

POSTER COMPLIANCE DATE 01/2015

Wage Standards Division  
**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 \$7.75 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 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

REV. 07/23/2014

**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.*

Civil Rights Commission  
**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, 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,

REV. 01/17/2012

Disability Compensation Division  
**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 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.

**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 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.**

**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>**

Workforce Development Division

## 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  
Kapolei: 692-7630 Molokai: 553-1755  
Kaneohe: 233-3700  
Hawaii: Kona: 327-4770  
Hilo: 981-2860

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**Dwight Takamine, Director  
Department of Labor and Industrial Relations**

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Act 249

## 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 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 violations 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.**

REV. 07/2013

Department of Labor and Industrial Relations

## 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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**Dwight Takamine, Director  
Department of Labor and Industrial Relations**

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

Occupational Safety & Health Division

# 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 unhealthy 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:** 974-4000, ext. 6-9100

**Maui:** 984-2400, ext. 6-9100

**Kauai:** 274-3141, ext. 6-9100

**Molokai/Lanai:** 1-800-468-4644, 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 individual situations, please consult an attorney.**

**Dwight Takamine, Director  
Department of Labor and Industrial Relations**

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REV. 03/28/2012

Unemployment Insurance Office

## 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** 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 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:**

Honolulu Claims Office ..... 586-8970 or 586-8971 ..... [dlir.ui.honolulu@hawaii.gov](mailto:dlir.ui.honolulu@hawaii.gov)  
Waipahu Claims Office ..... 675-0030 ..... [dlir.ui.waipahu@hawaii.gov](mailto:dlir.ui.waipahu@hawaii.gov)  
Hilo Claims Office ..... 974-4086 ..... [dlir.ui.hilo@hawaii.gov](mailto:dlir.ui.hilo@hawaii.gov)  
Kona Claims Office ..... 322-4822 ..... [dlir.ui.kona@hawaii.gov](mailto:dlir.ui.kona@hawaii.gov)  
Maui Claims Office ..... 984-8400 ..... [dlir.ui.maui@hawaii.gov](mailto:dlir.ui.maui@hawaii.gov)  
Molokai Claims Office ..... 553-1750 ..... [dlir.ui.maui@hawaii.gov](mailto:dlir.ui.maui@hawaii.gov)  
Kauai Claims Office ..... 274-3043 ..... [dlir.ui.kauai@hawaii.gov](mailto:dlir.ui.kauai@hawaii.gov)  
Liable Interstate Unit ..... (808) 586-8960 ..... [dlir.ui.honolulu@hawaii.gov](mailto:dlir.ui.honolulu@hawaii.gov)

**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**

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REV. 09/26/2014

