

JAN 23 2026

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# A BILL FOR AN ACT

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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 or any administrative rule adopted thereunder.

8       The legislature further finds that there is a labor  
9 shortage in the State that makes it difficult to fill certain  
10 positions in the public sector.

11       Accordingly, the purpose of this Act is to include  
12 positions needed for succession planning in the types of  
13 positions that may be filled by retirants without reenrollment  
14 in the employees' retirement system and without loss or  
15 interruption of benefits.

16       SECTION 2. Section 88-9, Hawaii Revised Statutes, is  
17 amended by amending subsection (d) to read as follows:



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

5       (1) As an elective officer pursuant to section 88-42.6(c)  
6             or as a member of the legislature pursuant to section  
7             88-73(d);

8       (2) As a juror or precinct official;

9       (3) As a part-time or temporary employee excluded from  
10            membership in the system pursuant to section 88-43, as  
11            a session employee excluded from membership in the  
12            system pursuant to section 88-54.2[+], [+] or as any  
13            other employee expressly excluded by law from  
14            membership in the system; provided that:

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

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



- 1           (4) In a position identified by the appropriate  
2           jurisdiction as a labor shortage or difficult-to-fill  
3           ~~[position,]~~ position, or a position needed for  
4           succession planning; provided that:
- 5           (A) The retirant was not employed by the State or a  
6           county during the twelve calendar months ~~[prior~~  
7           ~~to]~~ before the first day of reemployment;
- 8           (B) No agreement was entered into between the State  
9           or a county and the retirant, ~~[prior to]~~ before  
10          the retirement of the retirant, for the return to  
11          work by the retirant after retirement; and
- 12          (C) Each employer shall contribute to the pension  
13          accumulation fund the required percentage of the  
14          rehired retirant's compensation to amortize the  
15          system's unfunded actuarial accrued liability; or
- 16          (5) As a teacher or an administrator in a teacher shortage  
17          area identified by the department of education or in a  
18          charter school or as a mentor for new classroom  
19          teachers; provided that:



- 1           (A) The retirant was not employed by the State or a  
2           county during the twelve calendar months [~~prior~~  
3           ~~to~~] before the first day of reemployment;  
4           (B) No agreement was entered into between the State  
5           or a county and the retirant [~~prior to~~] before  
6           the retirement of the retirant, for the return to  
7           work by the retirant after retirement; and  
8           (C) The department of education or charter school  
9           shall contribute to the pension accumulation fund  
10          the required percentage of the rehired retirant's  
11          compensation to amortize the system's unfunded  
12          actuarial accrued liability."

13          SECTION 3. This Act does not affect rights and duties that  
14          matured, penalties that were incurred, and proceedings that were  
15          begun before its effective date.

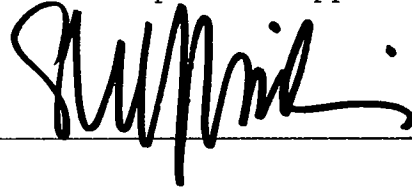
16          SECTION 4. Statutory material to be repealed is bracketed  
17          and stricken. New statutory material is underscored.



1 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY:





# S.B. NO. 2555

**Report Title:**

ERS; Retirants; Employment; Succession Planning

**Description:**

Allows a retirant to be employed without reenrollment in the Employees' Retirement System and without loss or interruption of benefits if the retirant is employed in a position identified for succession planning purposes.

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

