

# **DAHL**

**IT'S THE PEOPLE.**

**HAWAII SUPPLEMENT**  
**2023**

**ComplianceHR**

**Note:** This Employee Handbook is not intended to apply to any particular employer or to provide legal advice or opinion. Such advice may only be given when related to specific handbooks and specific fact situations. In no circumstances should any employee handbook be adopted and issued to employees before the final draft has been approved by experienced labor counsel. These employee handbook templates generally include policies prompted by federal and state laws in the employee policy context, as well as leave of absence and scheduling policies intended to comply with local laws in major municipalities (i.e., those with 100,000 residents or more). The handbook templates do not include the following: social media policies; drug-testing policies; policies related to municipal laws other than those specified above; or policies specific to government contractors.

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# GENERAL INFORMATION

## About This Hawaii Supplement

**Dahl Consulting (“The Company”)** is committed to workplace policies and practices that comply with federal, state and local laws. For this reason, Hawaii employees will receive the Company’s national handbook (“National Handbook”) and the Hawaii Supplement to the National Handbook (“Hawaii Supplement”) (together, the “Employee Handbook”).

The Hawaii Supplement applies only to Hawaii employees. It is intended as a resource containing specific provisions derived under Hawaii law that apply to the employee’s employment. It should be read together with the National Handbook and, to the extent that the policies in the Hawaii Supplement are different from or more generous than those in the National Handbook, the policies in the Hawaii Supplement will apply.

The Hawaii Supplement is not intended to create a contract of continued employment or alter the at-will employment relationship. **Only the President or CEO of the Company or that person’s authorized representative has the authority to enter into an agreement that alters the at-will employment relationship, and any such agreement must be in writing and signed by the Owner or CEO of the Company or an authorized representative.**

If employees have any questions about these policies, they should contact their DAHL representative.

## COMMITMENT TO DIVERSITY

### Equal Employment Opportunity

As set forth in the National Handbook, **The Company** is committed to equal employment opportunity and to compliance with federal antidiscrimination laws. We also comply with Hawaii law, which prohibits discrimination and harassment against employees or applicants for employment based on race, color, religion, national origin, sex (including pregnancy, childbirth and related medical conditions), reproductive health decisions, disability, age, ancestry, sexual orientation (actual or perceived), marital status, certain arrest and court records, child support orders, genetic information, gender identity or expression (actual or perceived), domestic or sexual violence victim status and breastfeeding or expression of breast milk in the workplace. The Company will not tolerate discrimination or harassment based on these characteristics or any other characteristic protected by applicable federal, state or local law.

The Company also complies with the Hawaii law that restricts the circumstances under which employers may base employment-related decisions on an individual’s credit report or credit history.

## **Accommodation for Victims of Domestic or Sexual Violence**

The Company will provide reasonable accommodations to employees who are victims of domestic or sexual violence, unless providing the accommodation would cause an undue hardship on the Company's work operations.

Reasonable accommodations may include:

- Changing an employee's contact information, such as telephone numbers, fax numbers or email addresses;
- Screening an employee's telephone calls;
- Restructuring an employee's job functions;
- Changing an employee's work location;
- Installing locks and other security devices; or
- Allowing an employee to work flexible hours.

The Company may require verification that the employee is a victim of domestic or sexual violence.

Employees who wish to request an accommodation under this policy should contact their DAHL representative.

The Company will not discriminate against any employee because the employee is a victim of domestic or sexual violence.

## **PAY PRACTICES**

### **Lactation Accommodation**

The Company will provide reasonable break time to accommodate an employee desiring to express breast milk for the employee's child. The Company will provide this break time for up to one year following the birth of a child.

The Company will provide employees with the use of a private location, other than a toilet stall, that is shielded from view and free from intrusion for the employee to express milk. Employees should discuss with their DAHL representative the location to express and store their breast milk and to make any other arrangements under this policy.

Employees should provide reasonable notice to the Company that they intend to take breaks for expressing breast milk upon returning to work: The Company reserves the right not to provide the accommodations described in this policy, if to do so would impose an undue hardship on company operations.

The Company will not demote, terminate or otherwise take adverse action against an employee who requests or makes use of the accommodations and break time described in this policy.

## **Discussion of Wages**

Employees are permitted to disclose their wages and discuss or inquire about the wages of other employees. The Company will not retaliate or discriminate against employees because they engage in such disclosures, discussions or inquiries or because they aid or encourage other employees in exercising their rights under Hawaii's Equal Pay Law.

## **TIME OFF AND LEAVES OF ABSENCE**

### **Family and Medical Leave**

We recognize that an employee may need to be absent from work for an extended period of time for family-related reasons. Accordingly, the Company will grant time off to employees in accordance with the requirements of the federal Family and Medical Leave Act (FMLA) and the Hawaii Family Leave Law (HFLL). When both the FMLA and the HFLL apply, the leave provided by each will count against the employee's entitlement under both laws and must be taken concurrently. An employee who is eligible for leave under only one of these laws will receive benefits according to that law only.

The following policy addresses employee rights under the HFLL. Employees should refer to the National Handbook for additional details regarding the FMLA. All questions concerning this policy should be directed to a DAHL representative.

#### ***Employee Eligibility***

Full-time, part-time, temporary and intermittent employees are eligible for family leave under the HFLL if they have been employed by the Company for the previous six consecutive months. Periods of authorized unpaid or paid absences do not constitute a break in service for purposes of calculating the service length requirement.

#### ***Purpose of Leave***

HFLL leave may be taken for the following reasons:

- The birth or adoption of a child; or
- To care for a child, grandchild, sibling (including a biological, adopted, step-or foster brother or sister), spouse, reciprocal beneficiary, parent, parent-in-law, stepparent, legal guardian, grandparent or grandparent-in-law with a serious health condition.

Leave for the birth of a child must be taken within 12 months of the baby's birth date.

### ***Length of Leave***

Eligible employees are entitled to a total of four weeks of unpaid family leave within any 12-month period. The applicable "12-month period" utilized by the Company is the 12-month period measured backward from the date an employee uses his/her HFLL leave. Under this method.

Employees may take leave intermittently in increments of hour. If an employee requests intermittent leave, the Company may offer a temporary transfer to an alternative position or a modification of existing job duties and conditions to accommodate the intermittent leave. Employees who have questions about or wish to request intermittent leave should contact their DAHL representative.

### ***Notice and Certification of the Need for Leave***

When the need for leave is foreseeable, an employee must provide at least 30 days' notice before the date the leave is to begin. If it is not possible or practicable to give 30 days' notice, the employee must provide at least verbal notification to the Company within two working days before leave begins and provide written notice as soon as practicable. If known, the employee must provide notice of the general reason for the request, as well as the anticipated start and duration of the leave. If the need for a leave is not foreseeable, the employee must give at least verbal notice within two working days of learning of the need for leave, or as soon as is practicable. The employee will also be required to submit a subsequent written notice to confirm verbal notice as soon as practicable. Failure to provide proper notice may result in a delay of leave.

A request for leave to care for a family member with a serious health condition must be supported by a written certification issued by the family member's health care provider. A request for leave for the birth of a child must be supported by written certification by a health care provider or the family court. A request for leave for the adoption of a child must be supported by written certification by a recognized adoption agency, the attorney handling the adoption, an individual officially designated by the birth parent to select and approve the adoptive family or the employee's petition filed with the court. When the need for leave is foreseeable, the employee must provide the certification before the leave starts. If the leave is unforeseeable, the employee must provide certification no later than two working days after the leave begins.

The Company may also require documentation or a statement of the relationship between the employee and the family member.

The Company may also require, at its own expense, re-certification during the leave if the circumstances described in the previous certification have changed significantly, or the employee receives information that casts doubt on the employee's stated reason for the absence. Such recertification will not be requested more frequently than once every 30 days. The Company may also require another certification if an employee requests an extension.



## ***Compensation and Benefits During Leave***

HFLL leave is unpaid. Employees may substitute accrued paid time-off including for any part of the four-week. Eligible employees may use up to 10 days of accrued and available sick leave during the four-week period. Existing restrictions on the use of sick leave will apply.

There will be no loss of benefits accrued prior to the leave. Leave benefits that are earned in one year and do not carry over to the following year are not protected.

## ***Return from Leave***

Upon return from leave, employees will be restored to their prior position or to a comparable position with equivalent pay, benefits, seniority and other terms and conditions of employment. Exceptions may apply when an employee's position would have been eliminated during a reduction in force even if the employee had not been on leave.

Employees who wish to return to work before the date on which their leave is scheduled to end should promptly contact their DAHL representative.

The Company will not take an adverse employment action (e.g., termination, demotion) or otherwise discriminate or retaliate against employees for exercising their rights under this policy.

## ***Pregnancy Disability Leave***

The Company will grant a reasonable leave of absence to female employees who are disabled due to pregnancy, childbirth and related medical conditions in accordance with all applicable laws. A reasonable period for the leave will be determined by the employee's physician with regard to the employee's physical condition and job requirements. If an employee is eligible for leave under the federal Family and Medical Leave Act (FMLA) and/or the Hawaii Family Leave Law (HFLL), the FMLA and/or HFLL leave and pregnancy disability leave will run concurrently.

Employees will be asked to provide medical certification estimating the beginning and end dates of the leave and the length of the leave. Employees may also be required to present a fitness-for-duty certification prior to returning to work.

After their leave, employees will be reinstated to their original position or a position of comparable status and pay without loss of service credits and privileges.

Employees who are disabled due to pregnancy, childbirth or related medical condition may also be entitled to reasonable accommodations in addition to or other than a leave of absence. Employees who would like more information or to request such an accommodation should contact their DAHL representative.

## **Military Leave**

In addition to the military leave rights set forth in the National Handbook, Hawaii employees who are members of the Hawaii National Guard may take an unpaid leave of absence to perform ordered National Guard service, including traveling to and from such service.

Employees will be considered as though on furlough or a leave of absence and will be entitled to participate in insurance or other benefits offered by the Company in accordance with the established rules and practices regarding employee leaves of absence in effect at the time the employee is ordered to National Guard service.

Unless the Company's circumstances have so changed as to make it impossible or unreasonable to do so, employees returning from ordered National Guard service will be reinstated to their prior position or a position of comparable seniority, status and pay, as long as they are still qualified to perform the duties of that position. If an employee is unable to perform the duties of his or her prior position due to a disability sustained during ordered National Guard service but is qualified to perform the duties of another position, the Company will reinstate the employee to the other position with like seniority, status and pay (or the closest approximation) consistent with the employee's circumstances.

The Company will not terminate employees who take leave in accordance with this policy without cause for up to one year following reemployment.

## **Jury Duty and Witness Duty Leave**

The Company encourages all employees to fulfill their civic responsibilities and to respond to jury or witness service summonses or subpoenas, attend court for prospective jury or witness service or serve as a juror or witness. Under no circumstances will employees be terminated, threatened, coerced or penalized because they request or take leave in accordance with this policy.

Employees should provide their supervisor with notice of any jury or witness summons or subpoena within a reasonable amount of time after receipt and before their appearance is required. Verification from the court clerk of having served may also be required.

Time spent engaged in attending court for prospective jury or witness service or for serving as a juror or witness is not compensable except that exempt employee will not incur any reduction in pay for a partial week's absence due to jury or witness duty.

## **Domestic or Sexual Violence Victim Leave**

Employees who are victims of domestic or sexual violence or that have a minor child (including an adopted, foster or stepchild or legal ward) who is a victim of domestic or sexual violence may take a reasonable period of leave from work to:

- Seek medical attention for the employee or the employee’s minor child to recover from physical or psychological injury or disability caused by domestic or sexual violence;
- Obtain services from a victim services organization;
- Obtain psychological or other counseling;
- Temporarily or permanently relocate; or
- Take legal action, including preparing for or participating in any civil or criminal legal proceeding related to or resulting from domestic or sexual violence, or other actions to enhance the physical, psychological or economic health or safety of the employee or the employee’s minor child or to enhance the safety of those who associate with or work with the employee.

Eligible employees are those who have worked for the Company for at least six consecutive months.

For purposes of this policy, a “reasonable period” of time varies depending on the reason for the leave. If the leave is taken to seek medical attention, a “reasonable period” is the period of time determined to be necessary by the attending health care provider, considering the condition of the employee or the employee’s minor child, and the job requirements. When leave is used to take legal or other action, including obtaining services from a victim services organization or permanently or temporarily relocating, a “reasonable period” is the time necessary to complete the activity as determined by the employee’s or the employee’s minor child’s attorney or advocate, a court or the personnel of the relevant victim services organization.

Regardless of the reason for the leave, time off under this policy may not exceed 30 days per calendar year.

Leave taken under this policy will run concurrently with other leave to which the employee is entitled, including leave under the federal Family and Medical Leave Act (FMLA) and the Hawaii Family Leave Law (HFLL), if applicable.

***Notice***

Employees must provide reasonable notice of their intent to take leave under this policy unless doing so is not practicable due to imminent danger to the employee or the employee’s minor child. During the leave, the Company may request weekly reports regarding the employee’s status and may inquire about the employee’s intention to return to work.

***Certification of the Need for Leave***

Employees who seek leave under this policy to obtain medical attention will be asked to provide a certificate from their health care provider estimating the length of the leave

and the estimated starting and ending dates of the leave. In addition, before returning to work, the Company may require that an employee provide medical certification from the employee's attending health care provider attesting to the employee's condition and approving the employee's return to work.

Employees who take leave under this policy for not more than five calendar days for non-medical reasons must provide a signed statement indicating that they or their minor child are a victim of domestic or sexual violence and that the leave is for a purpose permitted by this policy.

Employees who take non-medical leave under this policy for more than five days must provide one of the following types of certification:

- Certified or exemplified restraining orders, injunctions against harassment, and documents from criminal cases;
- Documentation from a victim services organization or domestic or sexual violence program, agency, or facility, including a shelter or safe house for victims of domestic or sexual violence; or
- Documentation from a medical professional, mental health care provider, attorney, advocate, social worker, or member of the clergy from whom the employee or the employee's minor child has sought assistance in relation to the domestic or sexual violence.

The leave will not be protected until the required certification is provided to the Company.

### ***Compensation***

Time off under this policy will be without pay. Employees must exhaust available, accrued paid or unpaid leave that may be used for the purposes addressed in this policy. Employees are entitled to no more than 30 days of leave under this policy when combined with other available leave.

### ***Reinstatement***

Returning employees will be reinstated to their original position or a position of comparable status and pay without loss of accumulated service credits and privileges. Employees will not accrue benefits during the period of leave. However, employees have no greater right to reinstatement than if they had been continuously employed and had not taken leave.

### ***Confidentiality***

The Company will treat information provided under this policy as confidential and will not disclose such information unless agreed to by the employee or required by law.

The Company will not discipline or otherwise discriminate or retaliate against an employee for requesting or taking leave under this policy.

## **Bone Marrow, Stem Cell or Organ Donor Leave**

Eligible employees will be allowed up to seven days of leave each calendar year to serve as a bone marrow donor or peripheral blood stem cell donor and up to 30 days of leave per calendar year to serve as an organ donor.

Eligible employees are those who have worked for the Company for at least one year immediately preceding the leave.

Employees must submit written verification to their DAHL representative that they are serving as a bone marrow, stem cell or organ donor and that the donation is medically necessary.

A leave of absence under this policy will not constitute a break in an employee's continuous employment for the purpose of the right to salary adjustments, sick leave, vacation, annual leave or seniority.

During a leave of absence under this policy, the Company will maintain and pay for coverage under a group health plan in the same manner as if the employee were actively at work during the leave period.

The leave of absence will be unpaid. The Company may require that an employee use up to three days of earned but unused sick leave, paid time off or unpaid time off for a leave related to bone marrow or stem cell donation and up to two weeks of earned but unused sick leave, vacation, paid time off or unpaid time off for organ donation.] Leave provided under this policy will be in addition to, and not run concurrently with, leave taken in accordance with the federal Family and Medical Leave Act (FMLA) or Hawaii Family Leave Law (HFLL).

Upon return from leave, an employee will be restored to the same position or to a position of equivalent seniority, benefits, pay and other terms and conditions of employment. However, the Company may decline to restore an employee for reasons unrelated to the exercise of rights under this policy.

The Company will not discriminate or retaliate against any employee for requesting or taking a leave under this policy or for opposing an unlawful practice related to this policy.

# EMPLOYEE BENEFITS

## Temporary Disability Insurance Benefits

### *Employee Eligibility*

To be eligible for temporary disability insurance (TDI) benefits, employees must have at least 14 weeks of Hawaii employment during the 52-week period immediately preceding the first day of disability, provided that for each week worked the employee worked at least 20 hours and earned wages of at least \$400.

Additionally, an employee must have performed regular service immediately or not longer than two weeks prior to the onset of the disability and would have continued or resumed employment except for the disability.

### *Temporary Disability Insurance Benefits Entitlement*

Eligible employees may receive TDI benefits for any disability that causes the total inability of the employee to perform the duties of his or her job due to sickness, pregnancy, termination of pregnancy or accident other than a work injury. Employees are ineligible to receive TDI benefits:

- For any period of disability during which the employee would be disqualified from receiving benefits under state law due to a work stoppage caused by a labor dispute;
- If the employee has knowingly made a false statement or representation of fact or knowingly failed to disclose a material fact in order to obtain benefits;
- For any period of disability due to a willfully and intentionally self-inflicted injury or injury sustained in the commission of a criminal offense;
- For any day of disability during which the employee performed work for remuneration or profit; or
- For any period in which the employee is entitled to receive:
  - Weekly benefits under the state Employment Security Law or other similar laws of other states of the United States;
  - Weekly federal disability insurance benefits;
  - Weekly benefits for total disability under the workers' compensation law of Hawaii, any other state or the United States, except benefits for permanent partial or permanent total disability previously incurred; and/or

- Indemnity payments for wage loss under any applicable employer's liability law of Hawaii, any other state or the United States.

### ***Eligible TDI Benefits***

An employee is only entitled to benefits for periods of disability during which, but for the disability, the employee would have earned wages from employment. Employees are not entitled to TDI benefits for periods of disability during which the employee would not have earned wages from employment according to the Company's schedule of operations.

No TDI benefits are paid during the first seven consecutive days of any period of disability. A consecutive period of disability due to the same or related cause and separated by an interval of two weeks or less is considered a single period of disability.

Once TDI benefits become payable, eligible employees may receive up to 26 weeks of benefit payments for any period of disability or during any benefit year.

The claim for disability benefits must be filed within 90 days of the start of the disability or as soon as reasonably possible.

### ***Certification Required***

In order to be eligible for TDI benefits, an employee must be under the care of a person duly licensed to practice medicine, surgery, dentistry, chiropractic, osteopathy or naturopathy, or an advanced practice registered nurse, who certifies the disability of the employee, the probable duration of the disability and any other pertinent facts.

If, pursuant to the teachings, faith or belief of any group, an employee depends upon prayer or other spiritual means for healing, the employee is otherwise eligible for temporary disability benefits if a duly authorized or accredited practitioner of the group certifies the disability, the probable duration of the disability and any other pertinent facts.

Certification must be submitted to the employee within seven working days of the employee's examination. The certification must be provided to the Company in a reasonable time.

## **SAFETY AND SECURITY**

### **Smoke-Free Workplace**

The Company prohibits smoking in the workplace, including in partially enclosed spaces and within 20 feet of any window, ventilation intake or entrance to the workplace. This prohibition against smoking includes the use of electronic smoking devices, such as electronic cigarettes or electronic pipes and any cartridge or other component of such a device.

Employees wishing to smoke must do so outside company facilities, in locations where smoke does not migrate back into the workplace, during scheduled work breaks.

Employees who observe other individuals smoking in the workplace have a right to object and should report the violation to their DAHL representative. Employees will not be disciplined or retaliated against for reporting smoking that violates Hawaii law or this policy.

Employees who violate this policy may be subject to disciplinary action up to and including termination of employment.

### **Cell Phone Use / Texting While Driving**

As set forth in the National Handbook, the Company prohibits employees from using cellular phones for business reasons while driving, for any reason while driving for work-related purposes and while driving a company-owned vehicle. Employees should also be aware that holding a mobile electronic device or talking or texting on such a device while driving is a violation of Hawaii law, in addition to being a violation of company policy.