
A BILL FOR AN ACT

RELATING TO DISLOCATED WORKERS.

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) An employer in a
4 covered establishment shall provide to each employee and the
5 director written notification of a closing, divestiture, partial
6 closing, or relocation at least sixty days prior to its
7 occurrence.

8 (b) An employer that violates this section shall be liable
9 to each affected employee for an amount equal to back pay and
10 benefits for the period of violation not to exceed sixty days.
11 This liability may be reduced by any:

12 (1) Wages the employer pays during the notice period; and
13 (2) Voluntary and unconditional payment not required by a
14 legal obligation.

15 (c) An employer of a covered establishment that is
16 actively seeking a buyer for a sale, transfer, or merger shall
17 not be required to provide the notice required under subsection
18 (a) until the employer has entered into a binding agreement for



1 the sale, transfer, or merger of the covered establishment that
2 results in a divestiture.

3 (d) An employer who fails to provide notice under this
4 section shall be subject to a civil penalty not to exceed \$500
5 for each day of the violation and the amount shall be deposited
6 in the employment and training fund under section 383-128;
7 provided that the employer may avoid the penalty if the employer
8 satisfies its liability to each affected employee within three
9 weeks after the closing. In any suit, the court, in its
10 discretion, may award the prevailing party reasonable attorney's
11 fees and costs.

12 (e) Notwithstanding any law to the contrary, the
13 department shall enforce this section and shall have all the
14 powers and duties conferred and imposed upon it pursuant to
15 section 371-12."

16 SECTION 2. New statutory material is underscored.

17 SECTION 3. This Act shall take effect on July 1, 2011.



Report Title:

Dislocated Workers; Enforcement Powers; Employers

Description:

Authorizes the Department of Labor and Industrial Relations to exercise enforcement powers against an employer in a covered establishment. Effective July 1, 2011. (SB1089 HD1)

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

