

STAND. COM. REP. NO.

1511

Honolulu, Hawaii

, 2023

MAR 24

RE: S.B. No. 211
S.D. 2
H.D. 2

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred S.B. No. 211, S.D. 2, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM,"

begs leave to report as follows:

The purpose of this measure is to ensure that employment, work, and pay eligibility for the purpose of calculating retirement benefits include retroactive reinstatement, retroactive rescission of suspension, retroactive pay differentials, and back pay that are restored to an employee as part of an administrative, arbitral, or judicial proceeding, subject to certification by the Employees' Retirement System.

Your Committee received testimony in support of this measure from the Department of Human Resources of the City and County of Honolulu; Hawaii Fire Fighters' Association; Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO; Hawaii State Teachers Association; State of Hawaii Organization of Police Officers; University of Hawaii Professional Assembly; and United Public Workers. Your Committee received comments on this measure from the Employees' Retirement System.

2023-2800 SB211 HD2 HSCR HMSO



Your Committee finds that this measure will codify and authorize the long-standing past practice of the Employees' Retirement System of crediting awards and settlement agreements for service credits and benefits determination purposes.

Your Committee has amended this measure by:

- (1) Amending how retroactive reinstatement, retroactive rescission of suspension, and retroactive payments provided to an employee pursuant the final resolution of claims are considered service, compensation, or both for purposes of calculating retirement benefits;
- (2) Changing the effective date to June 30, 3000, to encourage further discussion; and
- (3) 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 Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 211, S.D. 2, H.D. 1, as amended herein, and recommends that it be referred to your Committee on Finance in the form attached hereto as S.B. No. 211, S.D. 2, H.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary &
Hawaiian Affairs,



DAVID A. TARNAS, Chair



