EEOC - KNOW YOUR RIGHTS: WORKPLACE DISCRIMINATION IS ILLEGAL

exercising rights regarding disability discrimination

What Employment Practices can be Challenged as

or pregnancy accommodation

• Discharge, firing, or lay-off

All aspects of employment, including:

• Harassment (including unwelcome verbal or

Discriminatory?

Know Your Rights: Workplace Discrimination is Illegal The U.S. Equal Employment Opportunity Commission (EEOC) enforces Federal laws that protect you from discrimination in employment.

If you believe you've been discriminated against at work or in applying for a job, the EEOC may be able to help. • Retaliation for filing a charge, reasonably opposing Who is Protected? Employees (current and former), including managers discrimination, or participating in a discrimination and temporary employees lawsuit, investigation, or proceeding Job applicants • Interference, coercion, or threats related to

 Union members and applicants for membership in a union What Organizations are Covered? Most private employers State and local governments (as employers) Educational institutions (as employers)

 Staffing agencies What Types of Employment Discrimination are Under the EEOC's laws, an employer may not discriminate against you, regardless of your

immigration status, on the bases of: • Race Color Religion National origin Sex (including pregnancy, childbirth, and related

medical conditions, sexual orientation, or

opportunity in all aspects of employment.

compensation of other applicants or employees.

all levels of employment, including the executive level.

gender identity)

 Benefits Job training Classification Referral

Age (40 and older) of employees Genetic information (including employer requests • Requesting or disclosing medical information for, or purchase, use, or disclosure of genetic tests, of employees genetic services, or family medical history)

fringe benefits, job training, classification, referral, and other aspects of employment

physical conduct) time limits for filing a charge of discrimination Hiring or promotion (180 or 300 days, depending on where you live/work). Assignment You can reach the EEOC in any of the following ways: • Pay (unequal wages or compensation) **Submit** an inquiry through the EEOC's public portal: • Failure to provide reasonable accommodation for https://publicportal.eeoc.gov/Portal/Login.aspx a disability; pregnancy, childbirth, or related medical condition; or a sincerely-held religious belief, Call 1-800-669-4000 (toll free) 1-800-669-6820 (TTY) observance or practice 1-844-234-5122 (ASL video

• Conduct that might reasonably discourage someone

from opposing discrimination, filing a charge, or

participating in an investigation or proceeding

• Conduct that coerces, intimidates, threatens, or

interferes with someone exercising their rights,

or someone assisting or encouraging someone

discrimination (including accommodation) or

What can You Do if You Believe Discrimination has

Occurred? Contact the EEOC promptly if you suspect

discrimination. Do not delay, because there are strict

else to exercise rights, regarding disability

including information about filing a charge

of discrimination, is available at www.eeoc.gov.

pregnancy accommodation

phone) Visit an EEOC field office (information at <u>www.eeoc.gov/field-office</u>) • Obtaining or disclosing genetic information E-Mail info@eeoc.gov Additional information about the EEOC,

EMPLOYERS HOLDING FEDERAL CONTRACTS OR SUBCONTRACTS The Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) Protected Veteran Status The Vietnam Era Veterans' Readjustment Assistance Act enforces the nondiscrimination and affirmative action commitments of companies of 1974, as amended, 38 U.S.C. 4212, prohibits employment discrimination against, doing business with the Federal Government. If you are applying for a job with, and requires affirmative action to recruit, employ, and advance in employment, or are an employee of, a company with a Federal contract or subcontract, you are disabled veterans, recently separated veterans (i.e., within three years of discharge protected under Federal law from discrimination on the following bases: or release from active duty), active duty wartime or campaign badge veterans, or Race, Color, Religion, Sex, Sexual Orientation, Gender Identity, National Origin Armed Forces service medal veterans. Executive Order 11246, as amended, prohibits employment discrimination by Retaliation Retaliation is prohibited against a person who files a complaint Federal contractors based on race, color, religion, sex, sexual orientation, gender of discrimination, participates in an OFCCP proceeding, or otherwise opposes

identity, or national origin, and requires affirmative action to ensure equality of discrimination by Federal contractors under these Federal laws. Any person who believes a contractor has violated its nondiscrimination or affirmative action Asking About, Disclosing, or Discussing Pay Executive Order 11246, as amended, obligations under OFCCP's authorities should contact immediately: protects applicants and employees of Federal contractors from discrimination The Office of Federal Contract Compliance Programs (OFCCP) based on inquiring about, disclosing, or discussing their compensation or the U.S. Department of Labor 200 Constitution Avenue, N.W. **Disability** Section 503 of the Rehabilitation Act of 1973, as amended, protects qualified Washington, D.C. 20210 individuals with disabilities from discrimination in hiring, promotion, discharge, pay, 1-800-397-6251 (toll-free)

by Federal contractors. Disability discrimination includes not making reasonable If you are deaf, hard of hearing, or have a speech disability, please dial 7–1–1 to accommodation to the known physical or mental limitations of an otherwise qualified access telecommunications relay services. OFCCP may also be contacted by individual with a disability who is an applicant or employee, barring undue hardship submitting a question online to OFCCP's Help Desk at to the employer. Section 503 also requires that Federal contractors take affirmative https://ofccphelpdesk.dol.gov/s/, or by calling an OFCCP regional or district office, listed action to employ and advance in employment qualified individuals with disabilities at in most telephone directories under U.S. Government, Department of Labor and on OFCCP's "Contact Us" webpage at https://www.dol.gov/agencies/ofccp/contact. PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

Race, Color, National Origin, Sex In addition to the protections of Title VII of the Civil Individuals with Disabilities Section 504 of the Rehabilitation Act of 1973, as Rights Act of 1964, as amended, Title VI of the Civil Rights Act of 1964, as amended, amended, prohibits employment discrimination on the basis of disability in any prohibits discrimination on the basis of race, color or national origin in programs program or activity which receives Federal financial assistance. Discrimination or activities receiving Federal financial assistance. Employment discrimination is is prohibited in all aspects of employment against persons with disabilities who, covered by Title VI if the primary objective of the financial assistance is provision with or without reasonable accommodation, can perform the essential functions of employment, or where employment discrimination causes or may cause of the job. If you believe you have been discriminated against in a program of any discrimination in providing services under such programs. Title IX of the Education institution which receives Federal financial assistance, you should immediately Amendments of 1972 prohibits employment discrimination on the basis of sex in 👚 contact the Federal agency providing such assistance. (Revised 6/27/2023)

EMPLOYEE POLYGRAPH PROTECTION ACT

EMPLOYEE RIGHTS | EMPLOYEE POLYGRAPH PROTECTION ACT

from using lie detector tests either for pre-employment screening or during the course of employment. disciplining, or discriminating against an employee or prospective employee for refusing to take a test or for exercising other rights under the Act. **EXEMPTIONS** Federal, State and local governments are not affected by the law. Also, the law does not apply to tests given by the Federal Government to certain private ndividuals engaged in national security-related activities. The Act permits polygraph (a kind of lie detector) tests to be administered in the private sector, subject to restrictions, to certain prospective employees of security service firms (armored car, alarm, and quard), and of pharmaceutical manufacturers, distributors and dispensers.

educational programs or activities which receive Federal financial assistance.

The Employee Polygraph Protection Act prohibits most private employers agreement which is more restrictive with respect to lie detector tests. **EXAMINEE RIGHTS** Where polygraph tests are permitted, they are subject to numerous strict standards concerning the conduct and length of the test. PROHIBITIONS Employers are generally prohibited from requiring or requesting Examinees have a number of specific rights, including the right to a written notice any employee or job applicant to take a lie detector test, and from discharging, before testing, the right to refuse or discontinue a test, and the right not to have test results disclosed to unauthorized persons. **ENFORCEMENT** The Secretary of Labor may bring court actions to restrain

ADDITIONAL INFORMATION

violations and assess civil penalties against violators. Employees or job applicants may also bring their own court actions. THE LAW REQUIRES EMPLOYERS TO DISPLAY THIS POSTER WHERE EMPLOYEES AND JOB APPLICANTS CAN READILY SEE IT.



WAGE AND HOUR DIVISION
UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION 1-866-487-9243 www.dol.gov/agencies/who

FEDERAL MINIMUM WAGE

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 child labor provisions. Heightened civil money penalties may be assessed for readily see it.

OVERTIME PAY At least 1 ½ times your regular rate of pay for all hours worked over 40 in a workweek. CHILD LABOR An employee must be at least 16 years old to work in most nonfarm 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. FIP CREDIT 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 difference. **PUMP AT WORK** The FLSA requires employers to provide reasonable break time for a nursing employee to express breast milk for their nursing child for one year after the child's birth each time the employee needs to express breast milk. Employers must provide a place, other than a 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. **ENFORCEMENT** The Department has authority to recover back wages and an equal 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 law. Civil money penalties may also be assessed for violations of the FLSA's

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

 Certain occupations and establishments are exempt from the minimum wage, and/or overtime pay provisions. Certain narrow exemptions also apply to the pump at work requirements. · 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. It is important to know the difference between the two because employees (unless exempt) are entitled to the FLSA's minimum wage 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 special certificates issued by the Department of Labor. **WAGE AND HOUR DIVISION**



UNITED STATES DEPARTMENT OF LABOR 1-866-487-9243 www.dol.gov/agencies/whd

DISLOCATED WORKERS/PLANT CLOSING

REQUIRED NOTICE TO DISLOCATED WORKERS/PLANT CLOSINGS

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 American Job Centers: **American Job Centers:**

This notice provides general background information on labor laws administered and enforced by DLIR's Disability Compensation Division

Oahu: 768-5701 935-6527 270-5777 274-3056 Kauai:

and is not intended to serve as a substitute for legal counsel. For specific legal advice on individual situations, please consult an attorney. Jade T. Butay, 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://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) 586-8842.

Revised 01/02/2024

HAWAII MINIMUM WAGE

WAGE AND HOUR LAWS NOTICE TO EMPLOYEES

Minimum Wage - You have the right to receive a minimum wage of at least \$14.00 per hour beginning January 1, 2024; at least \$16.00 per hour beginning January 1, 2026; and at least \$18.00 per hour beginning January 1, 2028. 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 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, sibling, spouse, grandchild, 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 up to 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 that is compensable under the Workers' Compensation Laws, except under certain circumstances.

Maui: 243-5322 Kona: 322-4808

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.

Jade T. Butay, Director **Department of Labor and Industrial Relations**

Oahu: 586-8777 Hilo: 974-6464

Wage Standards Division:

'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

> Equal Opportunity Employer/Program Auxiliary aids and services are available upon request to individuals with disabilities. TDD/TTY Dial 711 then ask for (808) 586-8842

Kauai: 274-3351

BREASTFEEDING IN THE WORKPLACE

HAWAII & FEDERAL LABOR LAW POSTER

NOTICE TO EMPLOYEES

Under the HAWAII EMPLOYMENT PRACTICES LAW (Act 249, 2013 Regular Session) BREASTFEEDING IN THE WORKPLACE, effective July 1, 2013

coworkers and the public for one year after your child's birth. the size, financial resources, nature, or structure of the employer's situations, please consult your attorney.

You have the right to reasonable break time to express milk for suffered by the employee.

Employers who fail to comply with the requirements of Act 249 shall be fined \$500 per violations and may be liable for damages

your nursing child at the workplace in a location, other than the ENFORCEMENT: If you believe your employer has violated this law restroom, that is shielded from view and free from intrusion from you may file a lawsuit in state court for appropriate injunctive relief, actual damages, or both, within two years after the occurrence of the Employers with fewer than twenty employees who can show that alleged violation. Damages may include reasonable attorneys' fees. providing the time and place to express breast milk as required This notice provides general background information on Hawaii under Act 249 (SLH, 2013) would impose an undue hardship by Employment Practices Law and is not intended to serve as a causing the employer significant difficulty or expense in relation to substitute for legal counsel. For specific legal advice on individual

business shall not be subject to the time and place requirements

The law requires employers to post a notice in a conspicuous place accessible to employees providing information regarding this employment practice. Revised 11/10/15

WASH YOUR HANDS



Hawaii Dept. of Health rules requires you to thoroughly

After: using the restroom, smoking, touching your mouth, nose, hair, or after handling raw meats,

Hawaii labor and employment law and is not intended to serve

poultry or seafoods.

MILITARY LEAVE

MILITARY LEAVE

You have the right to be free from discrimination and retaliation waiting periods or exclusions (e.g., preexisting condition if you leave your job to perform military service, when seeking exclusions) except for service connected illnesses or injuries initial employment, reemployment, and retention in employment, This notice provides general background information on promotion or any benefit of employment. You have the right, if you leave your job to perform military as a substitute for legal counsel. For specific legal advice on service, to elect to continue your existing employer-based health individual situations, please consult an attorney. plan coverage for you and your dependents for up to 24 months Jade T. Butay, Director

Department of Labor and Industrial Relations You have the right, even if you don't elect to continue coverage *You may satisfy Hawaii labor Laws' posting requirements by during your military service, to be reinstated in your employer's posting our official labor law poster. For more information: health plan when you are reemployed, generally without any http://hawaii.gov/labor/official-labor-law-poster

PAYDAY NOTICE

Regular Paydays for Employees of

(Company Name) Shall be as follows:

Weekly Bi-Weekly

Other

WITHHOLDING STATUS

YOU MAY NEED TO CHECK YOUR WITHHOLDING Since you last filed form W-4 with your employer did you...

Marry or divorce? Gain or lose a dependent? Change your name? Were there major changes to...

Your nonwage income (interest, dividends, capital gains, etc.)? Your family wage income (you or your spouse started or ended a job)? Your tax credits? If you can answer "YES"... To any of these guestions or you owed extra tax when you filed your

last return, you may need to file a new form W-4.

See your employer for a copy of Form W-4 or call the IRS at 1-800-829-3676. Now is the time to check your withholding. For more details, get Publication 919, How Do I Adjust My Tax Withholding?, or use the Withholding Calculator at www.irs.gov/individuals on the IRS web site. Employer: Please post or publish this Bulletin Board Poster so that your employees will see it. Please indicate where they can get forms and formation on this subject.

Internal Revenue Service www.irs.gov

(Rev. 8-2009) Cat. No. 11047P

Publication 213

UNEMPLOYMENT INSURANCE

UNEMPLOYMENT INSURANCE LAW **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 to create an online account. When you file, you must provide your social security number.

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 the reason for separation. Ex-military servicepersons should have their DD214 (member 4)

If you are not a U.S. citizen, you should have your alien registration number available.

..974-4086..

...322-4822..

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: General Unemployment. ...(833) 901-2275 .586-8970... Oahu Claims Office. .<u>dlir.ui.oahu@hawaii.gov</u>

..984-8400.. Maui Claims Office ..<u>dlir.ui.maui@hawaii.gov</u> Kauai Claims Office ...274-3043. ...dlir.ui.kauai@hawaii.gov .586-8970 Liable Interstate Unit ..dlir.ui.oahu@hawaii.gov Regular UI Claims, Regular UI Adjudication, & Employer Services. ..http://labor.hawaii.gov/ui/appointments 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. Jade T. Butay, Director **Department of Labor and Industrial Relations**

Hilo Claims Office ..

Kona Claims Office.

*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

> Equal Opportunity Employer/Program Auxiliary aids and services are available upon request to individuals with disabilities. TDD/TTY Dial 711 then ask for (808) 586-8842.

Revised 01/02/2024

DISCRIMINATION

..<u>dlir.ui.hilo@hawaii.gov</u>

.<u>dlir.ui.kona@hawaii.gov</u>

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, reproductive choices, refusing to enter into a nondisclosure agreement that prevents you from discussing workplace sexual harassment or assault 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. Employers are prohibited from retaliating against

you for disclosing sexual harassment or sexual assault. **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

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, reproductive choices, refusing to enter into a nondisclosure agreement that prevents you from discussing workplace sexual harassment or assault, 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

REQUIRES YOUR EMPLOYER TO:

1) fines:

Updated 01/02/2024

Kauai: 274 -3141, ext.68636 Molokai/Lanai: 1-800-468-4644, ext.68636 TDD/TTY 586-8636

This notice provides general background information on labor laws administered and enforced by DLIR's Disability Compensation

limited circumstances), or domestic or sexual violence victim status.

Division and is not intended to serve as a substitute for legal counsel. For specific legal advice on individual situations, please consult Jade T. Butay, 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://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) 586-8842.

HUMAN TRAFFICKING **NOTICE TO EMPLOYEES**

If you or someone you know is being forced to engage in any activity and cannot leave - whether it is commercial sex, housework, farm work, or any other similar activity – call the National Human Trafficking Resource Center Hotline at: 1-888-373-7888

The hotline is: (1) Available twenty-four hours a day, seven days a week;

• Pay all wages due at least twice a month on regular paydays

in pay arrangements prior to the time of such changes, and of

Furnish you with a pay statement at payday showing gross

4) losses due to your acceptance of checks which are later dishonored

if your employer has authorized you to accept checks;

any policies with regard to vacation, sick, or holiday pay.

to access help and services. Victims of human trafficking are protected under United States and Hawaii law. (4) Anonymous and confidential; (5) Accessible in one hundred seventy languages; and (6) Able to provide help, referral to services, training, and general

for goods or services received by customers, unless such losses

• Complaints for unpaid wages may be filed with the department

within one year from the time the wages became due. Certain

executives, administrators, professionals and outside salespersons

The law requires employers to post this

notice in a place accessible to employees.

(3) Operated by a non-profit, non-governmental organization; information. Act 245 (SLH, 2013) effective January 1, 2014.

PAYMENT OF WAGES STATE OF HAWAII - DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS

WAGE STANDARDS DIVISION NOTICE TO EMPLOYEES THE PAYMENT OF WAGES AND OTHER COMPENSATION LAW 5) losses due to faulty workmanship, lost or stolen property, damage to property, default of customer credit or nonpayment

are due to your willful or intentional disregard of your designated in advance. • Pay you no later than seven days after the end of the pay period employer's interest in cash or with checks convertible into cash. Your employer or prospective employer cannot require you to • Pay your wages in full at the time of discharge or no later than the pay a job application processing fee. If your employer requires you to give advance notice of quitting next work day. · Pay you no later than the next regular payday if you quit or and you are terminated after giving that notice, your employer is resign. If one pay period's notice of intention to quit is given, you liable for the wages you would have earned up to the last day must be paid at the time of quitting. you intended to work, unless you were terminated for cause. · Notify you in writing or through a posted notice of any changes **COLLECTION OF UNPAID WAGES:**

wages, itemized deductions, net pay, date of payment and pay are excluded. period covered by the payment. FOR MORE INFORMATION contact the nearest Department of YOUR EMPLOYER MAY DEDUCT FROM YOUR WAGES: State and Federal withholding taxes; amounts specified by court orders; and amounts authorized in writing, but YOUR EMPLOYER MAY Oahu: 830 Punchbowl Street, Rm 340, Honolulu 96813 NOT COLLECT, DEDUCT OR OBTAIN AUTHORIZATION TO Phone: 586-8777 Kauai: State Building, Room 202, 3060 Eiwa Street,

Lihue 96766; 274-3351 2) cash shortage in a common money till, cash box or register **Maui:** 2264 Aupuni Street, Wailuku 96793; 243-5322 used by two or more persons, or under your sole control if you Hawaii: State Building, Room 108, 75 Aupuni Street, are not given an opportunity to account for all moneys Hilo 96720; 974-6464 received at the start of a shift and all moneys turned in at the **West Hawaii:** Post Office Building, Kealakekua 96750; 3) fines, penalties, or replacement cost for breakage; Department of Labor web site: http://dlir.state.hi.us/

FMLA - FAMILY AND MEDICAL LEAVE ACT

Your Employee Rights Under the Family and Medical Leave Act

What is FMLA leave? The Family and Medical Leave Act (FMLA) is a federal law that provides eligible employees with **job-protected leave** for qualifying family and

enforces the FMLA for most employees. Eligible employees can take **up to 12 workweeks** of FMLA leave in a 12-month

period for: The birth, adoption or foster placement of a child with you, Your serious mental or physical health condition that makes you unable to work,

To care for your spouse, child or parent with a serious mental or physical health

Certain qualifying reasons related to the foreign deployment of your spouse, child or parent who is a military servicemember

An eligible employee who is the spouse, child, parent or next of kin of a covered servicemember with a serious injury or illness may take up to 26 workweeks of FMLA leave in a single 12-month period to care for the servicemember. You have the right to use FMLA leave in **one block of time.** When it is medically

necessary or otherwise permitted, you may take FMLA leave intermittently in separate blocks of time, or on a reduced schedule by working less hours each day or week. Read Fact Sheet #28M(c) for more information. FMLA leave is **not paid leave**, but you may choose, or be required by your employer, to use any employer-provided paid leave if your employer's paid leave policy covers the reason for which you need FMLA leave.

following apply: You work for a covered employer You have worked for your employer at least 12 months, You have at least 1,250 hours of service for your employer during the 12 months

You work for an elementary or public or private secondary school, or

before your leave, and Your employer has at least 50 employees within 75 miles of your work location. Airline flight crew employees have different "hours of service" requirements. You work for a **covered employer** if **one** of the following applies: You work for a private employer that had at least 50 employees during at least 20 workweeks in the current or previous calendar year,

Office of Personnel Management. low do I request FMLA leave? Generally, to request FMLA leave you must: Follow your employer's normal policies for requesting leave, Give notice at least 30 days before your need for FMLA leave, or

You work for a public agency, such as a local, state or federal government agency.

Most federal employees are covered by Title II of the FMLA, administered by the If advance notice is not possible, give notice as soon as possible.

You do not have to share a medical diagnosis but must provide enough

information to your employer so they can determine whether the leave medical reasons. The U.S. Department of Labor's Wage and Hour Division (WHD) qualifies for FMLA protection. You must also inform your employer if FMLA leave was previously taken or approved for the same reason when requesting

Your **employer** may request certification from a health care provider to verify medical leave and may request certification of a qualifying exigency. The FMLA does not affect any federal or state law prohibiting discrimination or greater family or medical leave rights.

supersede any state or local law or collective bargaining agreement that provides State employees may be subject to certain limitations in pursuit of direct lawsuits regarding leave for their own serious health conditions. Most federal and certain congressional employees are also covered by the law but are subject to the jurisdiction of the U.S. Office of Personnel Management or Congress.

What does my employer need to do? If you are eligible for FMLA leave, your employer must: • Allow you to take job-protected time off work for a qualifying reason, • Continue your group health plan coverage while you are on leave on the same basis as if you had not taken leave, and · Allow you to return to the same job, or a virtually identical job with the same pay,

Am I eligible to take FMLA leave? You are an eligible employee if all of the Your **employer cannot interfere with your FMLA rights** or threaten or punish you for exercising your rights under the law. For example, your employer cannot retaliate against you for requesting FMLA leave or cooperating with a WHD investigation. After becoming aware that your need for leave is for a reason that may qualify

under the FMLA, your **employer** <u>must</u> **confirm whether you are eligible** or not eligible for FMLA leave. If your employer determines that you are eligible, your employer must notify you in writing: · About your FMLA rights and responsibilities, and • How much of your requested leave, if any, will be FMLA-protected leave.

Where can I find more information Call 1-866-487-9243 or visit dol.gov/fmla to learn more. If you believe your rights under the FMLA have been violated, you may file a complaint with WHD or file a private lawsuit against your employer in court.

WAGE AND HOUR DIVISION



ANTI-DISCRIMINATION NOTICE

It is illegal to discriminate against work-authorized individuals. Employers CANNOT specify which document(s) they will accept from an employee. The refusal

The Office of Special Counsel for Immigration Related Unfair Employment Practices Office at 800-255-7688

nay file a written claim with the Disability Compensation Division. You do not pay for health care contractor and the plan name.

Workers' Compensation - You have the right to receive workers' compensation penefits and medical care if you suffer a workrelated injury. You must report the date, time and circumstance of your injury immediately to your employer or supervisor.

You are entitled to all required medical, surgical and hospital services and supplies be more than 1.5% of your monthly wages or one-half the premium cost (whichever including medication; weekly benefits from the fourth day of disability to replace is less). Your employer pays the balance. 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 Maui: disability insurance benefits within 90 days from the date of disability if you suffer a Kauai: 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 orm or some other authorized claim form. You may receive TDI benefits if a physician properly certifies your inability to work. Generally, you must have worked for an mployer in Hawaii at least two weeks before 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;

Department of Labor and Industrial Relations 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 *You may satisfy Hawaii Labor Laws' posting requirements by posting our "equivalent" plan approved by the Department, which may provide different benefits. official labor law poster. You should ask your employer for details if they have an "equivalent" plan. For more information: http://labor.hawaii.gov/labor-law-poster/ You may be required by your employer to share in the premium cost. Your share Equal Opportunity Employer/Program cannot be more than one-half of the cost and should not exceed .5% of your weekly Auxiliary aids and services are available upon request to individuals with

and earned at least \$400.

wages. Your employer pays the remaining portion exceeding the prescribed limitation. WHISTLEBLOWER PROTECTION ACT in state court within 2 years after the occurrence of the alleged violation. WHISTLEBLOWER PROTECTION LAW

You have the right to not suffer from any adverse employment action, consult an attornev such as termination or discrimination, regarding your employment *You may satisfy Hawaii Labor Laws' posting requirements by posting conditions because you reported or were about to report to a government our official labor law poster. For more information: agency or your employer, verbally or in writing, a violation or a suspected http://labor.gov/labor-law-poster/

> Auxiliary aids and services are available upon request to individuals with disabilities. TDD/TTY Dial 711 then ask for (808) 586-8842. Revised 01/02/2024

USERRA - UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT

THE UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT USERRA protects the job rights of individuals who voluntarily or involuntarily leave employment positions to undertake military service or certain types of service

You have the right to not suffer from any adverse employment action

because you participated in an investigation, hearing or inquiry

If you believe your employer has violated this law, you may file a lawsuit

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

• If you leave your job to perform military service, you have the right to elect perform service in the uniformed service and: you ensure that your employer receives advance written or verbal notice of

while with that particular employer; you return to work or apply for reemployment in a timely manner after conclusion of service; and you have not been separated from service with a disqualifying discharge or under other than honorable conditions.

RIGHT TO BE FREE FROM DISCRIMINATION AND RETALIATION If you: • are a past or present member of the uniformed service; • have applied for membership in the uniformed service; or • are obligated to serve in the uniformed service; then an employer may not deny you: • initial employment; reemployment; • retention in employment; • promotion; or • any benefit of employment, because of this status.

to continue your existing employer-based health plan coverage for you and your dependents for up to 24 months while in the military.

HEALTH INSURANCE PROTECTION

you are reemployed, generally without any waiting periods or exclusions (e.g., pre-existing condition exclusions) except for service-connected illnesses or injuries. • The U.S. Department of Labor, Veterans Employment and Training Service (VETS) is authorized to investigate and resolve complaints of USERRA violations. f you are eligible to be reemployed, you must be restored to the job and For assistance in filing a complaint, or for any other information on USERRA,

• Even if you don't elect to continue coverage during your military service,

you have the right to be reinstated in your employer's health plan when

contact VETS at 1-866-4-USA-DOL or visit its website at https://www.dol. gov/agencies/vets/. An interactive online USERRA Advisor can be viewed at https://webapps.dol.gov/elaws/vets/userra • If you file a complaint with VETS and VETS is unable to resolve it, you may request that your case be referred to the Department of Justice or the Office of Special Counsel, as applicable, for representation.

• You may also bypass the VETS process and bring a civil action against an

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

IT'S THE LAW!

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

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 Your employer may not discriminate against you for making a safety and health complaint or for exercising your

working conditions for every worker in the State. The Hawaii Occupational Safety and Health Division (HIOSH) of the state you may file a Complaint About State Program Administration (CASPA) directly to the OSHA Regional Office:

Regional Administrator U.S. Department of Labor Occupational Safety and Health Administration 90 7th Street, Suite 18100



Room 423 Honolulu, HI 96813

benefits and other working conditions, including shift and location, at the end of

SCAN ME

to hire an individual because the documents have a future expiration date may also constitute illegal discrimination. For information, please contact

Scan the OR code to learn

about our WHD

complaint process.

WORKERS' COMPENSATION/DISABILITY COMPENSATION

DISABILITY COMPENSATION LAW

If you are not eligible for benefits (see second paragraph above), your employer cannot deduct any contributions from your to show in the pression.

care insurance plan after 4 consecutive weeks of employment where you have worked at least 20 hours each week. The Department of Labor & Industrial Relations must approve the health care plan and include insurance coverage for hospital, surgical, medical, diagnostic and maternity medical care. Give the name of the insurer to your doctor so that your doctor will know where to You should claim benefits under this program if a non-work-related injury or illness send the physician's report. If your employer does not file a report of the injury, you requires medical care. Give your doctor or hospital the name of your employer's

cannot deduct any contributions from you to share in the premium cost.

If you are required to share in the premium cost for your coverage, your share cannot **Disability Compensation Division:** 586-9161 (Workers' Compensation)

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

Prepaid Health Care - You have the right to enroll in your employer's prepaid health

322-4808 243-5322 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.

974-6464

Jade T. Butay, Director

disabilities. TDD/TTY Dial 711 then ask for (808) 586-8842. Revised 01/02/2024

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

Equal Opportunity Employer/Program

YOUR RIGHTS UNDER USERRA

in the National Disaster Medical System. USERRA also prohibits employers from discriminating against past and present members of the uniformed services, and applicants to the uniformed services.

violation of a law or a contract executed by the government.

conducted by a government agency or court of law.

your service; you have five years or less of cumulative service in the uniformed services

benefits you would have attained if you had not been absent due to military service or, in some cases, a comparable job.

Publication Date — May 2022

address: https://www.dol.gov/agencies/vets/programs/userra/poster 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.

You Have a Right to a Safe And Healthful Workplace

You have the right to notify your employer or HIOSH (808-586-9092) about workplace hazards. HIOSH will keep your name and identity confidential.

You have a 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

days of the discriminatory act. **Private sector employees** must also file a discrimination complaint with the OSHA Regional Office below within 30 days of the discriminatory act or they will lose their rights to pursue a federal claim under section 11(c) of the federal Occupational Safety and Health Act of 1970 after the conclusion of the HIOSH



Department of Labor & Industrial Relations, has the primary responsibility for administering the HIOSH Law. HIOSH does not cover 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. The Occupational Safety and Health Administration (OSHA) monitors the HIOSH program to ensure its effectiveness. If you believe HIOSH is not meeting its responsibilities,

830 Punchbowl Street

REVISED 01/02/2024

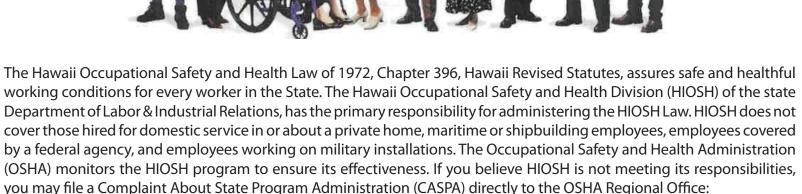
Employer Support Of The Guard And Reserve 1-800-336-4590

OCCUPATIONAL SAFETY AND HEALTH PROTECTION

You have the right to request a HIOSH inspection if you believe that there are unsafe and/or unhealthful conditions at

rights under the law, some of which are detailed above. You can file a discrimination complaint with HIOSH within 60

Provide required training to all workers in a language and vocabulary they can understand. Your employer must post this notice in the workplace in a prominent location or where such notices are customarily





San Francisco, California 94103 Copies of the State law, the HIOSH Rules and Standards or other program information may be obtained at:



HI-0224-F04

Report to OSHA all work-related fatalities within 8 hours, and all inpatient hospitalizations, amputations, and losses of an eye within 24 hours. Revised 01/02/2024

