EMPLOYEE RIGHTS

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

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

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

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,

The Act also permits polygraph testing, subject to restrictions, of certain employees

The law does not preempt any provision of any State or local law or any collective

bargaining agreement which is more restrictive with respect to lie detector tests.

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 not to have test results disclosed to unauthorized

The Secretary of Labor may bring court actions to restrain violations and assess civil

THE LAW REQUIRES EMPLOYERS TO DISPLAY THIS POSTER WHERE

EMPLOYEES AND JOB APPLICANTS CAN READILY SEE IT.

YOUR RIGHTS UNDER USERRA

THE UNIFORMED SERVICES EMPLOYMENT AND

REEMPLOYMENT RIGHTS ACT

USERRA protects the job rights of individuals who voluntarily or involuntarily leave

employment positions to undertake military service or certain types of service 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.

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

you ensure that your employer receives advance written or verbal notice of your service;

you have five years or less of cumulative service in the uniformed services while with that

you return to work or apply for reemployment in a timely manner after conclusion of service;

you have not been separated from service with a disqualifying discharge or under other than

If you are eligible to be reemployed, you must be restored to the job and benefits you would have

In addition, an employer may not retaliate against anyone assisting in the enforcement of USERRA

rights, including testifying or making a statement in connection with a proceeding under USERRA,

If you leave your job to perform military service, you have the right to elect to continue your

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-

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 https://www.dol.gov/agencies/vets/. An interactive

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,

The U.S. Department of Labor, Veterans Employment and Training Service (VETS) is

online USERRA Advisor can be viewed at https://webapps.dol.gov/elaws/vets/userra

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

https://www.dol.gov/agencies/vets/programs/userra/poster Federal law requires employers to

U.S. Department of Labor • 1-866-487-2365

U.S. Department of Justice Office of Special Counsel

Employer Support of the Guard and Reserve • 1-800-336-4590

Whistleblower Protection Law

NOTICE TO EMPLOYEES

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

If you believe your employer has violated this law, you may file a lawsuit in state court within 2 years after the

This notice provides general background information on Hawaii labor and employment law and is not intended

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

NOTICE TO EMPLOYEES

Under the HAWAII EMPLOYMENT PRACTICES LAW

(Act 249, 2013 Regular Session)

BREASTFEEDING IN THE WORKPLACE

effective July 1, 2013

rom view and free from intrusion from coworkers and both, within two years after the occurrence of the

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

alleged violation. Damages may include reasonable

This notice provides general background information

intended to serve as a substitute for legal counsel. For

specific legal advice on individual situations, please

The law requires employers to post a notice in

providing information regarding this employment

a conspicuous place accessible to employees

on Hawaii Employment Practices Law and is not

consult your attorney.

to serve as a substitute for legal counsel. For specific legal advice on individual situations, please consult an

'You may satisfy Hawaii Labor Laws' posting requirements by posting our official labor law poster.

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.

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

You have the right to reasonable break time to

the public for one year after your child's birth.

express milk for your nursing child at the workplace

Employers with fewer than twenty employees who

breast milk as required under Act 249 (SLH, 2013)

would impose an undue hardship by causing the

can show that providing the time and place to express

employer significant difficulty or expense in relation

to the size, financial resources, nature, or structure of

Employers who fail to comply with the requirements

of Act 249 shall be fined \$500 per violation and may

be liable for damages suffered by the employee.

the employer's business shall not be subject to the

time and place requirements of Act 249.

n a location, other than the restroom, that is shielded

notify employees of their rights under USERRA, and employers may meet this requirement by

authorized to investigate and resolve complaints of USERRA violations.

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:

displaying the text of this notice where they customarily place notices for employees.

existing employer-based health plan coverage for you and your dependents for up to 24

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

are a past or present member of the

have applied for membership in the

uniformed service:

uniformed service; or

initial employment;

reemployment;

because of this status.

ENFORCEMENT

for representation.

violations of USERRA.

then an employer may not deny you:

retention in employment;

even if that person has no service connection.

HEALTH INSURANCE PROTECTION

months while in the military.

connected illnesses or injuries.

1-866-487-9243

are obligated to serve in the uniformed

promotion: or

any benefit of employment

REV. 02/2022

www.dol.gov/agencies/whd

penalties against violators. Employees or job applicants may also bring their own

WAGE AND HOUR

DEPARTMENT OF LABOR

UNITED STATES

WHD DIVISION

(theft, embezzlement, etc.) that resulted in economic loss to the employer.

of private firms who are reasonably suspected of involvement in a workplace incident

FED

EMPLOYEE RIGHTS UNDER THE FAIR LABOR STANDARDS ACT

FEDERAL MINIMUM WAGE \$7.25 PER HOUR

The law requires employers to display this poster where employees can readily see it.

BEGINNING JULY 24, 2009

At least 1½ times the regular rate of pay for all hours worked over 40 in a

CHILD LABOR An employee must be at least 16 years old to work in most non-farm iobs 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 nours in various non-manufacturing, non-mining, non-hazardous jobs with certain work hours restrictions. Different rules apply in agricultural

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

PUMP AT WORK

The FLSA requires employers to provide reasonable break time for a nursing employee to express breast milk for their nursing child for one year after the child's birth each time the employee needs to express breast milk.

Employers must provide a place, other than a bathroom, that is shielded

DEPARTMENT OF LABOR

UNITED STATES OF

WAGE AND HOUR DIVISION UNITED STATES DEPARTMENT

Certain occupations and establishments are exempt from the exemptions also apply to the pump at work requirements. Special provisions apply to workers in American Samoa, the Commonwealth of the Northern Mariana Islands, and the Commonwealth of Puerto Rico.

Some 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

1-866-487-9243 www.dol.gov/agencies/whd



Your employer or prospective employer cannot require you to pay a

NOTICE TO EMPLOYEES

Minimum Wage - You have the right to receive a minimum wage of at least \$14.00 per hour beginning January 1, 2024; at least \$16.00 per hour beginning January 1, 2026; and at least \$18.00 per hour beginning January 1, 2028. Under <u>certain conditions</u>, "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 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

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:

employer for being tardy.)

Fines (For example - an amount you must pay to your

- 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
- 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.

may be used by the employee to express breast milk. **ENFORCEMENT**

from view and free from intrusion from coworkers and the public, which 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

LABOR

LAWS

FED

course of employment.

distributors and dispensers.

ENFORCEMENT

court actions.

DEPARTMENT

OF LABOR

STATES OF

AMERICA

FED

REEMPLOYMENT RIGHTS

the uniformed service and:

UNITED

test or for exercising other rights under the Act.

engaged in national security-related activities.

PROHIBITIONS

EXEMPTIONS

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.

minimum wage, and/or overtime pay provisions. Certain narrow

Some state laws provide greater employee protections; employers must comply with both.

with disabilities may be paid less than the minimum wage under special certificates issued by the Department of Labor.



REV. 04/2023

WAGE AND HOUR LAWS

job application processing fee. Your employer may deduct state and federal withholding taxes, amounts specified by court orders and amounts you authorized in writing **Collection of Unpaid Wages - You have the right to file a** complaint for unpaid wages with the Wage Standards Division within one year from the time the wages became due. Certain executives, administrators, professionals and outside salespersons may need to file a claim in a court of competent jurisdiction. Hawaii Family Leave Law - You have the right to receive up to 4 weeks of unpaid, job-protected leave for the birth or adoption of your child, or to care for your child, parent, sibling, spouse, grandchild, or reciprocal beneficiary with a serious health condition. You are eligible only if you have at least 6 consecutive months of

service, and your employer has 100 or more employees. Accrued paid leaves may be substituted for any part of the 4-week period. If your employer provides for paid sick leave, you may use up to 10 days of your accrued and available sick leave per year unless a collective bargaining agreement provides for more than 10 days. **Prevailing Wages and Overtime on State and County** Government Construction Projects - You have the right to be paid the prevailing wages on government construction projects. **Lie Detector Tests - You have the right to refuse a lie detector test. Work Injury - You have the right to** file a complaint if you feel that you have been suspended, discharged, or discriminated against solely because of a work injury that is compensable under the

Workers' Compensation Laws, except under certain circumstances. **Wage Standards Division:**

Hilo: 974-6464

Jade T. Buaty, Director

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.

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

For more information: http://labor.hawaii.gov/labor-law-poster Equal Opportunity Employer/Program Auxiliary aids and services are available upon request to individuals with disabilities. TDD/TTY Dial 711 then ask for (808) 586-8842.

REV. 01/02/2024

NOTICE: This state has its own minimum wage law. Employers are also required to display the federal Employee Rights Under the Fair Labor Standards Act posting, which indicates the federal minimum wage. Where federal and state rates both apply to an employee, the U.S. Department of Labor dictates hat the employee is entitled to the higher minimum wage rate THIS NOTICE IS FOR INFORMATIONAL PURPOSES ONLY.

LAWS PROHIBITING EMPLOYMENT DISCRIMINATION

NOTICE TO EMPLOYEES

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 You cannot be denied a job, fired, or subjected to unequal terms and

You have the right to be free from unlawful discrimination in your

conditions of employment because of your race, sex, including gender identity or expression, reproductive choices, refusing to enter into a nondisclosure agreement that prevents you from discussing workplace sexual harassment or assault sexual orientation, age, religion, color, ancestry/national origin, disability, marital status, civil union status, credit history, credit report, arrest and court record (except in limited circumstances), or domestic or sexual violence victim status. Sexual harassment by a supervisor or coworker is a form of sex discrimination. Employers are prohibited from retaliating against you for disclosing sexual harassment or sexual assault.

Examples of Unlawful Employment Discrimination:

If you are a pregnant employee and are denied leave recommended by a doctor or are denied reinstatement to the same or comparable position after giving birth. If you are subjected to unwanted sexual advances or demands, offered benefits in exchange for sexual favors, threatened with

demotion, firing, or loss of benefits for refusing sexual advances, or subjected to unwelcome sexual conduct. If you are denied a job or a promotion because of your race, sex, including gender identity or expression, sexual orientation, age, religion, color, ancestry, disability, marital status, civil union status,

credit history, credit report, arrest and court record (except in 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 or assault, sexual orientation, age, religion, color, ancestry, disability, marital status, credit history, credit report, arrest and court record, or domestic or

You can file a complaint by calling the Hawaii Civil Rights Commission.

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

Under state law, you must file your complaint within 180 days of the act of

opposing a discriminatory practice. **Hawaii Civil Rights Commission:**

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 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

Jade T. Butay, Director **Department of Labor and Industrial Relations** our official labor law poster

*You may satisfy Hawaii Labor Laws' posting requirements by posting For more information: http://labor.hawaii.gov/labor-law-poster/ Equal Opportunity Employer/Program

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

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

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

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 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 for an employer in Hawaii at least two weeks before your disability. During the last 52 weeks, you must have: worked for at least 4 weeks; been paid for at least 20 hours per week; and earned at least

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.

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

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 &

olidays (Hawaii Standard Time). You will need a valid email address to

When you file, you must provide your social security number.

You will need to provide information for all of your employers in

the past 18 months, such as the employer's name, address, zip

code, phone number, dates of employment, and the reason for

(member 4) available. Former federal employees should have

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

their Standard Form 8, Standard Form 50, or pay stubs available.

separation. Ex-military service persons should have their DD214

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

online or in-person at a local claims office.

registration number available.

create an online account

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

> 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.

Department of Labor & Industrial Relations must approve the health

care plan and include insurance coverage for hospital, surgical, medical,

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:**

586-9161 (Workers' Compensation) 586-9188 (Temporary Disability Insurance and Prepaid Health 974-6464

322-4808 274-3351

Maui This notice provides general background information on labor

UNEMPLOYMENT INSURANCE LAW

NOTICE TO EMPLOYEES

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

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

Unemployment Insurance Offices:

General Unemployment.....(833) 901-2275

Oahu Claims Office586-8970

Kona Claims Office......322-4822...

.... 984-8400 ..

..... 274-3043

..... 586-8970 ...

This notice provides general background information on labor

Division and is not intended to serve as a substitute for legal

counsel. For specific legal advice on individual situations, please

*You may satisfy Hawaii Labor Laws' posting requirements by

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

Equal Opportunity Employer/Program

Auxiliary aids and services are available upon request to individuals with disabilities.

TDD/TTY Dial 711 then ask for (808) 586-8842.

laws administered and enforced by DLIR's Disability Compensation

..http://labor.hawaii.gov/ui/appointments

Regular UI Claims, Regular UI Adjudication, & Employer

Department of Labor and Industrial Relations

posting our official labor law poster.

Maui Claims Office

Kauai Claims Office

Liable Interstate Unit.....

Jade T. Butay, Director

Appointments:

*You may satisfy Hawaii Labor Laws' posting requirements by posting our official labor law poster.

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

Auxiliary aids and services are available upon request to individuals with disabilities.

TDD/TTY Dial 711 then ask for (808) 586-8842.

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

...dlir.ui.hilo@hawaii.gov

....dlir.ui.kon<u>a@hawaii.gov</u>

...dlir.ui.m<u>aui@hawaii.gov</u>

..dlir.ui.kauai@h<u>awaii.gov</u>

..dlir.ui.oahu@hawaii.gov

REV. 01/02/2024

REQUIRED NOTICE TO DISLOCATED **WORKERS/PLANT CLOSINGS**

NOTICE TO EMPLOYEES

You have the right to be notified in writing at least 60 days in advance of possible layoffs or terminations due to certain business transactions taken by your employer. Your employer must also notify the Department of Labor and Industrial Relations in the same manner according to the Dislocated Workers Act (DWA). The DWA applies to businesses which have at least 50 persons employed in the state at any time during the 12 months preceding the event, and are a party to a sale, transfer, merger, business takeover, bankruptcy, or business transaction, which will result in the relocation outside the state or the shutting down of all or a portion of

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

For general information about the Dislocated Workers Act or the Dislocated Workers Allowance, please call the Workforce Development Division at 586-8877.

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

Hawaii

American Job Centers:

935-6527 270-5777 274-3056

This notice provides general background information on labor laws administered and enforced by DLIR's Disability Compensation Division and is not intended to serve as a substitute for legal counsel. For specific legal advice on individual situations, please consult an attorney. Jade T. Butay, Director **Department of Labor and Industrial Relations**

^eYou 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

768-5701

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

REV. 01/02/2024

Your Employee Rights Under the Family and Medical Leave Act What is FMLA leave? The Family and Medical Leave Act (FMLA) is a federal law that provides eligible employees with job-protected leave for qualifying family and medical reasons. The U.S.

Department of Labor's Wage and Hour Division (WHD) enforces the FMLA for most employees Eligible employees can take **up to 12 workweeks** of FMLA leave in a 12-month period for:

The birth, adoption or foster placement of a child with you,

Your serious mental or physical health condition that makes you unable to work, To care for your spouse, child or parent with a serious mental or physical health condition, and

Certain qualifying reasons related to the foreign deployment of your spouse, child or parent who is a military servicemember. An eligible employee who is the spouse, child, parent or next of kin of a covered servicemember with a serious injury or illness may take up to 26 workweeks of FMLA leave in

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

reason for which you need FMLA leave.

Am I eligible to take FMLA leave? You are an **eligible employee** if **all** of the following apply:

a single 12-month period to care for the servicemember.

FED

You work for a covered employer, You have worked for your employer at least 12 months,

Your employer has at least 50 employees within 75 miles of your work location. Airline flight crew employees have different "hours of service" requirements.

You have at least 1,250 hours of service for your employer during the 12 months before your leave, and

You work for a **covered employer** if **one** of the following applies:

You work for a private employer that had at least 50 employees during at least 20 workweeks in the current or previous calendar year, You work for an elementary or public or private secondary school, or

You work for a public agency, such as a local, state or federal government agency. Most federal employees are covered by Title II of the FMLA, administered by the Office

How do I request FMLA leave? Generally, to request FMLA leave you must:

Follow your employer's normal policies for requesting leave,

Give notice at least 30 days before your need for FMLA leave, or If advance notice is not possible, give notice as soon as possible.

You do not have to share a medical diagnosis but must provide enough information to your employer so they can determine whether the leave qualifies for FMLA protection. You must also inform your employer if FMLA leave was previously taken or approved for the same reason when requesting additional leave. Your employer may request certification from a health care provider to verify medical leave and may request certification of a qualifying exigency. The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement that provides greater family

or medical leave rights. State employees may be subject to certain limitations in pursuit of direct lawsuits regarding leave for their own serious health conditions. Most federal and certain congressional employees are also covered by the law but are subject to the jurisdiction of the U.S. Office of Personnel Management or Congress.

What does my employer need to do?

If you are eligible for FMLA leave, your **employer must**: Allow you to take job-protected time off work for a qualifying reason,

Continue your group health plan coverage while you are on leave on the same basis as if you had not taken leave, and Allow you to return to the same job, or a virtually identical job with the same pay, benefits and other working conditions, including shift and location, at the end of your

Your employer cannot interfere with your FMLA rights or threaten or punish you for exercising your rights under the law. For example, your employer cannot retaliate against you for requesting FMLA leave or cooperating with a WHD investigation. After becoming aware that your need for leave is for a reason that may qualify under the FMLA, your employer must confirm whether you are eligible or not eligible for FMLA leave. If your employer determines that you are eligible, your employer must notify you in writing:

About your FMLA rights and responsibilities, and How much of your requested leave, if any, will be FMLA-protected leave. Where can I find more information?

Call **1-866-487-9243** or visit **dol.gov/fmla** to learn more. If you believe your rights under the FMLA have been violated, you may file a complaint with WHD or file a private lawsuit against your employer in court. Scan the QR code to learn about our WHD complaint process.

DEPARTMENT OF LABOR UNITED STATES OF AMERICA **WAGE AND HOUR DIVISION** UNITED STATES DEPARTMENT OF LABOR



REV. 04/2023

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

Conduct that coerces, intimidates, threatens, or Who is Protected? interferes with someone exercising their rights, or executive level. Employees (current and former), including managers and temporary employees

Job applicants Union members and applicants for membership in **What Types of Employment Discrimination**

are Illegal? Under the EEOC's laws, an employer may not discriminate against you, regardless of your immigration status, on the

Race Color

FED

Religion

National origin Sex (including pregnancy, childbirth, and related

medical conditions, sexual orientation, or gender identity) Age (40 and older)

Disability Genetic information (including employer requests for, or purchase, use, or disclosure of genetic tests, genetic services, or family medical history) Retaliation for filing a charge, reasonably opposing

lawsuit, investigation, or proceeding Interference, coercion, or threats related to exercising rights regarding disability discrimination or pregnancy accommodation

discrimination, or participating in a discrimination

Most private employers State and local governments (as employers) Educational institutions (as employers)

What Organizations are Covered?

Staffing agencies What Employment Practices can be

Challenged as Discriminatory? All aspects of employment, including: Discharge, firing, or lay-off Harassment (including unwelcome verbal or physical

conduct) Hiring or promotion Assignment Pay (unequal wages or compensation)

disability; pregnancy, childbirth, or related medical condition; or a sincerely-held religious belief, observance or practice Benefits

Job training

Classification

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Obtaining or disclosing genetic information of employees Requesting or disclosing medical information of Conduct that might reasonably discourage someone

from opposing discrimination, filing a charge, or

keep your name and identity confidential.

participating in an investigation or proceeding

someone assisting or encouraging someone else to exercise rights, regarding disability discrimination (including accommodation) or pregnancy

What can You Do if You Believe

Discrimination has Occurred?

in employment. If you believe you've been discriminated against at work or in applying for a job, the EEOC may be able to

Contact the EEOC promptly if you suspect discrimination. Do not delay, because there are strict time limits for filing. a charge of discrimination (180 or 300 days, depending or where you live/work). You can reach the EEOC in any of the

an inquiry through the EEOC's public portal: https://publicportal.eeoc.gov/Portal/Login.aspx 1-800-669-4000 (toll free) 1-800-669-6820 (TTY) 1–844–234–5122 (ASL video phone)

<u>www.eeo</u>c.gov/field-office) E-Mail Additional information about the EEOC, including information about filing a

an EEOC field office (information at

EMPLOYERS HOLDING FEDERAL CONTRACTS OR SUBCONTRACTS The Department of Labor's Office of Federal Contract

charge of discrimination, is available at

www.eeoc.gov.

Compliance Programs (OFCCP) enforces the nondiscrimination and affirmative action commitments of companies doing business with the Federal Government. If you are applying for a job with, or are an employee of, a company with a Federal contract or subcontract, you are

protected under Federal law from discrimination on the

following bases: Race, Color, Religion, Sex, Sexual Orientation, **Gender Identity, National Origin** Executive Order 11246, as amended, prohibits employment

discrimination by Federal contractors based on race, color,

religion, sex, sexual orientation, gender identity, or national

origin, and requires affirmative action to ensure equality of

opportunity in all aspects of employment. **Asking About, Disclosing, or Discussing Pay** Executive Order 11246, as amended, protects applicants and employees of Federal contractors from discrimination Failure to provide reasonable accommodation for a based on inquiring about, disclosing, or discussing their compensation or the compensation of other applicants or employees.

> **Disability** Section 503 of the Rehabilitation Act of 1973, as amended, protects qualified individuals with disabilities from discrimination in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment by Federal contractors. Disability discrimination includes not making reasonable accommodation to the known physical or mental

limitations of an otherwise qualified individual with a

Federal contractors take affirmative action to employ

and advance in employment qualified individuals with

disability who is an applicant or employee, barring undue

nardship to the employer. Section 503 also requires that

disabilities at all levels of employment, including the **Protected Veteran Status** The Vietnam Era Veterans' Readiustment Assistance 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 of discrimination, participates in an OFCCP proceeding, or otherwise opposes discrimination by Federal contractors under these Federal laws. Any person who believes a contractor has violated its nondiscrimination or affirmative action obligations under OFCCP's authorities 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) If you are deaf, hard of hearing, or have a speech disability, please dial 7–1–1 to access telecommunications relay services. OFCCP may also be contacted by submitting a question online to OFCCP's Help Desk at

of Labor and on OFCCP's "Contact Us" webpage at https://www.dol.gov/agencies/ofccp/contact PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

https://ofccphelpdesk.dol.gov/s/, or by calling an OFCCP

regional or district office, listed in most telephone

directories under U.S. Government, Department

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 VI 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**

agency providing such assistance.

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

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You Have a Right to a Safe and **Healthful Workplace**

IT'S THE LAW! You have the right to notify your employer or HIOSH (808-586-9092) about workplace hazards. HIOSH will

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 a right to see HIOSH citations issued to your employer. Your employer must post the citations at or near the place of the alleged violation.

Your employer must correct workplace hazards by the date indicated on the citation and must certify that these 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 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 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

Act of 1970 after the conclusion of the HIOSH investigation. Report to OSHA all work-related fatalities within 8 hours, and all inpatient hospitalizations, amputations, and

their rights to pursue a federal claim under section 11(c) of the federal Occupational Safety and Health

losses of an eye within 24 hours. 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. 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:

> REGIONAL ADMINISTRATOR **U.S. DEPARTMENT OF LABOR**

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION 90 7th Street, Suite 18100

Copies of the State law, the HIOSH Rules and Standards or other program information may be obtained at: HIOSH 830 Punchbowl St **R**M **423 Honolulu, HI 96813**

Tel. (808) 586-9116

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