WAGE AND HOUR LAWS

NOTICE TO EMPLOYEES

Minimum Wage - You have the right to receive a minimum wage of 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 moneys 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, to care for your child, parent, sibling, spouse, grandchild, or reciprocal beneficiary with a serious health condition, or for a qualifying military exigency. 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 Law, except under certain circumstances.

Wage Standards Division*:*

Oahu: (808) 586-8777 Hawaii Island: (808) 974-6464 Maui/Kauai: (808) 243-5322

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.

For more information: https://labor.hawaii.gov/wsd

DISABILITY COMPENSATION LAW

NOTICE TO EMPLOYEES

Workers' Compensation - **You have the right to** receive workers' compensation benefits and medical care if you suffer a work-related injury. You must report the date, time, and circumstance of your injury immediately to your employer or supervisor. Give the name of the insurer to your doctor so that your doctor will know where to send the physician's report. If your employer does not file a report of the injury, you may file a written claim with the Disability Compensation Division. You do not pay for the premium cost; your employer pays the entire amount.

You are entitled to all required medical, surgical and hospital services and supplies including medication; weekly benefits from the fourth day of disability to replace wage loss, representing 66 2/3% of your average weekly wage but not more than the maximum weekly benefit amount annually set by the Department; additional benefits if the injury results in permanent disability or disfigurement; vocational rehabilitation, if appropriate; funeral and burial expenses if the work injury results in death; and additional weekly benefits to the surviving spouse and other dependents; and concurrent temporary total disability benefits if you were employed by two covered employers at the time of injury.

Temporary Disability Insurance - **You have the right to** file a claim for temporary disability insurance benefits if your injury or illness is not work-related. Your employer or insurance carrier should furnish you with a TDI-45 claim form or some other authorized claim form. File the claim within 90 days from the date of disability. You may receive TDI benefits if:

- You are unable to work because of your injury, illness, pregnancy, or organ donation;
- Your disability is properly certified;
- You worked for an employer in Hawaii within the two weeks before your disability; and
- During the last 52 weeks, you worked for at least 14 weeks; were paid for at least 20 hours per week; and earned at least $400.

After a 7 consecutive day waiting period, you may receive 58% of your average weekly wage, not to exceed the maximum in the TDI law. Your employer may have an "equivalent" plan approved by the Department, which may provide different benefits. You should ask your employer for details if they have an "equivalent" plan.

The employer can take a deduction from your pay for the cost of TDI. Your share cannot be more than one-half of the cost and cannot exceed 0.5% of your weekly wages. Your employer pays the remaining cost. If you are not eligible for coverage (see last bullet above), no TDI deduction can be taken from your pay.

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 must approve the health care plan.

You should claim benefits under this program if a non-work-related injury or illness requires medical care. Give your doctor or hospital the name of your employer's health care contractor and the plan name.

If you are required to share in the premium cost for your coverage, your share cannot be more than 1.5% of your monthly wages or one-half the premium cost (whichever is less). Your employer pays the balance.

Disability Compensation Division:

- Oahu (808) 586-9161 (Workers' Compensation)
  (808) 586-9188 (Temporary Disability Insurance & Prepaid Health Care)
- Hilo (808) 974-6464
- Kona (808) 322-4808
- Maui (808) 243-5322
- Kauai (808) 274-3351

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DISLOCATED WORKER/CLOSING

NOTICE TO EMPLOYEES

You have the right to receive written notice at least **60 days before** a possible layoff or termination if it is caused by certain business actions taken by your employer. Your employer is also required to provide the same written notice to the Department of Labor and Industrial Relations (DLIR) under Hawai‘i’s Dislocated Workers Act (Chapter 394B, Hawai‘i Revised Statutes).

The Dislocated Workers Act applies to businesses that:

- Have employed **at least 50 people in Hawai‘i at any time during the 12 months** before the business action; **and**
- Are involved in a **sale, transfer, merger, business takeover, bankruptcy, or other business transaction** that results in;
    - Relocation of operations **outside Hawai‘i**, or
    - The **shutdown** of all or part of their operations.

If these conditions are met, your employer must provide advance written notice to you, your collective bargaining representative (if applicable), and the DLIR.

You also have the right to receive a dislocated worker allowance if you are laid off or terminated because of one of these qualifying business transactions **and** you are eligible to receive unemployment insurance benefits. This allowance is intended to **supplement your unemployment benefits** and may be paid for **up to a maximum of four weeks**.

For information about assistance to employers and employees facing a business closure, please contact the following **American Job Centers**:

- O‘ahu 808-768-5701
- Hawai‘i 808-935-6527
- Maui 808-270-5777
- Kauai 808-274-3056

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, sexual orientation, age, religion, color, ancestry/national origin, disability, marital status, credit history, credit report, arrest and court record (except in limited circumstances), or domestic or sexual violence victim status. Sexual harassment by a supervisor or coworker is a form of sex discrimination.

Examples of Unlawful Employment Discrimination:

- If you are a pregnant employee and are denied leave recommended by a doctor or are denied reinstatement to the same or comparable position after giving birth.
- If you are subjected to unwanted sexual advances or demands, offered benefits in exchange for sexual favors, threatened with demotion, firing, or loss of benefits for refusing sexual advances, or subjected to unwelcome sexual conduct.
- If you are denied a job or a promotion because of your race, sex, including gender identity or expression, sexual orientation, age, religion, color, ancestry, disability, marital status, credit history, credit report, arrest and court record (except in limited circumstances), or domestic or sexual violence victim status.

Filing a Complaint:

You have the right to file a complaint if you have been subjected to discrimination because of your race, sex, including gender identity or expression, reproductive choices, 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 one year of the act of discrimination.

You have the right to be free from discriminatory or retaliatory action from your employer for filing a complaint, participating in an investigation, or opposing a discriminatory practice.

Hawaii Civil Rights Commission:

- Oahu 586-8636
- Hawaii 974-4000, ext. 68636
- Maui 984-2400, ext. 68636
- Kauai 274-3141, ext. 68636
- Molokai/Lanai 1-800-468-4644, ext. 68636 TDD/TTY 586-8636

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OCCUPATIONAL SAFETY AND HEALTH

NOTICE TO EMPLOYEES

You Have the Right to a Safe and Healthful Workplace: It's the Law

- You have the right to notify your employer or the Hawaii Occupational Safety and Health Division (HIOSH) (808-586-9092) about workplace hazards. HIOSH will keep your name and identity confidential.
- You have the right to request a HIOSH inspection if you believe that there are unsafe and/or unhealthful conditions at your workplace. You or your representative may participate in the inspection.
- You have the right to see HIOSH citations issued to your employer. Your employer must post the citations at or near the place of the alleged violation.
- Your employer must correct workplace hazards by the date indicated on the citation and must certify that these hazards have been reduced or eliminated.
- You have the right to copies of your medical records or records of your exposure to toxic and harmful substances or conditions.
- Your employer may not retaliate against you for making a safety and health complaint or for exercising your rights under the law, including the rights described above. You may file a whistleblower complaint with HIOSH within 60 days of the retaliatory act. **Private sector employees must also file a whistleblower complaint with the Occupational Safety and Health Administration (OSHA) online at: *https://www.osha.gov/workers/file-complaint* within 30 days of the retaliatory act or they will lose their rights to pursue a federal claim under section 11(c) of the federal OSH Act of 1970.**
- Report to HIOSH all work-related fatalities within 8 hours, and all inpatient hospitalizations, amputations, and losses of an eye within 24 hours. To report an incident, call (808) 586-9102 or email ***dlir.hiosh.incident@hawaii.gov***.
- 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 located.

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. 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. 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:

Regional Administrator
U.S. Department of Labor – OSHA
Ronald V. Dellums Federal Building, 1301 Clay Street, Suite 1080N
Oakland, California 94612

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

Hawaii Occupational Safety and Health Division
830 Punchbowl Street, Room 425
Honolulu, HI 96813
Tel. (808) 586-9116
https://labor.hawaii.gov/hiosh/

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UNEMPLOYMENT INSURANCE LAW

NOTICE TO EMPLOYEES

You have the right to unemployment benefits if you lose your job or your work hours are substantially reduced through no fault of your own. You may file your claim for unemployment insurance benefits online or in-person at a local claims office.

Go to **https://uiclaims.hawaii.gov** from 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.
- If you are not a U.S. citizen, you should have your alien registration number or I-94 number or unexpired passport number and country of origin available in lieu of an I-94 number (where the Systematic Alien Verification for Entitlements (SAVE) program permits.
- You will need to provide information for all 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) 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:

- Phone:(808) 762-5752 or (833) 901-2272
- Contact Form: **https://labor.hawaii.gov/ui/contact-form**

Appointments: Regular UI Claims, Regular UI Adjudication, & Employer Services
https://labor.hawaii.gov/ui/appointments