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# A BILL FOR AN ACT

RELATING TO RETIRANTS.

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

1           SECTION 1. The legislature finds that in 2010, chapter 88,  
2 Hawaii Revised Statutes, was amended to clarify the  
3 circumstances under which a retirant of the employees'  
4 retirement system may be reemployed without the suspension of  
5 the retirant's benefits and to provide remedies for the  
6 employees' retirement system if a retirant is re-employed in  
7 violation of that chapter and any administrative rule adopted  
8 thereunder.

9           The legislature further finds that there is a labor  
10 shortage that makes it difficult to fill investigator positions  
11 in the department of law enforcement and department of the  
12 attorney general.

13           Accordingly, the purpose of this Act is to establish an  
14 additional category of retirants who may be employed without  
15 re-enrollment in the employees' retirement system and without  
16 loss or interruption of benefits.



1 SECTION 2. Section 88-9, Hawaii Revised Statutes, is  
2 amended in the following manner:

3 1. By amending subsection (d) to read:

4 "(d) A retirant may be employed without reenrollment in  
5 the system and suffer no loss or interruption of benefits  
6 provided by the system or under chapter 87A if the retirant is  
7 employed:

8 (1) As an elective officer pursuant to section 88-42.6(c)  
9 or as a member of the legislature pursuant to section  
10 88-73(d);

11 (2) As a juror or precinct official;

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



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

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

8 (4) In a position identified by the appropriate  
9 jurisdiction as a labor shortage or difficult-to-fill  
10 position; provided that:

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

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

18 (C) Each employer shall contribute to the pension  
19 accumulation fund the required percentage of the  
20 rehired retirant's compensation to amortize the



1 system's unfunded actuarial accrued liability;

2 [~~or~~]

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

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

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

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

19 (6) As an investigator identified by the department of law  
20 enforcement or department of the attorney general as a



1           labor shortage or difficult-to-fill position; provided

2           that:

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

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

10          (C) The department of law enforcement or department  
11          of the attorney general, as applicable, shall  
12          contribute to the pension accumulation fund the  
13          required percentage of the rehired retirant's  
14          compensation to amortize the system's unfunded  
15          actuarial accrued liability."

16          2. By amending subsection (f) to read:

17          "(f) No later than twenty days prior to the convening of  
18 each regular legislative session, the director of human  
19 resources of the appropriate state jurisdiction or the human  
20 resources management chief executive of each county shall submit  
21 an annual report to the legislature detailing the employment of



1 retirants under paragraphs (4) [~~and~~], (5), and (6) of subsection  
2 (d), including the number and positions of retirants."

3 SECTION 3. Statutory material to be repealed is bracketed  
4 and stricken. New statutory material is underscored.

5 SECTION 4. This Act shall take effect on July 1, 3000.



**Report Title:**

Department of Law Enforcement; Department of the Attorney General; Employees' Retirement System; Retirees; Benefits; Investigators; Report

**Description:**

Allows a retirant to be employed without reenrollment in the Employees' Retirement System and without loss or interruption of retirement benefits if the retirant is employed as an investigator in a position identified by the Department of Law Enforcement or Department of the Attorney General as a labor shortage or difficult-to-fill position, subject to certain conditions. Requires the director of human resources of the appropriate state jurisdiction to include in the director's annual report to the Legislature, details on the employment of retirants as investigators. Effective 7/1/3000. (HD1)

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

