

STAND. COM. REP. NO.

1390

Honolulu, Hawaii

MAR 20 , 2025

RE: S.B. No. 442
S.D. 1
H.D. 1

Honorable Nadine K. Nakamura
Speaker, House of Representatives
Thirty-Third State Legislature
Regular Session of 2025
State of Hawaii

Madame:

Your Committee on Labor, to which was referred S.B. No. 442,
S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO GOVERNMENT,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Establish two additional categories of retirants who may be employed without re-enrollment in the Employees' Retirement System and without loss or interruption of retirement benefits and are identified as a labor shortage or difficult-to-fill positions by the appropriate department including:
 - (A) Investigator positions in the Department of the Attorney General or Department of Law Enforcement; and
 - (B) Management positions excluded from collective bargaining in any department; and
- (2) Require the Director of Human Resources of the appropriate state jurisdiction to include details on the employment of retirants in certain management positions

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or as investigators in their annual report to the Legislature.

Your Committee received testimony in support of this measure from the Department of the Attorney General and Department of Law Enforcement. Your Committee received testimony in opposition to this measure from the Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO. Your Committee received comments on this measure from the Employees' Retirement System Board of Trustees.

Your Committee finds that allowing valuable and experienced retirants to be rehired is a sound method to address the high vacancy rate in the public sector, especially within the Department of Law Enforcement and Department of the Attorney General. However, your Committee notes the concerns raised by the Employees' Retirement System Board of Trustees, in that no clear and uniform criteria are established for the determination of "labor shortage" or "difficult-to-fill" positions, possibly resulting in inconsistent determinations and administration of employees under the same employer.

Accordingly, your Committee has amended this measure by:

- (1) Removing investigator positions in the Department of the Attorney General or Department of Law Enforcement and management positions excluded from collective bargaining in any department as additional categories of retirants who may be employed without re-enrollment in the Employees' Retirement System established under this measure;
- (2) Adding positions needed for succession planning as a type of position that can be identified by the appropriate jurisdiction to be filled by retirants without reenrollment into the Employees' Retirement System;
- (3) Changing the effective date to July 1, 3000, to encourage further discussion; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.



As affirmed by the record of votes of the members of your Committee on Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 442, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 442, S.D. 1, H.D. 1, and be referred to your Committee on Finance.

Respectfully submitted on
behalf of the members of the
Committee on Labor,



JACKSON D. SACAMA, Chair



State of Hawaii
House of Representatives
The Thirty-third Legislature

HSCR 1390

Record of Votes of the Committee on Labor

Bill/Resolution No.: SB 442, SD1	Committee Referral: LAB, FIN	Date: 3/18/25
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The committee is reconsidering its previous decision on the measure.

The recommendation is to:
 Pass, unamended (as is)
 Pass, with amendments (HD)
 Hold
 Pass short form bill with HD to recommit for future public hearing (recommit)

LAB Members	Ayes	Ayes (WR)	Nays	Excused
1. SAYAMA, Jackson D. (C)	X			
2. LEE, Mike (VC)	X			
3. GARRETT, Andrew Takuya	✓			
4. KAPELA, Jeanne	X			
5. KONG, Sam Satoru	X			
6. REYES ODA, Julie	<i>ML</i>	X		
TOTAL (6)	5	1		

The recommendation is:
 Adopted
 Not Adopted
 If joint referral, _____ did not support recommendation.
committee acronym(s)

Vice Chair's or designee's signature:

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