

NOTICE TO EMPLOYEES

YOUR RIGHTS UNDER STATE AND FEDERAL LAWS

State of Hawaii Employment Laws



DISABILITY COMPENSATION LAW

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 injury, you may file a written claim with the Department of Labor and Industrial Relations' ("Department") Disability Compensation Division. You do not pay for the premium cost; your employer pays the entire amount.

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

Temporary Disability Insurance - You have the right to file a claim for temporary disability insurance benefits within 90 days from the date of disability if you suffer a disabling non work-related injury/illness, organ donation, or inability to work because of your pregnancy. Your employer or insurance carrier should furnish you with a TDI-45 claim form or some other authorized claim form. You may receive TDI benefits if your inability to work is properly certified by a physician. Generally, you must have worked for an employer in Hawaii at least two weeks prior to your disability. During the last 52 weeks, you must have: worked for at least 14 weeks; been paid for at least 20 hours per week; and earned at least \$400.

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

You may be required by your employer to share in the premium cost. Your share cannot be more than one-half of the cost and should not exceed .5% of your weekly wages. Your employer pays the remaining portion exceeding the prescribed limitation. If you are not eligible for benefits (see second paragraph above), your employer cannot deduct any contributions from you to share in the premium cost.

Prepaid Health Care - You have the right to enroll in your employer's prepaid health care insurance plan after 4 consecutive weeks of employment where you have worked at least 20 hours per week. The health care plan must be approved by the Department and include lifetime coverage for hospital, surgical, medical, diagnostic and maternity medical care. You should claim benefits under this program if a non work-related injury or illness requires medical care. Give your doctor or hospital the name of your employer's health care contractor and the plan name.

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

WHISTLEBLOWER PROTECTION LAW

You have the right to not suffer from any adverse employment action, such as termination or discrimination, regarding your employment conditions because you reported or were about to report to a government agency or your employer, verbally or in writing, a violation or a suspected violation of a law or a contract executed by the government.

You have the right to not suffer from any adverse employment action because you participated in an investigation, hearing or inquiry conducted by a government agency or court of law. If you believe your employer has violated this law, you may file a lawsuit in state court within 2 years after the occurrence of the alleged violation.

WAGE AND HOUR LAWS

Minimum Wage - As of January 1, 2018, you have the right to receive a minimum wage of at least \$10.10 an hour. As of January 1, 2016, "tipped employees" may be paid up to seventy-five cents less per hour under certain conditions.

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, checks convertible into cash, by direct deposit, or with a 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 monies 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 Department's 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, care for a seriously ill spouse, parent, or grandchild with a serious health condition. You are eligible only if you have at least 6 consecutive months of service, and your employer has 100 or more employees. Accrued paid leaves may be substituted for any part of the 4-week period. If your employer provides for paid sick leave, you may use 10 days of your accrued and available sick leave per year unless a collective bargaining agreement provides for more than 10 days.

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

Lie Detector Tests - You have the right to refuse a lie detector test.

Work Injury - You have the right to file a complaint if you feel that you have been suspended, discharged, or discriminated against solely because of a work injury. Except under certain circumstances, the law prohibits an employer from suspending, discharging, or otherwise discriminating against an employee solely because the employee suffered a work injury that is compensable under the Workers' Compensation Laws.

Organ, Bone Marrow, or Peripheral Blood Stem Cell Donation - You have the right to receive up to seven (7) days for bone marrow or peripheral blood stem cell donation, and up to thirty (30) days for organ donation, during each calendar year. You are eligible only if you have at least 90 consecutive days of service, and your employer has 50 or more employees. An employer may require that the employee take up to three (3) days of earned but unused sick leave, vacation, PTO, or unpaid time off as a condition of the employee's initial receipt of leave provided. Any leave provided under this section shall not be taken concurrently with any leave taken under FMLA or HFLL.

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 in the same manner according to the Dislocated Workers Act (DWA). The DWA applies to businesses which have at least 50 persons employed in the state at any time during the 12 months preceding the event, and are a party to a sale, transfer, merger, business takeover, or business transaction, which will result in the relocation outside the state or the shutting down of all or a portion of operations.

You have the right to payment of a dislocated worker allowance if you are laid off or terminated due to these transactions and are eligible for unemployment compensation benefits. These payments supplement unemployment benefits for a maximum 4 week period.

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 by phone. Go to uclaims.hawaii.gov to file online between 6:30am to 11pm on Mondays through Fridays and between 9:00am to 11:00pm on weekends & holidays. Call Hawaii Tele-Claim at 643-5555 (from anywhere in Hawaii) or 1-877-725-5793 (toll free outside of Hawaii). TDD relay service is available for hearing impaired customers.

The Hawaii Tele-Claim hours of operation are: Sunday 9am to 11pm, Monday through Thursday: 6:30a.m. – 11pm, and Friday: 6:30 a.m. - 4:30 p.m. (If Friday is a state holiday, then Thursday's hours will be 6:30 a.m. - 4:30 p.m.)

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 available.
- The Act will need to provide information for all of your employers in the past 18 months, such as the employer's name, address, zip code, phone number, date of employment, and reason for separation. Ex-military service persons should have their DD 214 (member 4) available. Former federal employees should have their Standard Form 8, Standard Form 50, or pay stubs available.
- File your claim promptly. Your claim will begin only from the week that you file with the Unemployment Insurance offices.

OCCUPATIONAL SAFETY AND HEALTH LAWS

You have the right to a safe and healthful workplace. The State of Hawaii ("State") has developed a federally approved Occupational Safety and Health Administration (OSHA) program and the State is solely responsible for enforcing its own occupational safety and health regulations, which are applicable to most employers in the State, except those hired for domestic service in or about a private home, maritime or shipbuilding employees, employees covered by a federal agency and employees working on military installations.

You have the right to notify your employer or the Hawaii Occupational Safety and Health Division (HIOSH) about workplace hazards or report a work-related injury or illness, without being retaliated against. HIOSH will keep your name and identity confidential.

You have the right to request a HIOSH inspection if you believe that there are unsafe and/or unhealthful conditions at your workplace. You or your representative may participate in the inspection.

You have the right to see HIOSH citations issued to your employer. Your employer must post the citations at or near the place of the alleged violation. Your employer must correct workplace hazards by the date indicated on the citation and must certify that these hazards have been reduced or eliminated.

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

You have the right to file a safety and health complaint. Your employer may not discriminate against you for making a complaint or for exercising your rights under the law, some of which are detailed above. You can file a discrimination complaint with the HIOSH within 60 days of the discriminatory act.

Violations of the HIOSH law may result in penalties of up to \$77,000 per item. Serious violations carry a mandatory penalty of not more than \$77,000 per violation; willful or repeated violations up to \$77,000; and failure to correct a violation within the prescribed time can result in assessed penalties of up to \$77,000 per day.

LAWS PROHIBITING EMPLOYMENT DISCRIMINATION

You have the right to be free from unlawful discrimination in your employment. All applicants and employees of private and public employers (except the federal government), union members, and job seekers in employment agencies are protected by Hawaii law against employment discrimination.

You cannot be denied a job, fired, or subjected to unequal terms and conditions of employment because of your race, sex, sexual orientation, gender identity/expression, reproductive health decision, age, religion, color, ancestry/national origin, disability,

Federal Employment Laws

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/etaws/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 employer for violations of USERRA.

EMPLOYEE POLYGRAPH PROTECTION ACT

The Employee Polygraph Protection Act prohibits most private employers from using lie detector tests either for pre-employment screening or during the course of employment.

Prohibitions – Employers are generally prohibited from requiring or requesting any employee or job applicant to take a lie detector test, and from discharging, 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 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 reasonably suspected of involvement in a workplace incident (theft, embezzlement, etc.) that resulted in economic loss to the employer.

The law does not preempt any provision of any State or local law or any collective bargaining agreement with is more restrictive with respect to lie detector tests.

Examine Rights – Where polygraph tests are permitted, they are subject to numerous strict standards concerning the conduct and length of the test. Examinees have a number of specific rights, including the right to a written notice before testing, the right to refuse or discontinue a test, and the right to not have test results disclosed to unauthorized persons.

Enforcement – The Secretary of Labor may bring court actions to restrain violations and assess civil penalties up to \$10,000 against violators. Employees or job applicants may also bring their own court actions.

Additional Information – For additional information: 1-866-4-USWAGE (1-866-487-9243) TTY: 1-877-889-5627 or www.wagehour.dol.gov.

EQUAL EMPLOYMENT OPPORTUNITY

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 Act of 1964, as amended, protects applicants and employees from discrimination in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment, on the basis of race, color, religion, sex (including pregnancy), or national origin. Religious discrimination includes 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, 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.

Genetics – Title II of the Genetic Information Nondiscrimination Act of 2008 protects applicants and employees from discrimination based on genetic information in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. GINA also restricts 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 the EEOC to act on your behalf and to protect your right to file a private lawsuit, should you ultimately need to, you should contact the EEOC promptly when discrimination is suspected.

The U.S. Equal Employment Opportunity Commission (EEOC), 1-800-669-4000 (toll-free) 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.

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, National Origin – Executive Order 11246, as amended, prohibits job discrimination on the basis of race, color, religion, sex or national origin, and requires affirmative action to ensure equality of opportunity in all aspects of employment.

Individuals With Disabilities – Section 503 of the Rehabilitation Act of 1973, as amended, protects 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. Section 503 also requires that Federal contractors take affirmative action to employ and advance in employment qualified individuals with disabilities at all levels of employment, including the executive level.

Disabled, Recently Separated, Other Protected, And Armed Forces Service Medal Veterans – The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. 4212, prohibits job discrimination and requires affirmative action to employ and advance in employment disabled veterans, recently separated veterans (within three years of discharge or release from active duty), other protected veterans (veterans who served during a war or in a campaign or expedition for which a campaign badge has been authorized), and Armed Forces service medal veterans (veterans who, while on active duty, participated in a U.S. military operation for which an Armed Forces service medal was awarded).

Retaliation – Retaliation is prohibited against a person who files a complaint of discrimination, participates in an OFCCP proceeding, or otherwise opposes discrimination under these Federal laws. Any person who believes a contractor has violated its nondiscrimination or affirmative action obligations under the authorities above should contact immediately.

The Office of Federal Contract Compliance Programs (OFCCP), U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 1-800-397-6251 (toll-free) or (202) 693-1337 (TTY). OFCCP may also be contacted by e-mail at OFCCP-Public@dol.gov, or by calling an OFCCP regional or district office, listed in most telephone directories under U.S. Government, Department of Labor.

marital status, civil union status, arrest and court record (except in limited circumstances), credit report / history (except in limited circumstances) or domestic / sexual violence victim status. Sexual harassment by a supervisor or co-worker is a form of sex discrimination.

Examples of Unlawful Employment Discrimination:

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

Filing a Complaint: You have the right to file a complaint if you have been subjected to discrimination because of your race, sex, including gender identity or expression, sexual orientation, reproductive health decision, age, religion, color, ancestry, disability, marital status, arrest and court record, credit report/history 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.

MILITARY LEAVE

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

You have the right, if you leave your job to perform military service, to elect to continue your existing employer-based health plan coverage for you and your dependents for up to 24 months while in the military.

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

BREASTFEEDING IN THE WORKPLACE

Breastfeeding in the Workplace, effective July 1, 2013.

You have the right to reasonable break time to express milk for your nursing child at the workplace in a location, other than the restroom, that is shielded from view and free from intrusion from coworkers and the public for one year after your child's birth.

Employers with fewer than twenty employees who can show that providing the time and place to express breast milk as required under Act 249 would impose an undue hardship by causing the employer to significant difficulty or expense in relation to the size, financial resources, nature, or structure of the employer's business shall not be subject to the time and place requirements of Act 249.

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

ENFORCEMENT: If you believe your employer has violated this law you may file a lawsuit in state court for appropriate injunctive relief, actual damages, or both, within two years after the occurrence of the alleged violation. Damages may include reasonable attorneys' fees.

This notice provides general background information on Hawaii Employment Practices Law and is not intended to serve as a substitute for legal counsel. For specific legal advice on individual situation, please consult your attorney.

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

FOR ADDITIONAL INFORMATION PLEASE CONTACT THE STATE OF HAWAII DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS AT 808-586-8842.

PAYDAY NOTICE

Regular paydays for employees of: _____	(FIRM NAME)
Shall be as follows: _____	
By: _____	
Title: _____	

EMERGENCY NOTICE

Ambulance: _____	Fire-Rescue: _____
Hospital: _____	Physician: _____
Alternate: _____	Police: _____
OSHA: _____	Hazardous Material: _____

PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

Race, Color, National Origin, Sex – In addition to the protections of Title 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 national origin in programs or activities receiving Federal financial assistance. Employment discrimination is covered by Title VII if the primary objective of the financial assistance is provision of employment, or where employment discrimination causes or may cause discrimination in providing services under such programs. Title IX of the Education Amendments of 1972 prohibits employment discrimination on the basis of sex in educational programs or activities which receive Federal financial assistance.

Individuals With Disabilities – Section 504 of the Rehabilitation Act of 1973, as amended, prohibits employment discrimination on the basis of disability in any program or activity which receives Federal financial assistance. Discrimination is prohibited in all aspects of employment against persons with disabilities who, with or without reasonable accommodation, can perform the essential functions of the job.

If you believe you have been discriminated against in a program of any institution which receives Federal financial assistance, you should immediately contact the Federal agency providing such assistance.

NATIONAL LABOR RELATIONS ACT

The National Labor Relations Act (NLRA) guarantees the right of employees to organize and bargain collectively with their employers, and to engage in other protected concerted activity or to refrain from engaging in any of the above activity. Employees covered by the NLRA are protected from certain types of employer and union misconduct. This Notice gives you general information about your rights, and about the obligations of employers and unions under the NLRA. Contact the National Labor Relations Board (NLRB), the Federal agency that investigates and resolves complaints under the NLRA, using the contact information supplied below, if you have any questions about specific rights that may apply in your particular workplace.

Under the NLRA, you have the right to:

- Organize a union to negotiate with your employer concerning your wages, hours, and other terms and conditions of employment.
- Form, join or assist a union.
- Bargain collectively through representatives of employees' own choosing for a contract with your employer setting your wages, benefits, hours, and other working conditions.
- Discuss your wages and benefits and other terms and conditions of employment or union organizing with your co-workers or a union.
- Take action with one or more co-workers to improve your working conditions by, among other means, raising work-related complaints directly with your employer or with a government agency, and seeking help from a union.
- Strike and picket, depending on the purpose or means of the strike or the picketing.
- Choose not to do any of these activities, including joining or remaining a member of a union.

Under the NLRA, it is illegal for your employer to:

- Prohibit you from talking about or soliciting for a union during non-work time, such as before or after work or during break times; or from distributing union literature during non-work time, in non-work areas, such as parking lots or break rooms.
- Question you about your union support or activities in a manner that discourages you from engaging in that activity.
- Fire, demote, or transfer you, or reduce your hours or change your shift, or otherwise take adverse action against you, or threaten to take any of these actions if you do not join or support the union, or because you engage in concerted activity for mutual aid and protection, or because you choose not to engage in any such activity.
- Threaten to close your workplace if workers choose a union to represent them.
- Promise or grant promotions, pay raises, or other benefits to discourage or encourage union support.
- Prohibit you from wearing union hats, buttons, t-shirts, and pins in the workplace except under special circumstances.
- Spy on or videotape peaceful union activities and gatherings or pretend to do so.

Under the NLRA, it is illegal for a union or for the union that represents you in bargaining with your employer to:

- Threaten or coerce you in order to gain your support for the union.
- Refuse to process a grievance because you have criticized union officials or because you are not a member of the union.
- Use or maintain discriminatory standards or procedures in making job referrals from a hiring hall.
- Cause or attempt to cause an employer to discriminate against you because of your union-related activity.
- Take adverse action against you because you have not joined or do not support the union.

If you and your co-workers select a union to act as your collective bargaining representative, your employer and the union are required to bargain in good faith in a genuine effort to reach a written, binding agreement setting your terms and conditions of employment. The union is required to fairly represent you in bargaining and enforcing the agreement.

Illegal conduct will not be permitted. If you believe your rights or the rights of others have been violated, you should contact the NLRB promptly to protect your rights, generally within six months of the unlawful activity. You may inquire about possible violations without your employer or anyone else being informed of the inquiry. Charges may be filed by any person and need not be filed by the employee directly affected by the violation. The NLRB may order an employer to rehire a worker fired in violation of the law and to pay lost wages and benefits, and may order an employer or union to cease violating the law. Employees should seek assistance from the nearest regional NLRB office, which can be found on the Agency's Web site: <http://www.nlrb.gov>.

You can also contact the NLRB by calling toll-free: 1-866-667-NLRB (6572) or (TTY) 1-866-315-NLRB (1-866-315-6572) for hearing impaired.

If you do not speak or understand English well, you may obtain a translation of this notice from the NLRB's Web site or by calling the toll-free numbers listed above.

FAIR LABOR STANDARDS ACT (Other Information)

CHILD LABOR An employee must be at least 16 years old to work in most non-farm 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.

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 or repeated violation of the minimum wage or overtime pay provisions of the law. Civil money penalties may also be assessed for violations of the FLSA's child labor 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 workers who file a complaint or participate in any proceeding under the FLSA.

ADDITIONAL INFORMATION 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 certificates issued by the Department of Labor.



Dear Employer,

ProService Hawaii is pleased to provide you with this "all-in-one" labor law poster that includes both State and Federal Laws.

By law, all businesses are required to post labor law requirements in a common workplace area frequented by all employees so that all employees understand their rights. This poster satisfies those requirements, with some limited exceptions for those who hold Federal contracts or receive Federal funding. If you have questions about these limited exceptions or about the poster in general, please contact the ProService HR Service Center at 888-892-8878.

Multiple copies have been provided to you so that you can post one poster in each of your locations with employees. We suggest displaying these posters in places such as an employee bulletin board in the break room, above time clocks, in the employee lounge or cafeteria or lunch room. If you need additional copies of this poster please contact the ProService HR Service Center.

ProService is Hawaii's leader in HR administration, and regulatory compliance assistance is just one of the many services that ProService clients receive.

We thank you for your partnership with us.

Mahalo,
ProService Hawaii