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, 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**

Updated 1-11-12

WAGE AND HOUR LAWS

NOTICE TO EMPLOYEES

Minimum Wage - **You have the right to** receive the minimum wage of at least $6.75 per hour, beginning on January 1, 2006. Beginning on January 1, 2007, you have the right to receive a minimum wage of at least $7.25 an hour. Under certain conditions, "tipped employees" may be paid up to twenty-five cents 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 or with checks convertible into cash; within 7 days after the end of each pay period; paid wages in full at the time of discharge or no later than the next working day; or paid no later than the next regular payday if you quit or resign. However, if you give your employer one pay period's notice of your intention to quit, you must be paid on your last day of employment.

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

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

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

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 became 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.

Prevailing Wages and Overtime on State and County Government Construction Projects - **You have the right to** be paid the prevailing wages on government construction projects.

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 of a work injury. Except under certain circumstances, the law prohibits an employer from suspending, discharging, or otherwise discriminating against an employee solely because the employee suffered a work injury that is compensable under the Workers' Compensation Laws.

Wage Standards Division:
Oahu: 586-8777 Hilo: 974-6464 Maui: 243-5322 Kona: 322-4808 Kauai: 274-3351

This notice provides general background information on Hawaii Wage and Hour 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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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: 974-4000, 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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Updated 3-28-12

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

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MILITARY LEAVE
NOTICE TO EMPLOYEES

You have the right to be free from discrimination and retaliation if you leave your job to perform military service, when seeking initial employment, reemployment, and retention in employment, promotionor any benefit of employment.

You have the right, if you leave your job to perform military service, 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.

You have the right, even if you don't elect to continue coverage during your military service, to be reinstated in your employer's health plan when you are reemployed, generally without any waiting periods or exclusions (e.g., preexisting condition exclusions) except for service connected illnesses or injuries.

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Dwight Takamine, Director
Department of Labor and Industrial Relations

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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 by calling Hawaii Tele-Claim at 643-5555 (from anywhere in Hawaii) or 1-877-215-5793 (toll free outside of Hawaii).TDD relay service is available for hearing impaired customers.

The Hawaii Tele-Claim hours of operation are:

Sunday through Thursday: 6:30 a.m. - 12:00 midnight

Friday: 6:30 a.m. - 4:30 p.m. (If Friday is a state holiday, then Thursday's hours will be from 6:30 a.m. - 4:30 p.m.)

Important Information:

- When you call Hawaii Tele-Claim, 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, date of employment, and reason for separation. Ex-military servicepersons should have their DD 214 (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 offices.

Unemployment Insurance Offices:

Honolulu Claims Office:	586-8970 or 586-8971	Kaneohe Claims Office:	233-3677
Kona Claims Office:	322-4822	Kauai Claims Office:	274-3043
Waipahu Claims Office:	675-0030	Maui Claims Office:	984-8400
Hilo Claims Office:	974-4086	Molokai Claims Office:	553-1750

For assistance in finding a job, contact one of the following One-Stop Center Offices:

Oahu:	Oahu WorkLinks: Dillingham Plaza: 843-0733
	Makalapa Comm. Center (Aiea): 488-5630
	Honolulu Office: 586-8700
	Waialua Shopping Center: 637-6508
	Kaneohe Office: 233-3700
	Waianae Neighborhood Comm. Center: 696-7067
	Kapolei Resource Center: 692-7630
	Waipahu Civic Center: 675-0010
Hawaii:	Big Island Workplace Connection Offices: Hilo: 981-2860, Kona: 327-4770
Maui:	WorkSource Maui: Wailuku: 984-2091, Molokai: 553-1755
Kauai:	WorkWise!: 274-3056

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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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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