

JAN 17 2013

S.B. NO. 73

A BILL FOR AN ACT

RELATING TO PUBLIC SAFETY.

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

1 SECTION 1. The legislature finds that the department of
2 public safety has been saddled with unnecessarily high overtime
3 costs for many years, despite efforts to lower those costs. The
4 department is unique in that continuous staffing is necessary to
5 operate the prison facilities all day every day in the interests
6 of public safety. Overtime expenses in the State's prisons and
7 jails comprise a major element of the personnel expenses of the
8 department. While administrative efforts have been made to
9 reduce overtime, the overtime expenses are still high.

10 Act 164, Session Laws of Hawaii 2011, section 133, requires
11 the department of public safety to prepare two annual reports to
12 the legislature on overtime costs. The first report dated
13 December 2011 stated:

14 "We cannot afford to take from other operating costs and
15 move the money to payrolls as the prisons and jails have a
16 duty to feed, clothe, and provide medical services to
17 inmates. In addition there are many programs that prepare
18 inmates to enter back into the community without re-



1 offending community members. Another example of where the
2 Department needs funds is to make repairs and maintenance
3 so that the staff is safe, and the inmates do not have
4 issues that will make the state of Hawaii vulnerable to law
5 suits."

6 The legislature also finds that the department of public
7 safety could significantly reduce its overtime costs if it hired
8 retired adult corrections officers on contract.

9 The purpose of this Act is to create a pilot program within
10 the department of public safety to hire back on a contract basis
11 retired adult corrections officers to staff the Oahu community
12 corrections center and the Halawa corrections facility, as
13 necessary.

14 SECTION 2. (a) The department of public safety may hire,
15 as necessary and without regard to chapter 76, Hawaii Revised
16 Statutes, individuals who are retired under chapter 88, Hawaii
17 Revised Statutes, and prior to retirement were designated as
18 adult corrections officers pursuant to the classification of
19 positions under chapter 76, Hawaii Revised Statutes, to provide
20 substantially the same services as existing adult corrections
21 officers subject to chapter 76, Hawaii Revised Statutes. The
22 retired individuals shall be hired pursuant to a contract



1 providing eighty-nine days or less of employment which shall be
2 renewable for additional increments of eight-nine days or less.

3 (b) Persons hired under subsection (a) shall:

4 (1) Fill in for existing adult corrections officers who
5 call in sick, are on vacation, or are on other types
6 of leave at the Oahu community correctional facility
7 and at the Halawa correctional facility;

8 (2) Be remunerated at a standard hourly rate to be
9 determined by the department of public safety;
10 provided that the hourly rate shall be set with the
11 goal of reducing overtime expenses of the department;

12 (3) Be ineligible for overtime compensation; and

13 (4) Be limited to a total of not more than two years of
14 employment by contract pursuant to this Act.

15 (c) The department of public safety shall determine the
16 criteria and qualifications for the hiring of retired adult
17 corrections officers for purposes of this Act.

18 SECTION 3. Section 88-9, Hawaii Revised Statutes, is
19 amended by amending subsection (d) to read as follows:

20 "(d) A retirant may be employed without reenrollment in
21 the system and suffer no loss or interruption of benefits



1 provided by the system or under chapter 87A if the retirant is
2 employed:

3 (1) As an elective officer pursuant to section 88-42.6(c)
4 or as a member of the legislature pursuant to section
5 88-73(d);

6 (2) As a juror or precinct official;

7 (3) As a part-time or temporary employee excluded from
8 membership in the system pursuant to section 88-43, as
9 a session employee excluded from membership in the
10 system pursuant to section 88-54.2, as the president
11 and chief executive officer of the Hawaii tourism
12 authority excluded from membership in the system
13 pursuant to section 201B-2, or as any other employee
14 expressly excluded by law from membership in the
15 system; provided that:

16 (A) The retirant was not employed by the State or a
17 county during the six calendar months prior to
18 the first day of reemployment; and

19 (B) No agreement was entered into between the State
20 or a county and the retirant, prior to the
21 retirement of the retirant, for the return to
22 work by the retirant after retirement;



1 (4) In a position identified by the appropriate
2 jurisdiction as a labor shortage or difficult-to-fill
3 position; provided that:

4 (A) The retirant was not employed by the State or a
5 county during the twelve calendar months prior to
6 the first day of reemployment;

7 (B) No agreement was entered into between the State
8 or a county and the retirant, prior to the
9 retirement of the retirant, for the return to
10 work by the retirant after retirement; and

11 (C) Each employer shall contribute to the pension
12 accumulation fund the required percentage of the
13 rehired retirant's compensation to amortize the
14 system's unfunded actuarial accrued liability;
15 [ex]

16 (5) As a teacher or an administrator in a teacher shortage
17 area identified by the department of education or in a
18 charter school or as a mentor for new classroom
19 teachers; provided that:

20 (A) The retirant was not employed by the State or a
21 county during the twelve calendar months prior to
22 the first day of reemployment;



(B) No agreement was entered into between the State or a county and the retirant prior to the retirement of the retirant, for the return to work by the retirant after retirement; and

(C) The department of education or charter school shall contribute to the pension accumulation fund the required percentage of the rehired retirant's compensation to amortize the system's unfunded actuarial accrued liability[-]; or

(6) As an adult corrections officer for the department of public safety pursuant to Act , Session Laws of Hawaii 2013; provided that:

(A) The retirant was not employed by the State or a county during the six calendar months prior to the first day of reemployment; and

(B) No agreement was entered into between the State or a county and the retirant, prior to the retirement of the retirant, for the return to work by the retirant after retirement.

SECTION 4. In printing this Act, the revisor of statutes shall insert in section 3 of this Act the corresponding act number of this Act.



1 SECTION 5. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 6. This Act shall take effect on July 1, 2013, and
4 shall be repealed on June 30, 2016; provided that section 88-
5 9(d), Hawaii Revised Statutes, shall be reenacted in the form in
6 which it read on the day prior to the effective date of this
7 Act.

8
INTRODUCED BY:

Will Zygo

Ronald de Bahr



S.B. NO. 73

Report Title:

Public Safety; Retired Adult Corrections Officers

Description:

Authorizes the department of public safety to hire retired adult corrections officers to contracts for periods of eighty-nine days or less to reduce overtime expenses of the department.

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

