

Hawaii Employment Law Compliance

Many private employers feel that they do not need to worry about employment laws if they only have a few employees. This chart will help identify just how many legal requirements exist for private employers – even those with as few as *one* employee. It is also important to note that for some of these regulations, full-time, part-time, temporary, and even contract workers or company owners may need to be included in your total headcount. Please also keep in mind that certain industries may have additional legal requirements.

Legal Requirement	1 or more	15 or more	20 or more	25 or more	50 or more	75 or more	100 or more
Affirmative Action (Written Plan) (Gov't Contractors)					✓	✓	✓
Americans with Disabilities Act (ADA)		✓	✓	✓	✓	✓	✓
Background Checks (HRS 378-2.5 and FCRA)	✓	✓	✓	✓	✓	✓	✓
Child Labor Laws (HRS 390)	✓	✓	✓	✓	✓	✓	✓
COBRA			✓	✓	✓	✓	✓
Destruction of Personal Information (HRS 487R)	✓	✓	✓	✓	✓	✓	✓
Discrimination under HI Employment Practices Act (HRS 368 & 378)	✓	✓	✓	✓	✓	✓	✓
Discrimination under Title VII of Federal Civil Rights Act		✓	✓	✓	✓	✓	✓
Domestic or Sexual Violence Leave (HRS 378-72)	✓	✓	✓	✓	✓	✓	✓
Drugs and Alcohol in the Workplace (HRS 329B)	✓	✓	✓	✓	✓	✓	✓
Employee Retirement Income Securities Act (ERISA)	✓	✓	✓	✓	✓	✓	✓
Equal Employment Opportunity Reporting							✓
Federal Family & Medical Leave Act (FMLA)					✓	✓	✓
Hawaii Family Leave Act (HRS 398 & ACT 44)							✓
Health Insurance Portability & Accountability Act (HIPAA)	✓	✓	✓	✓	✓	✓	✓

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Immigration Reform & Control Act	✓	✓	✓	✓	✓	✓	✓
Independent Contractor Rules	✓	✓	✓	✓	✓	✓	✓
Mass Layoff – Dislocated Workers (HRS 394B)					✓	✓	✓
Mass Layoff - Notice (WARN)							✓
Medical Testing	✓	✓	✓	✓	✓	✓	✓
Military Leave (USERRA)	✓	✓	✓	✓	✓	✓	✓
New Hire Reporting	✓	✓	✓	✓	✓	✓	✓
Nursing Mothers (HRS 378-2, HRS 378-10)	✓	✓	✓	✓	✓	✓	✓
Posting & Notice Requirements	✓	✓	✓	✓	✓	✓	✓
Pre-Paid Health Care (HRS 393)	✓	✓	✓	✓	✓	✓	✓
Pregnancy Leave/Discrimination & Reasonable Accommodation	✓	✓	✓	✓	✓	✓	✓
Privacy Rights	✓	✓	✓	✓	✓	✓	✓
Safety (HIOSH & OSHA)	✓	✓	✓	✓	✓	✓	✓
Sexual Harassment Provisions	✓	✓	✓	✓	✓	✓	✓
Smoking (HRS 328J)	✓	✓	✓	✓	✓	✓	✓
Temporary Disability Insurance (TDI)	✓	✓	✓	✓	✓	✓	✓
Unemployment Insurance	✓	✓	✓	✓	✓	✓	✓
Wage & Hour Provisions of Federal & State Law	✓	✓	✓	✓	✓	✓	✓
Whistleblower Protection (HRS 378-61)	✓	✓	✓	✓	✓	✓	✓
Workers' Compensation	✓	✓	✓	✓	✓	✓	✓

Non-compliance can be costly – both in terms of penalties and in lawsuits. Make sure to get the details you need to protect your business.

NOTE TO PUBLIC EMPLOYERS: Please be aware that some of the above-described laws do not apply to either federal or state employers. However, in some cases there are other laws that govern the same or similar topics for the public sector. Please contact us for more details.

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