

DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS

<http://hawaii.gov/labor/>

The Department of Labor and Industrial Relations (DLIR), established under section 26-20, Hawaii Revised Statutes, and specifically provided for in chapter 371, Hawaii Revised Statutes, is headed by the Director of Labor and Industrial Relations. DLIR administers programs to improve job opportunities with job training and placement programs that benefit both employees and employers; protect the employment rights of workers; assure workers a safe and healthy working environment; and ease the economic hardship of workers during disability or temporary unemployment.

Disability Compensation Division

The Disability Compensation Division administers employee benefit programs to help workers who suffer from on-the-job or off-the-job injuries and illnesses.

Workers' Compensation: On-the-Job Injury/Illness. The workers' compensation law, established under chapter 386, Hawaii Revised Statutes, is an employer-paid insurance program that protects workers from hardships caused by on-the-job injuries and illnesses. Workers' compensation replaces lost wages (up to two-thirds of an employee's average weekly wage, not to exceed the State's average wage), and pays for medical care and rehabilitation costs. It may also compensate employees for permanent disability and/or disfigurement and provide death benefits to dependents.

Temporary Disability Insurance: Off-the-Job Injury/Illness. Employees who are unable to work due to an off-the-job injury or illness may receive wage replacement benefits through employer-provided Temporary Disability Insurance (TDI), established under chapter 392, Hawaii Revised Statutes, or through an approved sick leave plan. TDI replaces fifty-eight per cent of the worker's average weekly wage after a seven-consecutive-day waiting period. Employers may require employees to contribute up to one-half of the TDI premium cost, not to exceed 0.5 per cent of their weekly wages.

Prepaid Health Care. Hawaii was the first state to adopt an innovative Prepaid Health Care law, chapter 393, Hawaii Revised Statutes. This law sets minimum standards of health care coverage and requires employers to provide eligible employees with a health care plan to pay for medical costs related to off-the-job injuries and illnesses. Coverage includes hospitalization, surgery, office visits, diagnostic tests, and maternity benefits. Employees may be required to contribute up to one-half the premium cost, or 1.5 per cent of their monthly wages, whichever is less.

Unemployment Insurance Division

The Unemployment Insurance Division (UI) administers Hawaii's unemployment insurance program, the Hawaii Employment Security law, chapter 383, Hawaii Revised Statutes. The UI program enables eligible unemployed workers to partially replace lost income for up to twenty-six weeks, while seeking work. UI benefits are paid from a trust fund financed by employers. Each employer's tax rate is based on prior experience with unemployment risk ("experience rating") plus a surtax related to the balance of the UI trust fund.

Employment Security Appeals Referees' Office

Authority to hear appeals from benefit determinations and contribution assessments issued by the UI Division is provided under sections 383-37 and 383-74, Hawaii Revised Statutes. An impartial referee of the Employment Security Appeals Referees' Office (ESARO) issues written decisions which may be appealed directly to the Circuit Courts.

Wage Standards Division

The Wage Standards Division (WSD) coordinates and implements a statewide program to administer, enforce, and provide education and consultation on labor laws related to the following:

- (1) Minimum wage and overtime: The minimum wage is \$7.25 per hour effective January 1, 2007. Overtime is 1.5 times the regular rate, with some exceptions.
- (2) Wages: Wages must be paid in full at least twice a month, within seven days after the end of the pay period. Discharged employees must be paid immediately or by the next working day. Employees who resign must be paid by the next regular payday. The withholding or deduction of certain wages is prohibited by law.
- (3) Wages and hours of employees on public works projects: Laborers and mechanics on state and county governmental construction projects in excess of \$2,000 must be paid prevailing wages and overtime at time and a half for hours worked on a Saturday, Sunday, or state holiday, or after eight hours on any other day.
- (4) Child labor work permits: Prior to employment, minors under eighteen years of age must register with WSD for a certificate. Depending upon the minor's age, there are some restrictions on the type of occupation and work hours allowed.
- (5) Unlawful suspension or discharge: An employee cannot be suspended, discharged, or discriminated against because of a work injury, garnished wages, or bankruptcy.

- (6) Family leave: An employee may take up to four weeks of unpaid family leave for the birth or adoption of the employee's child, or to care for a child, parent, spouse, or reciprocal beneficiary with a serious health condition. Substitution of paid leave is permitted under certain conditions.

Hawaii Occupational Safety and Health Division

The Hawaii Occupational Safety and Health (HIOSH) Division administers and enforces the State's Occupational Safety and Health law, rules and regulations, through unannounced compliance inspections of safety and health conditions in places of employment. HIOSH covers nearly all workers in the State, including those employed by state and county governments. Excluded from state coverage are federal employees, workers in the maritime industry, domestic workers, and family farms.

HIOSH provides free consultation services and training and information on safety and health to businesses and companies. The Division maintains a comprehensive library of safety and health materials and has a free audio-visual loan program. A variety of other training and information resources is posted on its website (www.hawaii.gov/labor). HIOSH also inspects boilers, elevators, and related equipment and controls the issuance of Certificates of Fitness to use explosives.

Workforce Development Division

The Workforce Development Division (WDD) plans, directs, coordinates, and implements a customer-driven statewide workforce development system which delivers employment and training services to job applicants, workers, and industries throughout the State. WDD provides free referral and placement services that match workers with jobs, and jobs with workers. WDD screens and refers qualified job seekers, helps employers meet affirmative action plan goals, provides facilities for recruitment, and processes job orders through the computerized HireNet Hawaii system.

The Division also administers employment and training programs, including the federally funded Workforce Investment Act (WIA). The WIA offers remedial education, job training, and employment assistance to target groups (low income adults and youth, and dislocated workers). WDD oversees implementation of the WIA in Hawaii in partnership with local governments and workforce investment boards.

In addition, WDD is responsible for registering private sector and state and county sponsored apprenticeship programs in Hawaii and ensuring that these programs operate in compliance with the standards for safeguarding the welfare of apprentices. The apprenticeship programs are operated by labor unions and/or employer organizations representing various occupations. Apprentices in these programs learn a trade through on-the-job experience and related classroom instruction.

Research and Statistics Office

The Research and Statistics Office (R&S) provides research and statistical services to departmental programs in their formulation of economic policies and program delivery. The Division also conducts occupational and labor market research in the areas of employment and unemployment, occupational outlook, wages, and mass layoffs. R&S also administers the Career Kokua program, a statewide career information delivery system which provides career, job, occupational, educational, and training information to youths, their parents and families, teachers, counselors, adults, and jobseekers.

ATTACHED FOR ADMINISTRATIVE PURPOSES

Workforce Development Council

The Workforce Development Council (WDC), established under section 202-1, Hawaii Revised Statutes, is composed of thirty-one members, the majority of whom are from the private sector. These numbers, including the Chairperson, are appointed by the Governor. Representatives from five state agencies, and a native Hawaiian workforce organization, four state legislators, two county mayors, the Governor's representative, and two labor union members make up the rest of the Council's membership. WDC advises the Governor, Legislature, counties, and state officials on workforce, employment, related education and training, and economic issues affecting the workforce, career development, and technology skills. The Council serves as the State Board under the federal Workforce Investment Act, Public Law 105-220.

Hawaii Labor Relations Board

The Hawaii Labor Relations Board, established under section 89-5, Hawaii Revised Statutes, is composed of three members, one who represents management, one who represents labor, and the third member, the Chair, who represents the public. All members are appointed by the Governor to six-year terms. Among its duties, the Board resolves collective bargaining disputes in the public sector and those parts of the private sector not covered by the National Labor Relations Act, including the designation of appropriate bargaining units under section 89-6, Hawaii Revised Statutes. They also supervise elections for the determination of employee representation; conduct proceedings on prohibited practice or unfair labor practice complaints filed by employers, employees, and employee organizations; and establish lists of qualified persons to serve as mediators or arbitrators. The Board also resolves contests of citations issued by the Director of Labor and Industrial Relations through the Hawaii Occupational Safety and Health Division pursuant to section 396-11, Hawaii Revised Statutes.

Labor and Industrial Relations Appeals Board

The Labor and Industrial Relations Appeals Board, established under section 371-4, Hawaii Revised Statutes, is composed of three members who are appointed by the Governor, with the advice and consent of the Senate. Members serve ten-year terms. The Governor designates the Chairperson who is an attorney. The Board rules on appeals from decisions and orders of the Director of Labor and Industrial Relations issued under the workers' compensation law, the boiler and elevator safety law, and any other law for which an appeal to the Board is provided.

Office of Community Services

The Office of Community Services (OCS), established under section 371K-2, Hawaii Revised Statutes, facilitates and enhances the planning, development, coordination, delivery, and evaluation of an effective statewide network of human services programs for disadvantaged persons, immigrants, and refugees. OCS provides advice and assistance to the public agencies of the Executive Branch, private agencies in health and human services, and the Legislature with respect to disadvantaged persons, immigrants, and refugees. The Office focuses on contracting agencies to provide specialized job training that removes barriers to employment and addresses the particular needs of low-income persons, immigrants, and refugees, thus enabling them to obtain and maintain employment.

Fire Council

The Fire Council, established under section 132-16, Hawaii Revised Statutes, consists of the fire chiefs of the counties. In addition to adopting a State Model Fire Code pursuant to section 132-3, Hawaii Revised Statutes, the Council serves as the focal point through which all applications to the federal government for grant assistance for fire-related projects are made. The Council may advise and assist county fire departments where appropriate; prescribe standard procedures and forms relating to inspections, investigations, and reporting of fires; and advise the Governor and Legislature with respect to fire prevention and protection, life safety, and any other functions or activities for which the various county fire departments are generally responsible.

Civil Rights Commission

The Civil Rights Commission, established under section 368-2, Hawaii Revised Statutes, is composed of five members appointed by the Governor with the advice and consent of the Senate. The Governor designates one of the Commissioners as Chairperson of the Commission. Under section 368-3, Hawaii Revised Statutes, the Commission has the power to: receive, investigate, and conciliate complaints alleging any unlawful discriminatory practice under chapter 489 (discrimination in public accommodations), chapter 515 (discrimination in real property transactions), part I of chapter 378 (discrimination in employment practices), and

complaints filed under chapter 368, Hawaii Revised Statutes; hold hearings and make inquiries to carry out properly its functions and powers; commence civil action in circuit court to seek appropriate relief; issue the right to sue to a complainant; and order appropriate legal and equitable relief or affirmative action when a violation is found.

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