
A BILL FOR AN ACT

RELATING TO GOVERNMENT.

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

1 SECTION 1. The legislature finds that existing law
2 specifies the circumstances under which an employees' retirement
3 system retirant may be reemployed without the suspension of the
4 retirant's benefits and provides remedies for the employees'
5 retirement system if a retirant is reemployed in violation of
6 chapter 88, Hawaii Revised Statutes, and any administrative rule
7 adopted thereunder.

8 The legislature further finds that there is a labor
9 shortage that makes it difficult to fill investigator positions
10 in the department of the attorney general, law enforcement
11 officer positions that may be stationed at public schools as
12 school resource officers, as well as excluded management
13 positions in the department of agriculture and other state
14 departments.

15 Accordingly, the purpose of this Act is to establish
16 additional categories of retirants who may be employed without

1 reenrollment in the employees' retirement system and without
2 loss or interruption of benefits.

3 SECTION 2. Section 88-9, Hawaii Revised Statutes, is
4 amended as follows:

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

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

10 (1) As an elective officer pursuant to section 88-42.6(c)
11 or as a member of the legislature pursuant to section
12 88-73(d);

13 (2) As a juror or precinct official;

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



1 expressly excluded by law from membership in the
2 system; provided that:

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

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

10 (4) In a position identified by the appropriate
11 jurisdiction as a labor shortage or difficult-to-fill
12 position[+], or needed for succession planning;
13 provided that:

14 (A) The retirant was not employed by the State or a
15 county during the twelve calendar months [~~prior~~
16 ~~to~~] before the first day of reemployment;

17 (B) No agreement was entered into between the State
18 or a county and the retirant, [~~prior to~~] before
19 the retirement of the retirant, for the return to
20 work by the retirant after retirement; and



1 (C) Each employer shall contribute to the pension
2 accumulation fund the required percentage of the
3 rehired retirant's compensation to amortize the
4 system's unfunded actuarial accrued liability;
5 [~~or~~]

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

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

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

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



- 1 (6) As a law enforcement officer identified by the
2 department of law enforcement as a labor shortage or
3 difficult-to-fill position; provided that:
- 4 (A) The retirant was not employed by the State or a
5 county during the six calendar months before the
6 first day of reemployment;
- 7 (B) No agreement was entered into between the State
8 or a county and the retirant before the
9 retirement of the retirant, for the return to
10 work by the retirant after retirement;
- 11 (C) The department of law enforcement 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; and
- 16 (D) The retirant shall be stationed at a public
17 school as a resource officer;
- 18 (7) As an investigator identified by the department of the
19 attorney general as a labor shortage or
20 difficult-to-fill position; provided that:



- 1 (A) The retirant was not employed by the State or a
2 county during the six calendar months before the
3 first day of reemployment;
- 4 (B) No agreement was entered into between the
5 retirant and the State or a county, before the
6 retirement of the retirant, for the return to
7 work by the retirant after retirement; and
- 8 (C) The department of the attorney general shall
9 contribute to the pension accumulation fund the
10 required percentage of the rehired retirant's
11 compensation to amortize the system's unfunded
12 actuarial accrued liability; or
- 13 (8) In a management position excluded from collective
14 bargaining under chapter 89 and identified by the
15 applicable department as a labor shortage, or
16 difficult-to-fill position, or needed for succession
17 planning; provided that:
- 18 (A) The retirant was not employed by the State or a
19 county during the six calendar months before the
20 first day of reemployment;



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

5 (C) The applicable department shall contribute to the
6 pension accumulation fund the required percentage
7 of the rehired retirant's compensation to
8 amortize the system's unfunded actuarial accrued
9 liability; and

10 (D) The reemployment term of the retirant shall not
11 exceed _____ years, unless an extension is
12 approved by the director of human resources
13 development."

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

15 "(f) No later than twenty days prior to the convening of
16 each regular legislative session, the director of human
17 resources of the appropriate state jurisdiction or the human
18 resources management chief executive of each county shall submit
19 an annual report to the legislature detailing the employment of
20 retirants under [~~paragraphs (4) and (5) of subsection (d),~~]



1 subsection (d)(4), (5), (6), (7), and (8), including the number
2 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 upon its approval.



Report Title:

DLE; ATG; Retirees; ERS; EUTF; Benefits; School Resource Officers; Investigators; Counties; Report

Description:

Allows a retirant to be employed without reenrollment in the Employees' Retirement System and without loss or interruption of benefits under the System or the Hawaii Employer-Union Health Benefits Trust Fund if the retirant is employed in a position needed for succession planning, as a law enforcement officer stationed at a public school as a resource officer, as an investigator, or in a management position excluded from collective bargaining, subject to certain conditions. Requires the director of human resources of the appropriate state jurisdiction or the human resources management chief executive of each county to include in their annual reports to the Legislature details on the employment of retirants as school resource officers or investigators. (SD2)

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