



WORKER RIGHTS · HAWAII

Know Your Rights in Hawaii

What every hospitality worker should know, in plain language.
No legal jargon.

Read this first — Hawaii does not run on the mainland pattern. There is no break mandate and no sick-leave mandate for adults. Instead, Hawaii requires every employer to provide temporary disability insurance and prepaid health care. This guide is built around how Hawaii actually works.

General information only — not legal advice.

As of October 2026 · Prepared by JYNX Recruiting · jynxrecruiting.com

The Minimum Wage

- Hawaii's minimum wage is \$16.00 per hour, effective January 1, 2026. The final scheduled increase in the current statute takes it to \$18.00 per hour on January 1, 2028. The Department's schedule lists no increase after 2028.
- Violating the Wage and Hour Law now carries a minimum civil penalty of \$500 (Act 115, 2025).

Tips — The Smallest Credit in the Country

- Hawaii allows a tip credit of only \$1.25 per hour: the lowest direct cash wage for a tipped employee in 2026 is \$14.75 per hour (\$16.00 minus \$1.25). On January 1, 2028 the credit rises to \$1.50 and the cash floor to \$16.50 (\$18.00 minus \$1.50).

TRAP — the \$7-over condition. Your employer may use the tip credit ONLY if your pay plus tips comes to at least \$7.00 MORE than the minimum wage — at least \$23.00 per hour total in 2026 (\$25.00 in 2028). If tips are thin in a slow period, the condition may not be met at all and the credit cannot be taken. The credit and this condition travel together — there is no version of the Hawaii tip credit without it.

Overtime

- Overtime is required after 40 hours worked in a workweek, at at least one and one-half times your regular rate. Hawaii law has no general daily-overtime rule. The Wage and Hour Law exempts certain employment, including outside salespersons and executive, administrative, supervisory, and professional employees.

Getting Paid

- Employers must pay earned wages at least twice per calendar month, on regular paydays designated in advance, and within seven days after the end of each pay period. Wages may be paid in cash, by check convertible into cash, or — within the Department's requirements — by direct deposit or pay card. A pay statement is required each payday. The Department names failure to pay within seven days among the common violations it enforces.
- Final pay. Fired: your wages must be paid in full at the time of discharge, or no later than the next working day if circumstances prevent immediate payment. Quit: no later than the next regular payday. Quit with at least one pay period's notice: all wages earned are due at the time of quitting — your last day — not the next payday.
- Deductions: your employer may deduct only state and federal withholding taxes, amounts specified by court orders, and amounts you authorized in writing. The Department lists deductions for cash shortages, damages, or fines among the common violations it enforces against.

Breaks

- Hawaii has NO law requiring rest or meal breaks for adult employees — the Department states this in those words. The only break mandate is for minors aged 14 to 15: a 30-minute rest or meal period after five consecutive hours of work.
- If an employer provides a meal break, it is unpaid only if it is 30 minutes or more AND you are completely relieved of duty. Short rest breaks of five to twenty minutes count as hours worked and are paid.
- A child labor certificate ("work permit") is required for working minors until age 18 — separate from the 14–15 break rule.

Sick Leave — There Is No Mandate

- Hawaii does not require paid sick leave or paid vacation. In the Department's words: "In Hawaii, paid vacation and sick leave is not required by law."
- If your employer voluntarily provides vacation or sick leave, the employer must make the policy available in writing or by a posted notice. The policy sets the rules for earning and using it, and any change must be in writing and issued or posted before it takes effect.
- The system Hawaii uses instead of sick leave is Temporary Disability Insurance — the next section.

Temporary Disability Insurance — Mandatory, and Not Sick Leave

- TDI is mandatory. With narrow statutory exceptions, every employer must provide Temporary Disability Insurance for eligible employees who cannot work because of a non-work-related illness or injury. The State does not pay the benefits — the law requires your employer to provide them. Work-related conditions belong to workers' compensation, not TDI.
- Who is eligible: at least 14 weeks of Hawaii employment in the 52 weeks before the first day of disability, each week paid for 20 hours or more with earnings of not less than \$400 (the weeks need not be consecutive or with one employer). You must be in current employment: employed immediately before the disability, or your disability began within two weeks of your last day of work. Your condition must be certified by and under the care of a licensed provider — physician, surgeon, dentist, chiropractor, osteopath, naturopath, physician assistant, advanced practice registered nurse, or accredited faith-healing practitioner.
- What it pays (statutory plan): 58% of your average weekly wages, rounded up to the next dollar, capped at the annual maximum. The 2026 maximum weekly benefit is \$871.00. If your average weekly wage is under \$26, the benefit equals your average weekly wage, up to \$14.

TRAP — the seven-day gap. TDI benefits begin on the eighth day of disability: the first seven consecutive days pay nothing, and benefits run for a maximum of 26 weeks of payments in a benefit year. Said plainly: a one-week illness pays nothing under a statutory TDI plan, and Hawaii mandates no paid sick days to fill that gap.

- **Cost:** your employer may pay the whole premium or share it. If shared, your deduction is at most one-half the premium cost and never more than 0.5% of your weekly wages — for 2026, the maximum weekly deduction is \$7.50. An employer may not deduct premium cost from an employee who is not TDI-eligible.
- **How employers provide it:** an insured plan from an authorized carrier, an approved self-insured sick-leave plan, or a collective bargaining agreement at least as favorable as the TDI law. All plans must be submitted to the Division (Form TDI-15) and approved. A non-statutory approved plan sets its own benefit amount, duration, and waiting period.
- **Filing a TDI claim:** notify your employer immediately and get Form TDI-45 from your employer (it is not available online). You complete Part A, your provider certifies on Part C, your employer completes Part B, and the form goes to the employer's TDI carrier if the plan is insured. File within 90 days after the disability begins — filing late can cost part of your benefits, and filing more than 26 weeks after the disability means no benefits at all. A denial (Form TDI-46) may be appealed within 20 calendar days of the mailing date of the denial notice.

- If your employer failed to provide TDI coverage or went bankrupt, the TDI Special Fund can pay benefits.
- TDI carries no job protection by itself: the Department states the TDI law does not specifically make it unlawful to suspend an employee solely because of a non-work-related disability. Possible discrimination protections run through the Hawaii Civil Rights Commission, (808) 586-8636.
- TDI contacts — Disability Compensation Division, Oahu: 830 Punchbowl Street, Room 209, Honolulu, HI 96813, (808) 586-9188. District offices: Hilo (808) 974-6464; West Hawaii / Kealahou (808) 322-4808; Maui (808) 243-5322; Kauai (808) 274-3351.

Hawaii Family Leave Law

- The Hawaii Family Leave Law (HFLL) applies only to employers with 100 or more employees, counted across the Hawaii payroll, including part-time, temporary, and intermittent employees. You are eligible after six consecutive months of service. Unlike federal FMLA, HFLL sets no minimum-hours requirement — part-time, temporary, casual, and on-call workers can qualify.
- Up to four weeks of unpaid, job-protected leave in any calendar year for: the birth or adoption of your child; care for your child, spouse, reciprocal beneficiary, sibling, grandchild, or parent with a serious health condition; or (from July 1, 2026) a qualifying military exigency involving one of those family members serving in the U.S. Armed Forces. Leave may be taken intermittently, including for birth or adoption.

- Pay during HFLL leave: the leave is unpaid, but an employer that provides paid sick leave must let you use up to 10 days of your accrued, available sick leave for family leave purposes — and you, not the employer, choose which accrued paid leave substitutes for any part of the four weeks. HFLL does not make an employer without a sick-leave plan create one, and sick leave under a statutory TDI plan can be used only for your own illness, not family leave.
- Two ways HFLL is broader than federal FMLA: leave may be taken to care for a child of any age, and spouses working for the same employer each get the four weeks — they do not share them.
- Hawaii has no separate paid family leave benefit program: the paid benefit that exists is TDI, which pays only for your own non-work disability. Family caregiving leave under HFLL is unpaid apart from the sick-leave election above.

Prepaid Health Care — Mandatory Coverage

- The Prepaid Health Care Act: all employers with one or more employees in Hawaii (full-time, part-time, permanent, or temporary), other than excluded categories, must provide Prepaid Health Care coverage to eligible employees.

- You are eligible if you work 20 hours or more per week for four consecutive weeks AND earn a monthly wage of at least 86.67 times the minimum hourly wage — for 2026, \$1,387.00 per month. Coverage must start at the earliest enrollment date of your employer's health plan, usually the first of the month after you qualify. Workers under 20 hours a week are excluded, as are government employees, agricultural seasonal workers, commission-only insurance and real estate salespersons, and certain family employees.
- Cost split (single coverage): your employer must pay at least one-half the premium, and your contribution cannot exceed 1.5% of your gross wages. If your allowable share is less than half the premium, the employer pays the entire remainder. Your employer may withhold your contribution from your wages each pay period.
- Coverage during disability: if you cannot work because of a disability, your employer must keep its share of premiums going for up to three additional months after the month the disability began — or for as long as it pays your regular wages, whichever is longer — as long as you keep paying your own share.

Service Charges — Hotels and Restaurants

TRAP — the service-charge fork. Any hotel or restaurant that applies a service charge for the sale of food or beverage services — and any hotel that applies a service charge for portage (moving luggage, bags, or parcels between a guest room and the lobby, front desk, or a vehicle-access area) — must either distribute the service charge directly to its employees as tip income, OR clearly disclose to the purchaser that the service charge is being used to pay for costs or expenses other than wages and tips of employees. A service charge is not automatically the employees' money — the disclosure is the legal fork.

Pay Transparency

- Job listings must disclose pay. Hawaii law: "Job listings shall disclose an hourly rate or salary range that reasonably reflects the actual expected compensation." The requirement does not apply to internal transfers or promotions, public employee positions whose pay is set by collective bargaining, or positions with employers having fewer than fifty employees.
- The same Act bars an employer from paying an employee less than others in the establishment for substantially similar work because of a protected category.

Non-Competes

- Hawaii's general rule: every contract, combination, or conspiracy in restraint of trade or commerce in the State is illegal — with specified lawful exceptions, including a covenant by a seller of a business or between partners (reasonable in area and time), lease-use restrictions, and an employee covenant not to use the employer's trade secrets in competition.
- Technology businesses: it is prohibited to include a noncompete clause or a nonsolicit clause in an employment contract with an employee of a technology business — the clause is void. A "technology business" derives the majority of its gross income from selling or licensing products or services resulting from its software development or information technology development (broadcast businesses and certain telecommunications carriers are excluded from the definition). The ban is technology-only: no hospitality or general ban exists in the enacted statute.

Filing a Wage Claim

- File with the Department's Wage Standards Division. A complaint must be filed in writing and signed; no appointment is needed. Contact the Division on Oahu or the nearest district office by phone, mail, or in person — a specialist interviews you first, and a proper complaint is referred for investigation or hearing. Complainants generally hear from their specialist or hearings officer within six weeks. Oahu phone: (808) 586-8777. District offices: Kauai (808) 274-3351; Maui (808) 243-5322; Hilo (808) 974-6464; West Hawaii / Kona (808) 322-4808.
- Deadline: file a complaint for unpaid wages within ONE YEAR from the time the wages became due. Certain executives, administrators, professionals, and outside salespersons may need to file in court instead. The Department may recover back wages administratively or through court action.
- Other rights on the Department's notice: you may refuse a lie detector test, and you may file a complaint if you are suspended, discharged, or discriminated against solely because of a compensable work injury.

Discrimination

- The Hawaii Civil Rights Commission (HCRC) enforces Hawaii's employment discrimination law. Start with a Pre-Complaint Questionnaire (PCQ); an intake investigator reviews it and, if the Commission can help, helps you file a formal complaint. Get help in person, by phone at (808) 586-8636, or by email through the Commission's site.

TRAP — the deadline is now ONE YEAR. File with the HCRC within one (1) year from when the unlawful practice occurred — or, in a pattern of ongoing discrimination, from the last occurrence. Act 56 (2026, effective May 28, 2026) extended the old 180-day period to one year; it applies prospectively and to claims that had not yet expired on May 28, 2026. Older Commission flyers and posters saying 180 days are superseded — do not rely on them. The Commission urges anyone with a deadline question to contact it immediately rather than wait.

- Protected bases under Hawaii law include: race, sex (including gender identity or expression), sexual orientation, pregnancy and pregnancy-related conditions, age, religion, color, ancestry, disability, domestic or sexual violence victim status, marital status, arrest and court record, reproductive health decisions, breastfeeding, credit history, National Guard participation, and retaliation.

- The Commission has workshare agreements with the EEOC and HUD — complaints are typically dual-filed where the category is covered at both levels. EEOC Honolulu Local Office: (808) 800-2350. After investigation, the Executive Director finds either insufficient evidence (you receive a Right to Sue in state court) or reasonable cause (conciliation, then an administrative hearing if settlement fails). Retaliation for filing or participating is unlawful and can be a separate complaint.

Sources

Hawaii Department of Labor and Industrial Relations (DLIR), Wage Standards Division — minimum wage and filing a complaint:

labor.hawaii.gov. DLIR Disability Compensation Division — TDI FAQ:

labor.hawaii.gov/dcd/frequently-asked-questions/tdi/; Prepaid Health Care FAQ: labor.hawaii.gov/dcd/frequently-asked-questions/phc/; 2026

Maximum Weekly Wage Base (December 10, 2025):

labor.hawaii.gov/dcd/files/2025/12/2026-Maximum-Weekly-Wage-Base.pdf;

DCD contacts: labor.hawaii.gov/dcd/contact/1-2/. DLIR Hawaii Family

Leave: labor.hawaii.gov. Hawaii Civil Rights Commission — FAQs and the

Act 56 extension announcement: labor.hawaii.gov/hcrc/faqs/ and

labor.hawaii.gov/hcrc/act-56-extension-of-statute-of-limitation-to-file-complaints/.

Hawaii Revised Statutes chapters 378, 387, 388, 390, 392, 393, 398, 480, and 481B — data.capitol.hawaii.gov.