

Paul M. Saito

PARTNER

Paul is a partner in the firm's Litigation Department, and represents business owners and managers on employment law issues.

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Overview

Paul is a partner in the firm's Litigation Department, and represents business owners and managers on employment law issues.

Paul received his Bachelors of Business Administration degree from the University of Hawai'i at Manoa, and his Juris Doctorate degree from the University of California College of the Law, San Francisco (formerly, U.C. Hastings College of Law).

He is actively involved in advising and counseling business owners and human resource managers on employment law issues through the Chamber of Commerce of Hawaii, the Society for Human Resource Management certification programs, and the University of Hawai'i's Outreach College.

Paul served as the Chair of the Hawaii State Bar Association's Labor & Employment Section, as a member of the Board of Governors for Hawaii Employers Council, as Chairperson for the Government and Legislative Affairs Committee for Society for Human Resources Management, Hawai'i Chapter, as Vice-Chair of the Government Affairs Committee for the Honolulu Japanese Chamber of Commerce, and as Chairperson of the Human Resources Committee for the Chamber of Commerce of Hawaii. He represented employers on the State's Criminal History Record Checks Working Group which drafted Hawai'i's Criminal Background Check Statute. Paul was honored by the Chamber of Commerce Hawaii with its Chairman's Award, in 2002, and President's Award, in 2003, in appreciation of the countless hours he has devoted to representing employers before Hawai'i's Legislature.

Paul currently serves as a board member of Diamond Head Theatre, and is a trustee of the Sheet Metal Workers of Hawaii trust funds. He is a former board chair and board member of Catholic Charities of Hawaii, president and board member of Palama Settlement's board of trustees, and executive committee and board member of Hawaii Employers Council. He also volunteers his time with several community-based organizations including the McKinley High School Foundation, Aloha Council Boy Scouts, and is a past president and member of the Rotary Club of Honolulu and former Trustee of the Rotary Club of Honolulu Foundation.

Practices & Industries

- **Construction**
- **Coronavirus Response**
- **Corporate & Business**
  - Government Contracts
- **Educational Institutions**
- **Employment Law & Labor Relations**
- **Energy**
- **Insurance Coverage & Defense**
- **Litigation**
  - Alternative Dispute Resolution
  - Commercial Disputes
- **Pensions & ERISA**
- **Trusts & Estates**
  - Trust Administration

Noteworthy

Experience

Title VII and Hawai'i's Discrimination Laws

- Represents and defends employers in discrimination claims based upon race, sex, age, ancestry, marital status, sexual orientation, religion, criminal history, and all categories protected by anti-discrimination laws. Successfully defended employers in administrative hearings, arbitrations, litigation, and appeals

Wage and Hour

- Represents employers in administrative investigations, audits, and hearings related to wage and hour laws, including federal Davis Bacon, Service Contracts, Fair Labor Standards; and Hawai'i's minimum wage, overtime, and prevailing wage laws
- Counsels employers in correctly applying tests for determining exempt employee status allowed by the Fair Labor Standards Act, utilizing tip and other credits, implementing alternate compensation methods, and represents employers in investigations by federal and state agencies

Occupational Safety and Health

- Assists and represents employers in OSHA and HIOSH investigations, administrative hearings, and trials
- Counsels employers on handling workers' compensation and temporary disability insurance claims
- Assists with analysis and recommendations to respond to employee accommodation requests

Employee Benefits

- Assists employers in interpretation and application of state and federal leave laws including family medical leave, victims leave, and military leave

General Employment Practices

- Assists employers in implementing best practices for hiring, conducting background checks, training, evaluating, developing, empowering, disciplining, and if necessary terminating employees
- Reviews, analyzes, and assists in preparing employment agreements, offer letters, job descriptions, employee handbooks, policies, non-competition and confidentiality agreements

Labor

- Assists employers in preparing for and negotiating collective bargaining agreements
- Regularly represents employers against union-member grievances, and union unfair labor practice charges
- Assists in sales, mergers, and acquisitions of companies involving union collective bargaining agreements, and compliance with workforce reduction notification laws
- Advises employers and employer associations in multi-employer contract negotiations and trust fund administration
- Represents employers as a trustee on multi-employer trust funds

Awards

- Listed in *Best Lawyers*®, since 2017
- Listed in *Chambers and Partners*, USA Guide, since 2017
- *Martindale-Hubbell* AV Preeminent® Peer Review Rated, since 2014
- *Martindale-Hubbell* AV Preeminent® Rating Judicial Edition, since 2019
- *Legal Leaders*, Top Ranked Lawyer, since 2020

Community Involvement

- Honolulu Japanese Chamber of Commerce, Government Affairs Committee co-chair (2015-2020)
- Chamber of Commerce of Hawaii – Government Affairs Committee (1995-2004)
- Palama Settlement, Board of Directors (2004-2010 and 2012-2018)
- Palama Settlement, Board President (2010)
- Society for Human Resource Management, Board of Directors (2002-2005)
- McKinley High School Foundation, Director (2005-Present)
- Rotary Club of Honolulu, Member (2001-Present), President (2019-2020)
- Hawaii Employers Council, Board of Governors (2012-2018)
- Catholic Charities Hawai'i, Board of Directors (2015-2021)
- Catholic Charities Hawaii, Board Chair (2021-2022)
- Diamond Head Theatre, Board of Directors (2022-2025)
- Foundation of the Rotary Club of Honolulu (2016-2019, 2023-2026)

Credentials

Education

- J.D. (1991), University of California College of the Law, San Francisco (formerly, U.C. Hastings College of Law)
- B.B.A. (1981), University of Hawai'i at Manoa

Admissions

- Hawai'i State Bar (1991)
- United States District Court for the District of Hawai'i (1991)
- United States Ninth Circuit Court of Appeals (1995)

Membership

- Diamond Head Theatre, Board of Directors
- Hawaii State Bar Association, Labor and Employment Section
- Society for Human Resource Management (1993-Present)
- Palama Settlement, Chair of its Human Resources Committee, Board of Trustee Member

- Hawaii Employers Council, Board of Governors
- Rotary Club of Honolulu Foundation, Board of Trustee Member
- Catholic Charities Hawai'i, Former Board Chair and Board of Directors Member

Clerkship

- U.S. Department of Justice, San Francisco, CA; Law Clerk (1990-1991)

Publications

- "The FTC's 2024 Non-Compete Ban and Recent Hawai'i Limitations," *ke kumu* (Fall/Winter 2024) (Co-Author)
- "Recent Changes to Hawai'i Firearms and Concealed Carry Laws," *ke kumu* (Fall/Winter 2023) (Co-Author)
- "Hawai'i Supreme Court Issues Landmark Decision Regarding Enforceability of Non-Compete and Non-Solicitation Clauses" *ke kumu* (Fall/Winter 2022) (Co-Author)
- "Real Estate & COVID-19: Rental Assistance Funds via the CARES Act," *ke kumu* (Fall/Winter 2020) (Author)
- "Change in Direction: Federal and State Legislation Expected to Impact Employment in Hawai'i," *ke kumu* (August 2017) (Author)
- "Human Resources Law from Start To Finish, The Affordable Care Act and Health Care Reform," *National Business Institute* (2014)
- "Cades Schutte, Tax Exempt Organizations, Hawaii Employment Law Update," *Lorman Education Services* (2013)
- "Tax Exempt Organizations In Hawaii, Employment Law Update," *Lorman Education Services* (2006)
- "Employee Privacy Rights in the Hawaii Workplace," *National Business Institute* (2003)
- "Employee Discharge and Documentation in Hawaii," *Lorman Education System* (2000)

Speaking Engagements

- "Hawai'i and Federal Employment Law Update," Cades Schutte Corporate Counsel In-House Seminar (September 27, 2024) (Presenter)
- "The Future of Non-Compete and Non-Solicitations Clauses," Hawaii Employers Council (May 19, 2022) (Co-Presenter)
- "Medical Cannabis for Cancer: Expert Panel Q&A," John A. Burns School of Medicine, University of Hawai'i (March 2019)
- "Marijuana and the Workplace," Society for Human Resources Management, University of Hawai'i Maui College (September 2017)
- "Medical Marijuana: Do You Need a Pot Policy? What to Know and How it Will Impact Our Work Environment," Society for Human Resources Management, University of Hawai'i (September 2016)
- "Are You Ready for the New Overtime Exemption Rules?," Cades Schutte seminar (June 2016) (Co-Presenter with David F.E. Banks, Esq. and Amanda M. Jones, Esq.)

- "Wage and Hour Master Class: The Advanced Interactive Workshop for Employers," BLR seminar (October 2015) (Co-Presenter with Amanda M. Jones, Esq., Cheryl A. Kinoshita, Esq., Min Kirk, and Herbert Lee)
- "Essentials of Human Resource Management," Society for Human Resource Management, University of Hawai'i (June 2015)
- "To Rehabilitate or Not to Rehabilitate: Substance Abuse in the Workplace," Hawaii Employers Council (June 2014) (Co-Presenter with Alan Shinn and Michelle Park)
- "Are you prepared for the increased enforcement and investigative efforts into the misclassification of independent contractors, minimum wage, and overtime violations?" Honolulu Japanese Chamber of Commerce (June 2014)
- "Healthcare Reform Panel," Pacific Business News Panel (February 2014)