



HAWAI‘I CIVIL RIGHTS COMMISSION

830 PUNCHBOWL STREET, ROOM 411 HONOLULU, HI 96813 · PHONE: 586-8636 · FAX: 586-8655 · TDD: 568-8692

The 2020 Legislature Passed Two Acts Extending Civil Rights in Hawai‘i

Effective September 15, 2020, Act 51 amended Hawai‘i Revised Statutes §3678-2.5 to limit the convictions that may be used in employment decisions, from all convictions in the most recent ten years, to felony convictions that occurred in the most recent seven years and misdemeanor convictions that occurred in the most recent five years. Other portions of the law have not changed: an employer may only questions about a convictions after an offer of employment is made; if considered, there must be a rational relationship between the conviction and the job. Inquiry into and consideration of records of arrest without conviction continue to be prohibited. Exceptions remain unchanged, such as certain jobs in education, banking, state employment and other employers.

Act 17 created a new statute prohibiting an employer from requiring an employee to enter into a nondisclosure agreement pertaining to sexual harassment or sexual assault as a condition of employment. Confidential settlement agreements are still permitted. The Act also prohibits an employer from retaliating against an employee for disclosing or discussing sexual harassment or sexual assault. This Act was also effective upon approval on September 15, 2020.