

JAN 23 2025

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 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 of the state of Hawaii may be reemployed
5 without the suspension of the retirant's benefits and to provide
6 remedies for the employees' retirement system of the state of
7 Hawaii if a retirant is reemployed in violation of that chapter
8 and any administrative rule adopted 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 the attorney general and the department of
12 law enforcement.

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 of the state of
16 Hawaii and without loss or interruption of benefits.

S.B. NO. 1453

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

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:

S.B. NO. 1453

- 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
21 system's unfunded actuarial accrued liability;
22 [~~or~~]

S.B. NO. 1453

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

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

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

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

17 (6) As an investigator identified by the department of the
18 attorney general or the department of law enforcement
19 as a labor shortage or difficult-to-fill position;
20 provided that:

S.B. NO. 1453

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

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; and

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

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), and (6) of subsection
21 (d), including the number and positions of retirants."

S.B. NO. 1453

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

3 SECTION 4. This Act, upon its approval, shall take effect
4 on July 1, 2025.

5

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INTRODUCED BY:

A handwritten signature in black ink, appearing to be "M. D. M.", written over a horizontal line.

7

BY REQUEST

S.B. NO. 1453

Report Title:

DLE; ATG; ERS; Retirees; Benefits; Investigators; Counties;
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 the Attorney General or the Department of Law Enforcement as a labor shortage or difficult-to-fill position, 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 investigators.

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

JUSTIFICATION SHEET

SB. NO. 1453

DEPARTMENT: Law Enforcement

TITLE: A BILL FOR AN ACT RELATING TO GOVERNMENT.

PURPOSE: To establish an additional category of retirants who may be employed without re-enrollment in the employees' retirement system and without loss or interruption of benefits.

MEANS: Amend section 88-9(d) and (f), Hawaii Revised Statutes.

JUSTIFICATION: The departments of law enforcement and the attorney general need flexibility in recruiting and retaining experienced criminal investigators with a law enforcement background. Finding experienced investigators with law enforcement backgrounds who were not previously employed by a state or county law enforcement agencies is hindering the ability to fill investigator positions within the departments. This bill 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 the Attorney General or the Department of Law Enforcement as a labor shortage or difficult-to-fill position, subject to certain conditions that ensure protection of the Employees' Retirement System's Pension Accumulation Fund.

Impact on the public: The public is served by the availability of qualified investigators.

Impact on the department and other agencies: This bill significantly impacts the Department of Law Enforcement and the

SB. NO. 1453

Department of the Attorney General by providing flexibility in filling critical law enforcement investigator positions with individuals who have previous law enforcement experience, background, and credentials. It would also impact the Employees' Retirement System's administration of the pension system.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION: LAW 900.

OTHER AFFECTED
AGENCIES: None.

EFFECTIVE DATE: July 1, 2025.