EMPLOYMENT LAWS

FEDERAL

HAWAII

FED

EMPLOYEE RIGHTS UNDER THE FAIR LABOR STANDARDS ACT

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

The law requires employers to display this poster where employees can readily see it.

At least 1½ times the regular rate of pay for all hours worked over 40 in a

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 with certain work hours restrictions. Different rules apply in agricultural employment.

Employers of "tipped employees" who meet certain conditions may claim a partial wage credit based on tips received by their employees. Employers must pay tipped employees a cash wage of at least \$2.13 per hour if they claim a tip 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

NURSING MOTHERS The FLSA requires employers to provide reasonable break time for a nursing

mother employee who is subject to the FLSA's overtime requirements in order for the employee to express breast milk for her nursing child for one year after the child's birth each time such employee has a need to express breast milk. Employers are also required to provide a place, other than a

DEPARTMENT OF LABOR UNITED STATES OF AMERICA



WAGE AND HOUR DIVISION UNITED STATES DEPARTMENT OF LABOR

ENFORCEMENT

amount in liquidated damages in instances of minimum wage, overtime, and other violations. The Department may litigate and/or recommend criminal prosecution. Employers may be assessed civil money penalties for each willful or repeated violation of the minimum wage or overtime pay provisions of the law. Civil money penalties may also be assessed for violations of the FLSA's child labor provisions. Heightened civil money penalties may be assessed for each child labor violation that results in the death or serious injury of any minor employee, and such assessments may be doubled when the violations are determined to be willful or repeated. The law also prohibits retaliating against or discharging workers who file a complaint or participate in any proceeding under the FLSA. **ADDITIONAL INFORMATION**

Certain occupations and establishments are exempt from the minimum wage, and/or overtime pay provisions. Special provisions apply to workers in American Samoa, the Commonwealth of the Northern Mariana Islands, and the Commonwealth of Puerto Rico.

Some state laws provide greater employee protections; employers must comply with both. Some employers incorrectly classify workers as "independent contractors" when they are actually employees under the FLSA.

and overtime pay protections and correctly classified independent contractors are not. Certain full-time students, student learners, apprentices, and workers with disabilities may be paid less than the minimum wage under

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

Collection of Unpaid Wages - You have the right to file a complaint for

professionals and outside salespersons may need to file a claim in a court of

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

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

Construction Projects - You have the right to be paid the prevailing wages

Prevailing Wages and Overtime on State and County Governmen

Lie Detector Tests - You have the right to refuse a lie detector test.

Work Injury - You have the right to file a complaint if you feel that you

have been suspended, discharged, or discriminated against solely because

This notice provides general background information on Hawaii Wage

* You may satisfy Hawaii Labor Laws' posting requirements by posting

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

marital status, credit history, credit report, arrest and court record, or

Commission. Under state law, you must file your complaint within

You have the right to be free from discriminatory or retaliatory

Molokai/Lanai: 1-800-468-4644, ext.68636 TDD/TTY: 586-8692

laws prohibiting discrimination in employment, which are

This notice provides general background information on Hawaii

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

*You may satisfy Hawaii labor Laws' posting requirements by

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.

action from your employer for filing a complaint, participating in an

You can file a complaint by calling the Hawaii Civil Rights

investigation, or opposing a discriminatory practice.

domestic or sexual violence victim status.

180 days of the act of discrimination.

Hawaii Civil Rights Commission:

Hawaii: 974-4000, ext.68636

Maui: 984-2400, ext.68636

Kauai: 274 -3141, ext.68636

Linda Chu Takayama, Director

posting our official labor law poster.

Department of Labor and Industrial Relations

Oahu: 586-8636

REV. 11/09/2015

For more information: http://labor.hawaii.gov/labor-law-poster

and Hour laws and is not intended to serve as a substitute for legal

counsel. For specific legal advice on individual situations, please

of a work injury that is compensable under the Workers' Compensation Laws,

provides for more than 10 days.

on government construction projects.

except under certain circumstances.

Wage Standards Division:

Oahu: 586-8777

Hilo: 974-6464

Maui: 243-5322

Kona: 322-4808

Kauai: 274-3351

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

THIS NOTICE IS FOR INFORMATIONAL PURPOSES ONLY.

Laws Prohibiting Employment Discrimination

NOTICE TO EMPLOYEES

consult an attorney.

Linda Chu Takayama, Director

our official labor law poster.

Department of Labor and Industrial Relations

months of service, and your employer has 100 or more employees. Accrued

unpaid wages with the Wage Standards Division within one year from

the time the wages became due. Certain executives, administrators,

1-866-487-9243 TTY: 1-877-889-5627 WH1088

Wage and Hour Laws

NOTICE TO EMPLOYEES

least \$7.25 per hour through December 31, 2014; at least \$7.75 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

Minimum Wage - You have the right to receive a minimum wage of at

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 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.
- the employer has authorized you to accept checks. property, or default of customer credit or nonpayment for goods or

You have the right to be free from unlawful discrimination in your

employers (except the federal government), union members, and job

seekers in employment agencies are protected by Hawaii law against

employment. All applicants and employees of private and public

You cannot be denied a job, fired, or subjected to unequal terms

gender identity or expression, sexual orientation, age, religion,

Sexual harassment by a supervisor or coworker is a form of sex

If you are a pregnant employee and are denied leave

recommended by a doctor, or are denied reinstatement to the

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

If you are denied a job or a promotion because of your race,

age, religion, color, ancestry, disability, marital status, civil

union status, credit history, credit report, arrest and court

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,

sex, including gender identity or expression, sexual orientation

record (except in limited circumstances), or domestic or sexual

advances, or subjected to unwelcome sexual conduct.

Examples of Unlawful Employment Discrimination:

same or comparable position after giving birth.

and conditions of employment because of your race, sex, including

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.

higher minimum wage rate.

employment discrimination.

violence victim status.

Filing a Complaint:

discrimination.

Losses due to faulty workmanship, lost or stolen property, damage to

Losses due to your acceptance of checks which are later dishonored if

FED

EMPLOYEE RIGHTS

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.

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.

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

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

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

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.

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 not to have test

THE LAW REQUIRES EMPLOYERS TO DISPLAY THIS POSTER WHERE EMPLOYEES

DEPARTMENT OF LABOR UNITED STATES OF AMERICA

WAGE AND HOUR DIVISION

1-866-487-9243 TTY: 1-877-889-5627 www.dol.gov/whd



REV. 07/2016

FED

THE UNIFORMED SERVICES EMPLOYMENT AND

positions to undertake military service or certain types of service in the National Disaster Medical System. USEKKA also pronibits employers from discriminating against past and present member of the uniformed services, and applicants to the uniformed services.

uniformed service and:

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

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

uniformed service; or then an employer may not deny you:

promotion; or any benefit of employment

retention in employment;

rights, including testifying or making a statement in connection with a proceeding under USERRA, even if that person has no service connection.

existing employer-based health plan coverage for you and your dependents for up to 24 months

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.

For assistance in filing a complaint, or for any other information on USERRA, contact VETS at

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

You may also bypass the VETS process and bring a civil action against an employer for violations of

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

EMPLOYEE POLYGRAPH PROTECTION ACT

guard), and of pharmaceutical manufacturers, distributors and dispensers.

resulted in economic loss to the employer.

results disclosed to unauthorized persons.

The Secretary of Labor may bring court actions to restrain violations and assess civil penalties against violators. Employees or job applicants may also bring their own court actions.

AND JOB APPLICANTS CAN READILY SEE IT.

WH1462

DEPARTMENT OF LABOR

FED

UNITED STATES OF AMERICA

FED

YOUR RIGHTS UNDER USERRA

USERRA protects the job rights of individuals who voluntarily or involuntarily leave employment

you ensure that your employer receives advance written or verbal notice of your service;

uniformed service: have applied for membership in the

initial employment; reemployment;

Even if you don't elect to continue coverage during your military service, you have the right to

The U.S. Department of Labor, Veterans Employment and Training Service (VETS) is authorized to investigate and resolve complaints of USERRA violations.

Advisor can be viewed at http://www.dol.gov/elaws/userra.htm.

REV. 11/10/2015

EMPLOYEE RIGHTS UNDER THE FAMILY AND MEDICAL LEAVE ACT THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION

LEAVE ENTITLEMENTS Eligible employees who work for a covered employer can take up to 12 weeks of unpaid, job-protected leave in a 12-month period for the following reasons:

The birth of a child or placement of a child for adoption or foster care;

To bond with a child (leave must be taken within 1 year of the child's birth or placement); To care for the employee's spouse, child, or parent who has a qualifying serious health condition; For the employee's own qualifying serious health condition that makes the employee unable to perform the employee's job;

For qualifying exigencies related to the foreign deployment of a military member who is the employee's spouse, child, or parent. An eligible employee who is a covered servicemember's spouse, child, parent, or next of kin may also take up to 26 weeks of FMLA leave in a single 12-month period to care for the servicemember with a serious injury or illness.

An employee does not need to use leave in one block. When it is medically necessary or otherwise permitted, employees may take leave intermittently or on a reduced

Employees may choose, or an employer may require, use of accrued paid leave while taking FMLA leave. If an employee substitutes accrued paid leave for FMLA leave, the employee must comply with the employer's normal paid leave policies.

BENEFITS & PROTECTIONS While employees are on FMLA leave, employers must continue health insurance coverage as if the employees were not on leave.

Upon return from FMLA leave, most employees must be restored to the same job or one nearly identical to it with equivalent pay, benefits, and other employment terms and

An employer may not interfere with an individual's FMLA rights or retaliate against someone for using or trying to use FMLA leave, opposing any practice made unlawful by the FMLA, or being involved in any proceeding under or related to the FMLA.

ELIGIBILITY REQUIREMENTS An employee who works for a covered employer must meet three criteria in order to be eligible for FMLA leave. The employee must:

Have worked for the employer for at least 12 months; Have at least 1,250 hours of service in the 12 months before taking leave;* and

Work at a location where the employer has at least 50 employees within 75 miles of the employee's worksite. *Special "hours of service" requirements apply to airline flight crew employees. **REQUESTING LEAVE**

Generally, employees must give 30-days' advance notice of the need for FMLA leave. If it is not possible to give 30-days' notice, an employee must notify the employer as soon as

Employees do not have to share a medical diagnosis, but must provide enough information to the employer so it can determine if the leave qualifies for FMLA protection. Sufficient information could include informing an employer that the employee is or will be unable to perform his or her job functions, that a family member cannot perform daily activities, or that hospitalization or continuing medical treatment is necessary. Employees must inform the employer if the need for leave is for a reason for which FMLA leave was previously taken or certified.

Employers can require a certification or periodic recertification supporting the need for leave. If the employer determines that the certification is incomplete, it must provide a written notice indicating what additional information is required.

Once an employer becomes aware that an employee's need for leave is for a reason that may qualify under the FMLA, the employer must notify the employee if he or she is eligible for FMLA leave and, if eligible, must also provide a notice of rights and responsibilities under the FMLA. If the employee is not eligible, the employer must provide a

Employers must notify its employees if leave will be designated as FMLA leave, and if so, how much leave will be designated as FMLA leave.

Employees may file a complaint with the U.S. Department of Labor, Wage and Hour Division, or may bring a private lawsuit against an employer. The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement that provides greater family or medical leave rights.

> For additional information or to file a complaint: 1-866-4-USWAGE (1-866-487-9243) TTY: 1-877-889-5627

REV. 04/2016

www.dol.gov/whd

Equal Employment Opportunity is THE LAW

Private Employers, State and Local Governments, Educational **Employers Holding Federal Contracts or Subcontracts** Institutions, Employment Agencies and Labor Organizations

> 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

DISABLED, RECENTLY SEPARATED, OTHER PROTECTED, AND ARMED FORCES SERVICE MEDAL 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 medal veterans (veterans who, while

participates in an OFCCP proceeding, or otherwise opposes discrimination under these Federal laws.

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 (tollfree) or (202) 693-1337 (TTY). OFCCP may also be contacted by e-mail at OFCCP-Public@dol.gov, or by calling an OFCCP regional or district office, listed in most telephone directories under U.S. Government, Department of Labor.

Any person who believes a contractor has violated its nondiscrimination or affirmative

Programs or Activities Receiving Federal Financial Assistance

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.

RACE, COLOR, NATIONAL ORIGIN, SEX

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

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

Temporary Disability Insurance - You have the right to file a claim for

temporary disability insurance benefits within 90 days from the date of

to work because of your pregnancy. Your employer or insurance carrier

should furnish you with a TDI-45 claim form or some other authorized

benefits to the surviving spouse and other dependents.

claim form. You may receive TDI benefits if your inability to work is properly certified by a physician. Generally, 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.

Disability Compensation Law NOTICE TO EMPLOYEES

> 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

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:** 586-9161 (Workers' Compensation)

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

If you are required to share in the premium cost for your coverage, your

322-4808 Kona disability if you suffer a disabling non work-related injury/illness, or inability 243-5322 Kauai 274-3351

employer's health care contractor and the plan name.

Division and is not intended to serve as a substitute for legal counsel. For specific legal advice on individual situations, please consult an Linda Chu Takayama, Director **Department of Labor and Industrial Relations**

laws administered and enforced by DLIR's Disability Compensation

This notice provides general background information on labor

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

*You may satisfy Hawaii Labor Laws' posting requirements by posting

REV. 11/10/2015

..dlir.ui.waipahu@hawaii.gov

..dlir.ui.hilo@hawaii.gov

Required Notice to Dislocated Workers/Plant Closings

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

Honolulu: 984-2091 586-8700 Waipahu: 675-0010 274-3056 Kapolei: 692-7630 Molokai: 553-1755 Kaneohe 233-3700 Kona: 327-4770

> **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

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

(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

You have the right to notify your employer or the Hawaii Occupational Safety and Health Division

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

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.

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:

Hawaii: 974-4000, ext. 6-9100

Oahu: 586-9100

substances or conditions.

Maui: 984-2400, ext. 6-9100 Kauai: 274-3141, ext. 6-9100

This notice provides general background information on Hawaii Occupational Safety and Health laws and is not intended to serve as a substitute for legal counsel. For specific legal advice on

Department of Labor and Industrial Relations

For more information: http://labor.hawaii.gov/labor-law-poster/

Auxiliary aids and services are available upon request to individuals with disabilities. TDD/TTY Dial 711 then ask for (808) 586-8866 REV. 11/10/2015

> To update your employment law posters contact J. J. Keller & Associates, Inc. JJKeller.com/employmentlaw 800-327-6868

easily verify your REV. 11/10/2015 poster compliance status now

This poster is in compliance with federal and state posting requirements.

bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by the employee to express breast milk.

The Department has authority to recover back wages and an equal

It is important to know the difference between the two because employees (unless exempt) are entitled to the FLSA's minimum wage

special certificates issued by the Department of Labor.

www.dol.gov/whd

REV. 07/2016

REEMPLOYMENT RIGHTS ACT

You have the right to be reemployed in your civilian job if you leave that job to perform service in the

nonorable conditions.

because of this status. In addition, an employer may not retaliate against anyone assisting in the enforcement of USERRA

1-866-4-USA-DOL or visit its **website at** http://www.dol.gov/vets. An interactive online USERRA

NOTICE TO EMPLOYEES You have the right to not suffer from any adverse employment action, such as termination or discrimination, or your employer, verbally or in writing, a violation or a suspected violation of a law or a contract executed by the

Whistleblower Protection Law

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. **Department of Labor and Industrial Relations**

You may satisfy Hawaii Labor Laws' posting requirements by posting our official labor law poster.*

TDD/TTY Dial 711 then ask for (808) 586-8866

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

For more information: http://labor.gov/labor-law-poster/

appropriate injunctive relief, actual damages, or both, within two years after the occurrence of the alleged violation. Damages may include reasonable attorneys' This notice provides general background information on Hawaii Employment Practices Law and is not intended to serve as a substitute for legal counsel. For

> a conspicuous place accessible to employees providing information regarding this employment practice. **Equal Opportunity Employer/Program** Auxiliary aids and services are available upon

The law requires employers to post a notice in

request to individuals with disabilities. TDD/TTY Dial 711 then ask for (808) 586-8866 REV. 11/10/2015

unemployment benefits for a maximum 4 week period. For general information about the Dislocated Workers Act or the Dislocated Workers Allowance, please call the

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

Applicants to and employees of most private employers, state and local governments,

Title VII of the Civil Rights Act of 1964, as amended, protects applicants and employees

from discrimination in hiring, promotion, discharge, pay, fringe benefits, job training,

includes failing to reasonably accommodate an employee's religious practices where

classification, referral, and other aspects of employment, on the basis of race, color,

religion, sex (including pregnancy), or national origin. Religious discrimination

under Federal law from discrimination on the following bases:

RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN

the accommodation does not impose undue hardship.

other aspects of employment.

SEX (WAGES)

possible and, generally, follow the employer's usual procedures.

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. The Age Discrimination in Employment Act of 1967, as amended, protects applicants

and employees 40 years of age or older from discrimination based on age in hiring,

promotion, discharge, pay, fringe benefits, job training, classification, referral, and

amended, the Equal Pay Act of 1963, as amended, prohibits sex discrimination in the payment of wages to women and men performing substantially equal work, in jobs that require equal skill, effort, and responsibility, under similar working conditions, in the same establishment. Title II of the Genetic Information Nondiscrimination Act of 2008 protects applicants

In addition to sex discrimination prohibited by Title VII of the Civil Rights Act, as

medical history); and requests for or receipt of genetic services by applicants, employees, or their family members. 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

includes information about genetic tests of applicants, employees, or their family

members; the manifestation of diseases or disorders in family members (family

WHAT TO DO IF YOU BELIEVE DISCRIMINATION HAS OCCURRED

There are strict time limits for filing charges of employment discrimination. To

otherwise opposes an unlawful employment practice.

U.S. Department of Labor • Wage and Hour Division • WH1420

Applicants to and employees of companies with a Federal government contract or subcontract are protected under Federal law from discrimination on the following educational institutions, employment agencies and labor organizations are protected

> and advance in employment qualified individuals with disabilities at all levels of employment, including the executive level.

on active duty, participated in a U.S. military operation for which an Armed Forces service medal was awarded). Retaliation is prohibited against a person who files a complaint of discrimination,

which receives Federal financial assistance, you should immediately contact the Federal agency providing such assistance.

home, maritime or shipbuilding employees, and employees covered by a federal agency.

conditions at your workplace. You or your representative may participate in the inspection.

You can file a discrimination complaint with HIOSH within 60 days of the discriminatory act.

individual situations, please consult an attorney. Linda Chu Takayama, Director

Since 1953

Unemployment Insurance Law NOTICE TO EMPLOYEES

When you file, you must provide your social security number.

Go to uiclaims.hawaii.gov between 6:30 am to 11:00 pm, Monday

holidays (Hawaii Standard Time). You will need a valid email address

through Friday and between 9:00 am to 11:00 pm on weekends &

online or in-person at a local claims office.

in order to create an online account.

account 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 servicepersons should have their

have their Standard Form 8, Standard Form 50, or pay stubs

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

DD214 (member 4) available. Former federal employees should

You have the right to unemployment benefits if you lose your job or **Unemployment Insurance Offices:** Honolulu Claims Office..... 586-8970 or 586-8971 dlir.ui.honolulu@hawaii.gov your work hours are substantially reduced through no fault of your own. You may file your claim for unemployment insurance benefits Waipahu Claims Office 675-0030.

Hilo Claims Office974-4086.

Linda Chu Takayama, Director

Kona Claims Office......322-4822. .dlir.ui.kona@hawaii.gov ..dlir.ui.maui@h<u>awaii.gov</u> Maui Claims Office984-8400 ... Molokai Claims Office 553-1750 .. . dlir.ui.maui@hawaii.gov Kauai Claims Office274-3043. .dlir.ui.kauai@hawaii.gov Liable Interstate Unit...... (808) 586-8960... ..dlir.ui.honolulu@hawaii.go\

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

*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

individual situations, please consult an attorney.

Department of Labor and Industrial Relations

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. 11/10/2015

UNITED STATES DEPARTMENT OF LABOR

are a past or present member of the are obligated to serve in the uniformed

HEALTH INSURANCE PROTECTION If you leave your job to perform military service, you have the right to elect to continue your

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

Equal Opportunity Employer/Program

BREASTFEEDING IN THE WORKPLACE

effective July 1, 2013

Auxiliary aids and services are available upon request to individuals with disabilities.

NOTICE TO EMPLOYEES Under the HAWAII EMPLOYMENT PRACTICES LAW (Act 249, 2013 Regular Session)

specific legal advice on individual situations, please breast milk as required under Act 249 (SLH, 2013) would impose an undue hardship by causing the consult your attorney. 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

NOTICE TO EMPLOYEES fou have the right to be notified in writing at least 60 days in advance of possible layoffs or terminations due to

Workforce Development Division at 586-8877. For information about assistance to employers and employees facing business closure, please contact the following Workforce Development Division offices: **Workforce Development Division:**

Linda Chu Takayama, Directoı **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

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

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 1-800-669-6820 (toll-free TTY number for individuals with hearing impairments). EEOC field office information is available at www.eeoc.gov or in most telephone directories in the U.S. Government or Federal Government section. Additional information about EEOC, including information about charge filing, is available at www.eeoc.gov.

preserve the ability of EEOC to act on your behalf and to protect your right to file a

EEOC 9/02 and OFCCP 8/08 Versions Useable With 11/09 Supplement

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

Molokai/Lanai: 1-800-468-4644, ext. 6-9100

41269

*You may satisfy Hawaii Labor Laws' posting requirements by posting our official labor law poster. **Equal Opportunity Employer/Program**

SCAN ME!

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