EEOC - EQUAL EMPLOYMENT OPPORTUNITY IS THE LAW

EQUAL EMPLOYMENT OPPORTUNITY IS THE LAW

PRIVATE EMPLOYERS, STATE AND LOCAL GOVERNMENTS, EDUCATIONAL INSTITUTIONS, **EMPLOYMENT AGENCIES AND LABOR ORGANIZATIONS**

Applicants to and employees of most private employers, state and local governments, educational institutions, employment agencies and labor organizations are protected under Federal law from discrimination on the following bases: RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN Title VII of the Civil Rights GENETICS Title II of the Genetic Information Nondiscrimination Act of 2008 Act of 1964, as amended, protects applicants and employees from discrimination protects applicants and employees from discrimination based on genetic n hiring, promotion, discharge, pay, fringe benefits, job training, classification, information in hiring, promotion, discharge, pay, fringe benefits, job training, referral, and other aspects of employment, on the basis of race, color, religion, classification, referral, and other aspects of employment. GINA also restricts failing to reasonably accommodate an employee's religious practices where the

accommodation does not impose undue hardship. **DISABILITY** Title I and Title V of the Americans with Disabilities Act of 1990, as amended, protect qualified individuals from discrimination on the basis of disability in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. Disability discrimination includes not making reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship. AGE The Age Discrimination in Employment Act of 1967, as amended, protects applicants and employees 40 years of age or older from discrimination based

on age in hiring, promotion, discharge, pay, fringe benefits, job training, contact EEOC promptly when discrimination is suspected: The U.S. Equal classification, referral, and other aspects of employment. SEX (WAGES) In addition to sex discrimination prohibited by Title VII of the Civil Rights Act, as amended, the Equal Pay Act of 1963, as amended, prohibits sex discrimination in the payment of wages to women and men performing substantially equal work, in jobs that require equal skill, effort, and responsibility, under similar working conditions, in the same establishment.

> **EMPLOYERS HOLDING FEDERAL CONTRACTS OR SUBCONTRACTS** Applicants to and employees of companies with a Federal government contract or subcontract are protected under Federal law from discrimination on the following bases:

RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, disabilities at all levels of employment, including the executive level. NATIONAL ORIGIN Executive Order 11246, as amended, prohibits employment identity, or national origin, and requires affirmative action to ensure equality of opportunity in all aspects of employment.

PAY SECRECY Executive Order 11246, as amended, protects applicants and employees from discrimination based on inquiring about, disclosing, or discussing their compensation or the compensation of other applicants or employees. INDIVIDUALS WITH DISABILITIES Section 503 of the Rehabilitation Act of of discrimination, participates in an OFCCP proceeding, or otherwise opposes 1973, as amended, protects qualified individuals with disabilities from discrimination under these Federal laws. Any person who believes a contractor discrimination in hiring, promotion, discharge, pay, fringe benefits, job has violated its nondiscrimination or affirmative action obligations under training, classification, referral, and other aspects of employment. Disability the authorities above should contact immediately: The Office of Federal discrimination includes not making reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a 200 Constitution Avenue, N.W., Washington, D.C. 20210, 1-800-397-6251 disability who is an applicant or employee, barring undue hardship to the (toll-free) or (202) 693-1337 (TTY). OFCCP may also be contacted by e-mail at employer. Section 503 also requires that Federal contractors take affirmative OFCCP-Public@dol.gov, or by calling an OFCCP regional or district office, listed action to employ and advance in employment qualified individuals with in most telephone directories under U.S. Government, Department of Labor.

PROTECTED VETERANS The Vietnam Era Veterans' Readjustment Assistance discrimination based on race, color, religion, sex, sexual orientation, gender Act of 1974, as amended, 38 U.S.C. 4212, prohibits employment discrimination against, and requires affirmative action to recruit, employ, and advance in employment, disabled veterans, recently separated veterans (i.e., within three years of discharge or release from active duty), active duty wartime or campaign badge veterans, or Armed Forces service medal veterans. **RETALIATION** Retaliation is prohibited against a person who files a complaint Contract Compliance Programs (OFCCP), U.S. Department of Labor,

PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE RACE, COLOR, NATIONAL ORIGIN, SEX In addition to the protections of Title activities which receive Federal financial assistance. VII of the Civil Rights Act of 1964, as amended, Title VI of the Civil Rights Act of 1964, as amended, prohibits discrimination on the basis of race, color or as amended, prohibits employment discrimination on the basis of disability in national origin in programs or activities receiving Federal financial assistance. any program or activity which receives Federal financial assistance. Discrimination Employment discrimination is covered by Title VI if the primary objective of the is prohibited in all aspects of employment against persons with disabilities who, financial assistance is provision of employment, or where employment with or without reasonable accommodation, can perform the essential functions discrimination causes or may cause discrimination in providing services under 📉 of the job. If you believe you have been discriminated against in a program of such programs. Title IX of the Education Amendments of 1972 prohibits any institution which receives Federal financial assistance, you should

INDIVIDUALS WITH DISABILITIES Section 504 of the Rehabilitation Act of 1973, employment discrimination on the basis of sex in educational programs or immediately contact the Federal agency providing such assistance. Mandatory Supplement to EEOC P/E-1(Revised 11/09) "EEO is the Law" Poster

EMPLOYEE POLYGRAPH PROTECTION ACT

If you believe that you have experienced discrimination contact OFCCP: 1-800-397-6251 TTY 1-877-889-5627 www.dol.gov.

EMPLOYEE RIGHTS | EMPLOYEE POLYGRAPH PROTECTION ACT The Employee Polygraph Protection Act prohibits most private employers bargaining agreement which is more restrictive with respect to lie detector tests.

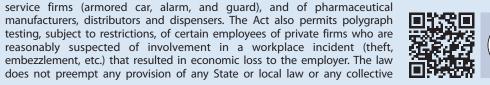
from using lie detector tests either for pre-employment screening or during the course of employment. discharging, disciplining, or discriminating against an employee or prospective to have test results disclosed to unauthorized persons. employee for refusing to take a test or for exercising other rights 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 individuals 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 guard), and of pharmaceutical manufacturers, distributors and dispensers. The Act also permits polygraph testing, subject to restrictions, of certain employees of private firms who are

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

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 Examinees have a number of specific rights, including the right to a written requesting any employee or job applicant to take a lie detector test, and from ontice before testing, the right to refuse or discontinue a test, and the right not **ENFORCEMENT** The Secretary of Labor may bring court actions to restrain

violations and assess civil penalties against violators. Employees or job

applicants may also bring their own court actions. 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 **-866-487-9243** TTY: 1-877-889-5627

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

readily see it. over 40 in a workweek CHILD LABOR An employee must be at least 16 years old to work in most non-

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 ADDITIONAL INFORMATION hours restrictions. Different rules apply in agricultural employment. TIP 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. **NURSING MOTHERS** The FLSA requires employers to provide reasonable break time for a nursing mother employee who is subject to the FLSA's overtime requirements in order for the employee to express breast milk for her nursing child for one year after the child's birth each time such employee has a need to express breast milk. Employers are also required to provide a place, other than a 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 and other violations. The Department may litigate and/or recommend criminal prosecution. Employers may be assessed civil money penalties for each willful or

Civil money penalties may also be assessed for violations of the FLSA's child labor **OVERTIME PAY** At least 1 ½ times your regular rate of pay for all hours worked provisions. Heightened civil money penalties may be assessed for each child labor violation that results in the death or serious injury of any minor employee, and such assessments may be doubled when the violations are determined to be willful or repeated. The law also prohibits retaliating against or discharging farm jobs and at least 18 to work in non-farm jobs declared hazardous by the workers who file a complaint or participate in any proceeding under the FLSA.

> · Certain occupations and establishments are exempt from the minimum wage, and/or overtime pay provisions. Special provisions apply to workers in American Samoa, the Commonwealth of the Northern Mariana Islands, and the Commonwealth of Puerto Rico. Some state laws provide greater employee protections; employers must comply with both.

Some employers incorrectly classify workers as "independent contractors" when they are actually employees under the FLSA. 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

984-2091



WAGE AND HOUR DIVISION UNITED STATES DEPARTMENT OF LABOR **1-866-487-9243** TTY: 1-877-889-5627 www.dol.gov/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 Workforce **Development Division offices: Workforce Development Divisions**

Anne E. Eustaguio, Director

274-3056 675-0010 Kauai: Waipahu: Kona: 327-4770 Molokai: 553-1755 981-2860 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.

586-8700

Department of Labor and Industrial Relations You may satisfy Hawaii Labor Laws' posting requirements by posting our official labor law poster.

Honolulu:

For more information: http://labor.hawaii.gov/labor-law-poster/ Equal Opportunity Employer/Program

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

Revised 09/21/2020

HAWAII MINIMUM WAGE

WAGE AND HOUR LAWS NOTICE TO EMPLOYEES

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

Minimum Wage - You have the right to receive a minimum wage of at least \$10.10 per hour beginning January 1, 2018. Under <u>certain</u>

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,

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.

or to care for your child, parent, sibling, spouse or reciprocal beneficiary with a serious health condition. You are eligible only if you have at least

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.

because of a work injury that is compensable under the Workers' Compensation Laws, except under certain circumstances. Wage Standards Division:

Anne E. Eustaquio, Director

Department of Labor and Industrial Relations You may satisfy Hawaii Labor Laws' posting requirements by posting our official labor law poste

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

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**

HAWAII & FEDERAL LABOR LAW POSTER

You have the right to reasonable break time to express milk for actual damages, or both, within two years after the occurrence of the your nursing child at the workplace in a location, other than the alleged violation. Damages may include reasonable attorneys' fees. restroom, that is shielded from view and free from intrusion from This notice provides general background information on Hawaii coworkers and the public for one year after your child's birth. Employers with fewer than twenty employees who can show that substitute for legal counsel. For specific legal advice on individual providing the time and place to express breast milk as required under—situations, please consult your attorney. Act 249 (SLH, 2013) would impose an undue hardship by causing

The law requires employers to post a notice in a conspicuous the employer significant difficulty or expense in relation to the size, financial resources, nature, or structure of the employer's business this employment practice. shall not be subject to the time and place requirements of Act 249. Employers who fail to comply with the requirements of Act 249 Opportunity Employer/Program shall be fined \$500 per violations and may be liable for damages

Employment Practices Law and is not intended to serve as a place accessible to employees providing information regarding Department of Labor and Industrial Relations Equal

Auxiliary aids and services are available upon request to

WASH YOUR HANDS

ENFORCEMENT: If you believe your employer has violated this law

you may file a lawsuit in state court for appropriate injunctive relief,

Hawaii Dept. of Health rules requires you to thoroughly

ndividuals with disabilities.

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

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

MILITARY LEAVE

MILITARY LEAVE

promotion or any benefit of employment. 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 **Dwight Takamine, Director**

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

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 Hawaii labor and employment law and is not intended to serve You have the right, if you leave your job to perform military as a substitute for legal counsel. For specific legal advice on **Department of Labor and Industrial Relations**

PAYDAY NOTICE

Regular Paydays for Employees of

(Company Name)

Shall be as follows: Bi-Weekly

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.

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

Publication 213

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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. Important Information: 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,

Maui Claims Office...

phone number, dates of employment, and the 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:** General Unemployment...... ... (833) 901-2275 Oahu Claims Office.. 586-8970... .dlir.ui.oahu@hawaii.gov ..dlir.ui.hilo@hawaii.gov Hilo Claims Office. . 974-4086. Kona Claims Office. 322-4822.. .dlir.ui.kona@hawaii.gov

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

Kauai Claims Office.. . 274-3043... .dlir.ui.kauai@hawaii.gov Liable Interstate Unit (808) 586-8970... ..dlir.ui.oahu@hawaii.gov **COVID-19-Related Emails:** Request Language Services. .dlir.ui.languageassistance@hawaii.gov

984-8400.

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 Anne E. Eustaquio, Director

.dlir.ui.maui@hawaii.gov

Department of Labor and Industrial Relations

Examples of Unlawful Employment Discrimination:

Filing a Complaint:

Oahu: 586-8636

The hotline is:

1) fines:

Hawaii: 974-4000, ext.68636

Maui: 984-2400, ext.68636

Anne E. Eustaquio, Director

*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) 586-8866.

DISCRIMINATION

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.

· 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.

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:**

Kauai: 274 -3141, ext.68636 Molokai/Lanai: 1-800-468-4644, ext.68636 TDD/TTY 586-8692 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

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) 586-8866.

Revised 09/21/2020

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

to access help and services. Victims of human trafficking are protected under United States and Hawaii law. (1) Available twenty-four hours a day, seven days a week;

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

3) fines, penalties, or replacement cost for breakage;

if your employer has authorized you to accept checks;

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

(4) Anonymous and confidential; (5) Accessible in one hundred seventy languages; and (6) Able to provide help, referral to services, training, and general Act 245 (SLH, 2013) effective January 1, 2014.

for goods or services received by customers, unless such losses

(3) Operated by a non-profit, non-governmental organization; information.

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, **REQUIRES YOUR EMPLOYER TO:** 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 you intended to work, unless you were terminated for cause. must be paid at the time of quitting Notify you in writing or through a posted notice of any changes **COLLECTION OF UNPAID WAGES:**

in pay arrangements prior to the time of such changes, and of • Complaints for unpaid wages may be filed with the department any policies with regard to vacation, sick, or holiday pay. within one year from the time the wages became due. Certain Furnish you with a pay statement at payday showing gross executives, administrators, professionals and outside sales personswages, 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;

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; end of a shift;

and amounts authorized in writing, but YOUR EMPLOYER MAY Oahu: 830 Punchbowl Street, Rm 340, Honolulu 96813

FMLA - FAMILY AND MEDICAL LEAVE ACT

EMPLOYEE RIGHTS UNDER THE FAMILY AND MEDICAL LEAVE ACT THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION LEAVE ENTITLEMENTS Eligible employees who work for a covered employer *Special "hours of service" requirements apply to airline flight crew employees.

can take up to 12 weeks of unpaid, job-protected leave in a 12-month period REQUESTING LEAVE Generally, employees must give 30-days' advance notice of the need for FMLA leave. If it is not possible to give 30-days' notice, an • The birth of a child or placement of a child for adoption or foster care; To bond with a child (leave must be taken within 1 year of the child's birth the employer's usual procedures.

employee must notify the employer as soon as possible and, generally, follow Employees do not have to share a medical diagnosis, but must provide enough To care for the employee's spouse, child, or parent who has a qualifying information to the employer so it can determine if the leave qualifies for FMLA protection. Sufficient information could include informing an employer that For the employee's own qualifying serious health condition that makes the the employee is or will be unable to perform his or her job functions, that a

employer if the need for leave is for a reason for which FMLA leave was previously taken or certified. An eligible employee who is a covered servicemember's spouse, child, parent, or next of kin may also take up to 26 weeks of FMLA leave in a single 12-month Employers can require a certification or periodic recertification supporting the need for leave. If the employer determines that the certification is incomplete, it must provide a written notice indicating what additional An employee does not need to use leave in one block. When it is medically information is required. necessary or otherwise permitted, employees may take leave intermittently or

family member cannot perform daily activities, or that hospitalization or

continuing medical treatment is necessary. Employees must inform the

EMPLOYER RESPONSIBILITIES Once an employer becomes aware that an Employees may choose, or an employer may require, use of accrued paid employee's need for leave is for a reason that may qualify under the FMLA, leave while taking FMLA leave. If an employee substitutes accrued paid leave the employer must notify the employee if he or she is eligible for FMLA leave and, if eligible, must also provide a notice of rights and responsibilities under the FMLA. If the employee is not eligible, the employer must provide a reason

for ineligibility. Employers must notify its employees if leave will be designated as FMLA leave, must continue health insurance coverage as if the employees were not and if so, how much leave will be designated as FMLA leave. **ENFORCEMENT** Employees may file a complaint with the U.S. Department job or one nearly identical to it with equivalent pay, benefits, and other of Labor, Wage and Hour Division, or may bring a private lawsuit against an employer. The FMLA does not affect any federal or state law prohibiting discrimination or An employer may not interfere with an individual's FMLA rights or retaliate against someone for using or trying to use FMLA leave, opposing any practice supersede any state or local law or collective bargaining agreement that



For additional information or to file a complaint: 1-866-4-USWAGE (1-866-487-9243) TTY: 1-877-889-5627 WWW.WAGEHOUR.DOL.GOV U.S. Department of Labor | 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 to hire an individual because the documents have a future expiration date may also constitute illegal discrimination.

made unlawful by the FMLA, or being involved in any proceeding under or provides greater family or medical leave rights.

For information, please contact The Office of Special Counsel for Immigration Related Unfair Employment Practices Office at 800-255-7688

WORKERS' COMPENSATION/DISABILITY COMPENSATION

DISABILITY COMPENSATION LAW

for the following reasons:

serious health condition;

leave policies.

related to the FMLA.

employment terms and conditions.

miles of the employee's worksite.

employee unable to perform the employee's job;

member who is the employee's spouse, child, or parent.

period to care for the servicemember with a serious injury or illness.

For qualifying exigencies related to the foreign deployment of a military

for FMLA leave, the employee must comply with the employer's normal paid

BENEFITS & PROTECTIONS While employees are on FMLA leave, employers

Upon return from FMLA leave, most employees must be restored to the same

ELIGIBILITY REQUIREMENTS An employee who works for a covered

employer must meet three criteria in order to be eligible for FMLA leave. The

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

Work at a location where the employer has at least 50 employees within 75

Have worked for the employer for at least 12 months;

date, time and circumstance of your injury immediately to your employer or surgical, medical, diagnostic and maternity medical care. supervisor. Give the name of the insurer to your doctor so that your doctor will You should claim benefits under this program if a non-work-related injury or illness know where to send the physician's report. If your employer does not file a report of requires medical care. Give your doctor or hospital the name of your employer's the injury, you may file a written claim with the Disability Compensation Division. health care contractor and the plan name.

including medication; weekly benefits from the fourth day of disability to replace (whichever 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 form 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

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 *You may satisfy Hawaii Labor Laws' posting requirements by posting our 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. 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 wages. Your employer pays the remaining portion exceeding the prescribed

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.

conducted by a government agency or court of law.

YOUR RIGHTS UNDER USERRA

under other than honorable conditions.

r an employer 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

ours per week; and earned at least \$400.

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 Department of Labor & Industrial Relations benefits and medical care if you suffer a work-related injury. You must report the

If you are required to share in the premium cost for your coverage, your share You are entitled to all required medical, surgical and hospital services and supplies cannot be more than 1.5% of your monthly wages or one-half the premium cost Disability Compensation Division:

586-9161 (Workers' Compensation) 586-9188 (Temporary Disability Insurance and Prepaid Health Care) 974-6464 322-4808 243-5322

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. Anne E. Eustaquio, Director

Department of Labor and Industrial Relations

http://labor.gov/labor-law-poster/

274-3351

official labor law poster.

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

WHISTLEBLOWER PROTECTION ACT in state court within 2 years after the occurrence of the alleged violation. WHISTLEBLOWER PROTECTION LAW This notice provides general background information on Hawaii labor

and employment law and is not intended to serve as a substitute for

egal counsel. For specific legal advice on individual situations, please consult an attorney *You may satisfy Hawaii Labor Laws' posting requirements by posting our official labor law poster. For more information:

You have the right to not suffer from any adverse employment action Equal Opportunity Employer/Program because you participated in an investigation, hearing or inquiry Auxiliary aids and services are available upon request to individuals with disabilities. TDD/TTY Dial 711 then ask for (808) 586-8866. If you believe your employer has violated this law, you may file a lawsuit Revised 01/09/18

USERRA - 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 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.

THE UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT

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:

your service; you have five years or less of cumulative service in the uniformed services while with that particular employer; you return to work or apply for reemployment in a timely manner after conclusion of service; and you have not been separated from service with a disqualifying discharge or

f you are eligible to be reemployed, you must be restored to the job and benefits you would have attained if you had not been absent due to military service or, in some cases, a comparable job. RIGHT TO BE FREE FROM DISCRIMINATION AND RETALIATION 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. 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

HEALTH INSURANCE PROTECTION

you ensure that your employer receives advance written or verbal notice of your dependents for up to 24 months while in the military. • 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 you are reemployed, generally without any waiting periods or exclusions (e.g., pre-existing condition exclusions) except for service-connected illnesses or iniuries.

to continue your existing employer-based health plan coverage for you and

• The U.S. Department of Labor, Veterans Employment and Training Service (VETS) is authorized to investigate and resolve complaints of USERRA violations. For assistance in filing a complaint, or for any other information on USERRA, contact VETS at 1-866-4-USA-DOL or visit its website at http://www.dol.gov/vets. An interactive online USERRA Advisor can be

viewed at http://www.dol.gov/elaws/userra.htm. • 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

Publication Date — April 2017

You Have a Right to a Safe And Healthful Workplace

IT'S THE LAW!

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

place of the alleged violation.

You have the right to copies of your medical records or records of your exposure to toxic and harmful substances or

Report to OSHA all work-related fatalities within 8 hours, and all inpatient hospitalizations, amputations, and losses of an eye within 24 hours. Provide required training to all workers in a language and vocabulary they can understand.



The Hawaii Occupational Safety and Health Law of 1972, Chapter 396, Hawaii Revised Statutes, assures safe and healthful working conditions for every worker in the State. The Hawaii Occupational Safety and Health Division (HIOSH) of the state 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, you may file a Complaint About State Program Administration (CASPA) directly to the OSHA Regional Office:

Occupational Safety and Health Administration 90 7th Street, Suite 18100 San Francisco, California 94103 Copies of the State law, the HIOSH rules and Standards or other program information may be obtained at:

Room 423

Honolulu, HI 96813 Tel. (808) 586-9100

The rights listed here may vary depending on the circumstances. The text of this notice was prepared by VETS, and may be viewed on the internet at this address: http://www.dol.gov/vets/programs/userra/poster.htm. Federal law requires employers to notify employees of their rights under USERRA, and employers may meet this requirement by displaying the text of this notice where they customarily place notices for employees. Employer Support Of The Guard And Reserve 1-800-336-4590

OCCUPATIONAL SAFETY AND HEALTH PROTECTION

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

your workplace. You or your representative may participate in the inspection. You have a right to see HIOSH citations issued to your employer. Your employer must post the citations at or near the

Your employer must correct workplace hazards by the date indicated on the citation and must certify that these hazards have been reduced or eliminated.

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

Your employer may not discriminate against you for making a safety and health 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

Your employer must post this notice in the workplace in a prominent location or where such notices are customarily



Regional Administrator U.S. Department of Labor

> HIOSH 830 Punchbowl Street

> > HI-1020-F02

Department of Labor web site: http://dlir.state.hi.us/ http://labor.hawaii.gov/hiosh/ The law requires employers to post this REVISED 9/21/2020 notice in a place accessible to employees.

Work Injury - You have the right to file a complaint if you feel that you have been suspended, discharged, or discriminated against solely

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.

> Equal Opportunity Employer/Program Auxiliary aids and services are available upon request to individuals with disabilities. TDD/TTY Dial 711 then ask for (808) 586-8866

Updated 9/21/20

sex (including pregnancy), or national origin. Religious discrimination includes employers' acquisition of genetic information and strictly limits disclosure of genetic information. Genetic information includes information about genetic tests of applicants, employees, or their family members; the manifestation of diseases or disorders in family members (family medical history); and requests for or receipt of genetic services by applicants, employees, or their family members. **RETALIATION** All of these Federal laws prohibit covered entities from retaliating against a person who files a charge of discrimination, participates in a discrimination proceeding, or otherwise opposes an unlawful employment practice. WHAT TO DO IF YOU BELIEVE DISCRIMINATION HAS OCCURRED There are strict time limits for filing charges of employment discrimination. To preserve the ability of EEOC to act on your behalf and to protect your right to file a private lawsuit, should you ultimately need to, you should Employment Opportunity Commission (EEOC), 1-800-669-4000 (tollfree) or 1-800-669-6820 (toll-free TTY number for individuals with hearing impairments). EEOC field office information is available at www.eeoc.gov or

in most telephone directories in the U.S. Government or Federal Government section. Additional information about EEOC, including information about charge filing, is available at www.eeoc.gov.

NOTICE FOOD SANITATION RULE 11-12-29 **WASH YOUR HANDS**