) program and the State is solely responsible for enforcing its own occupational safety and health regulations, which are applicable to most employers in the State of Hawaii, except 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.

**You have the right to notify your employer or the Hawaii Occupational Safety and Health Division (HIOSH) 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 the 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.**

**You have the right to file a safety and health complaint.** Your employer may not discriminate against you for making a 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.

Violations of the HIOSH Law may result in penalties of up to \$77,000 per item. Serious violations carry a mandatory penalty of up to \$7,700; willful or repeated violations up to \$77,000; and failure to correct a violation within the prescribed time can result in assessed penalties of up to \$7,700 per day.

**Hawaii Occupational Safety & Health Division:**  
Oahu: 586-9100  
Hawaii: 974