



# 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.

**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 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 each week. The Department of Labor & Industrial Relations must approve the health care plan and include insurance 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.

Disability Compensation Division:

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

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

**Anne E. Eustaquio, Director  
Department of Labor and Industrial Relations**

**\*You may satisfy Hawaii Labor Laws' posting requirements by posting our official labor law poster.  
For more information: <http://labor.hawaii.gov/labor-law-poster/>**

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

Revised 09/21/2020



**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 operations.

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

For general information about the Dislocated Workers Act or the Dislocated Workers Allowance, please call the Workforce Development Division at 586-8877. For information about assistance to employers and employees facing a business closure, please contact the following Workforce Development Division offices:

**Workforce Development Division:**

|          |           |          |
|----------|-----------|----------|
| Oahu:    | Honolulu: | 586-8700 |
|          | Waipahu:  | 675-0010 |
| Hawaii:  | Kona:     | 327-4770 |
|          | Hilo:     | 981-2860 |
| Maui:    |           | 984-2091 |
| Kauai:   |           | 274-3056 |
| Molokai: |           | 553-1755 |

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# LAWS PROHIBITING EMPLOYMENT DISCRIMINATION NOTICE TO EMPLOYEES

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

You cannot be denied a job, fired, or subjected to unequal terms and conditions of employment because of your race, sex, including gender identity or expression, reproductive choices, refusing to enter into a nondisclosure agreement that prevents you from discussing workplace sexual harassment or assault sexual orientation, age, religion, color, ancestry/national origin, disability, marital status, civil union status, credit history, credit report, arrest and court record (except in limited circumstances), or domestic or sexual violence victim status. Sexual harassment by a supervisor or coworker is a form of sex discrimination. Employers are prohibited from retaliating against you for disclosing sexual harassment or sexual assault.

### **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.

### **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, refusing to enter into a nondisclosure agreement that prevents you from discussing workplace sexual harassment or assault, sexual orientation, age, religion, color, ancestry, disability, marital status, credit history, credit report, arrest and court record, or domestic or sexual violence victim status.

You can file a complaint by calling the Hawaii Civil Rights Commission. Under state law, you must file your complaint within 180 days of the act of discrimination.

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

### **Hawaii Civil Rights Commission:**

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 586-8692

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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 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 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 their rights to pursue a federal claim under section 11(c) of the federal Occupational Safety and Health Act of 1970 after the conclusion of the HIOSH investigation.***
- Report to OSHA all work-related fatalities within 8 hours, and all inpatient hospitalizations, amputations, and losses of an eye within 24 hours.
- Provide required training to all workers in a language and vocabulary they can understand.
- 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  
San Francisco, California 94103

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



**HIOSH**  
**830 Punchbowl St**  
**Rm 423**  
**Honolulu, HI 96813**  
**Tel. (808) 586-9100**  
<http://labor.hawaii.gov/hiosh/>



# 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 [uiclaims.hawaii.gov](http://uiclaims.hawaii.gov) between 6:30 am to 11:00 pm, Monday through Friday and between 9:00 am to 11:00 pm on weekends & holidays (Hawaii Standard Time). You will need a valid email address to create an online account.

### Important Information:

- When you file, you must provide your social security number.
- If you are not a U.S. citizen, you should have your alien registration number available.
- 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 separation. Ex-military servicepersons should have their DD214 (member 4) available. Former federal employees should have their Standard Form 8, Standard Form 50, or pay stubs available.
- File your claim promptly. Your claim will begin only from the week that you file with the Unemployment Insurance Office.
- If benefits are payable, you must receive your payments by direct deposit. You must provide your account type (savings or checking), financial institution routing number, and your account number.

### Unemployment Insurance Offices:

|                             |                     |  |
|-----------------------------|---------------------|--|
| General Unemployment.....   | (833) 901-2275      |  |
| Oahu Claims Office.....     | 586-8970.....       | <a href="mailto:dlir.ui.oahu@hawaii.gov">dlir.ui.oahu@hawaii.gov</a>   |
| Hilo Claims Office.....     | 974-4086.....       | <a href="mailto:dlir.ui.hilo@hawaii.gov">dlir.ui.hilo@hawaii.gov</a>   |
| Kona Claims Office.....     | 322-4822.....       | <a href="mailto:dlir.ui.kona@hawaii.gov">dlir.ui.kona@hawaii.gov</a>   |
| Maui Claims Office.....     | 984-8400.....       | <a href="mailto:dlir.ui.maui@hawaii.gov">dlir.ui.maui@hawaii.gov</a>   |
| Kauai Claims Office.....    | 274-3043.....       | <a href="mailto:dlir.ui.kauai@hawaii.gov">dlir.ui.kauai@hawaii.gov</a> |
| Liable Interstate Unit..... | (808) 586-8970..... | <a href="mailto:dlir.ui.oahu@hawaii.gov">dlir.ui.oahu@hawaii.gov</a>   |

### COVID-19-Related Emails:

Request Language Services.....[dlir.ui.languageassistance@hawaii.gov](mailto:dlir.ui.languageassistance@hawaii.gov)

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