
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 an employees' retirement system
4 retirant may be reemployed without the suspension of the
5 retirant's benefits and to provide remedies for the employees'
6 retirement system if a retirant is reemployed in violation of
7 that chapter and any administrative rule 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 and the department of
11 law enforcement.

12 The legislature further finds that there is a labor
13 shortage that makes it difficult to fill excluded management
14 positions in the department of agriculture and other state
15 departments.

16 Accordingly, the purpose of this Act is to expand the
17 categories of retirants who may be employed without



1 re-enrollment 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
12 section 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 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 the
8 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; provided that:

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

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

20 (C) Each employer shall contribute to the pension
21 accumulation fund the required percentage of the



1 rehired retirant's compensation to amortize the
2 system's unfunded actuarial accrued liability;
3 [~~or~~]

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

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

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

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

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



1 as a labor shortage or difficult-to-fill position;

2 provided that:

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

6 (B) No agreement was entered into between the
7 retirant and the State or a county, 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 the attorney general or the
11 department of law enforcement, as the case may
12 be, shall contribute to the pension accumulation
13 fund the required percentage of the rehired
14 retirant's compensation to amortize the system's
15 unfunded actuarial accrued liability; or

16 (7) In a management position excluded from collective
17 bargaining under chapter 89 and identified by the
18 applicable department as a labor shortage, a
19 difficult-to-fill position, or needed for succession
20 planning; provided that:



- 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
5 retirant and the State or a county, prior to the
6 retirement of the retirant, for the return to
7 work by the retirant after retirement;
- 8 (C) The applicable department shall contribute to the
9 pension accumulation fund the required percentage
10 of the rehired retirant's compensation to
11 amortize the system's unfunded actuarial accrued
12 liability; and
- 13 (D) The reemployment term of the retirant shall not
14 exceed years, unless an extension is
15 approved by the director of human resources
16 development."

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

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



1 an annual report to the legislature detailing the employment of
2 retirants under paragraphs (4) [~~and~~], (5), (6), and (7) of
3 subsection (d), including the number and positions of
4 retirants."

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

7 SECTION 4. This Act shall take effect on July 1, 2050.



Report Title:

ATG; DLE; ERS; Retirees; Hawaii Employer-Union Health Benefits Trust Fund; Benefits; Investigators; Counties; Report

Description:

Allows a retirant to be employed without reenrollment in the Employees' Retirement System (ERS) and without loss or interruption of benefits provided by the ERS or under Chapter 88, HRS, if the retirant is employed as an investigator in a position identified by the Department of the Attorney General or Department of Law Enforcement or an excluded management position of any department as a labor shortage, a difficult-to-fill position, or needed for succession planning, 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 pursuant to this measure. Effective 7/1/2050. (SD1)

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

