





# 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 Whistleblower Protection Law and is not intended to serve as a substitute for legal counsel. For specific legal advice on individual situations, please consult an attorney.

**Pearl Imada Iboshi, Director**  
**Department of Labor and Industrial Relations**

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**<http://hawaii.gov/labor/official-labor-law-poster>**



# 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**

wages on government construction projects. **You have the right to** be paid the prevailing

**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.

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

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

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

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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, and employees covered by a federal agency.

**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 the HIOSH within 60 days of the discriminatory act.

Violations of the HIOSH Law may result in penalties of up to \$70,000 per item. Serious violations carry a mandatory penalty of up to \$7,000; willful or repeated violations up to \$70,000; and failure to correct a violation within the prescribed time can result in assessed penalties of up to \$7,000 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.

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**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, retention in employment, promotion or 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.

For more information, visit the United States Department of Labor website at <http://www.dol.gov/dol/compliance/com-userra.htm>.

This notice provides general background information on the Uniformed Services Employment and Reemployment Rights Act and is not intended to serve as a substitute for legal counsel. For specific legal advice on individual situations, please consult an attorney.

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**Department of Labor and Industrial Relations**

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**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, 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:***

<u>Oahu:</u>	Honolulu: .....	586-8700
	Waipahu: .....	675-0010
	Kapolei .....	692-7630
	Kaneohe: .....	233-3700
<u>Hawaii:</u>	Kona: .....	327-4770
	Hilo: .....	981-2860
<u>Maui:</u>	.....	984-2091
<u>Kauai:</u>	.....	274-3056
<u>Molokai:</u>	.....	553-1755

This notice provides general background information on Hawaii laws requiring employees to be notified of possible layoffs or terminations due to certain business transactions taken by their employer. It is not intended to serve as a substitute for legal counsel. For specific legal advice on individual situations, please consult an attorney.

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**Department of Labor and Industrial Relations**

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# 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, sexual orientation, age, religion, color, ancestry/national origin, disability, marital status, or arrest and court record (except in limited circumstances). Sexual harassment by a supervisor or co-worker 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, sexual orientation, age, religion, color, ancestry, disability, marital status, or arrest and court record (except in limited circumstances).

**Filing a Complaint:**

**You have the right to** file a complaint if you have been subjected to discrimination because of your race, sex, sexual orientation, age, religion, color, ancestry, disability, marital status, or arrest and court record. 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. 6-8636
- Maui: . . . . . 984-2400, ext. 6-8636
- Kauai: . . . . . 274-3141, ext. 6-8636
- Molokai/Lanai: . . . . . 1-800-468-4644, ext. 6-8636

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.

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