
A BILL FOR AN ACT

RELATING TO EMPLOYMENT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 394B-9, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "~~§394B-9~~ **Notification; penalty.** (a) Except as otherwise
4 provided in this section, any employer or any other individual
5 or entity that employs paid employees on a non-temporary basis
6 shall provide to each employee written notification of any
7 employment layoff at least thirty days prior to its occurrence;
8 provided that this requirement shall not apply when a layoff is
9 the result of lawful disciplinary action taken against an
10 employee.

11 ~~[(a)]~~ (b) An employer in a covered establishment shall
12 provide to each employee and the director written notification
13 of a closing, divestiture, partial closing, or relocation at
14 least sixty days prior to its occurrence.

15 ~~[(b)]~~ (c) An employer or any other individual or entity
16 that employs paid employees on a non-temporary basis and that
17 violates this section shall be liable to each affected employee



1 for an amount equal to back pay and benefits for the period of
2 violation not to exceed sixty days. This liability may be
3 reduced by any:

- 4 (1) Wages the employer pays during the notice period; and
- 5 (2) Voluntary and unconditional payment not required by a
6 legal obligation.

7 ~~[(e)]~~ (d) An employer of a covered establishment that is
8 actively seeking a buyer for a sale, transfer, or merger shall
9 not be required to provide the notice required under subsection
10 ~~[(a)]~~ (b) until the employer has entered into a binding
11 agreement for the sale, transfer, or merger of the covered
12 establishment that results in a divestiture.

13 ~~[(d)]~~ (e) An employer or any other individual or entity
14 that employs paid employees on a non-temporary basis and ~~[who]~~
15 that fails to provide notice under this section shall be subject
16 to a civil penalty not to exceed \$500 for each day of the
17 violation and the amount shall be deposited in the employment
18 and training fund under section 383-128; provided that the
19 employer may avoid the penalty if the employer satisfies its
20 liability to each affected employee within three weeks after the
21 layoff or closing. In any suit, the court, in its discretion,



H.B. NO. 685

1 may award the prevailing party reasonable attorney's fees and
2 costs.


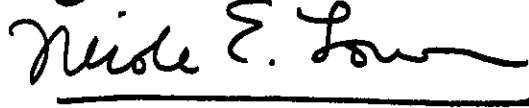
3 [~~e~~] (f) The department shall enforce this section and
4 shall have all the powers and duties conferred and imposed upon
5 it pursuant to section 371-12."

6 SECTION 2. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 3. This Act shall take effect on July 1, 2015.

9

INTRODUCED BY:

JAN 23 2015



H.B. NO. 685

Report Title:

Employment; Layoffs; Notification

Description:

Requires all entities and individuals that employ employees on a non-temporary basis to provide notice to employees at least thirty days in advance of any planned layoff. Subjects violators to civil penalties.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

