
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 Accordingly, the purpose of this Act is to establish
9 additional categories of retirants who may be employed without
10 reenrollment in the employees' retirement system and without
11 loss or interruption of benefits.

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

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

15 "(d) A retirant may be employed without reenrollment in
16 the system and suffer no loss or interruption of benefits



1 provided by the system or under chapter 87A if the retirant is
2 employed:

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

6 (2) As a juror or precinct official;

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

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

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

20 (4) In a position identified by the appropriate
21 jurisdiction, including relevant departments and



1 agencies, as a labor shortage or difficult-to-fill
2 position; provided that:

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

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; [~~and~~]

10 (C) Each employer shall contribute to the pension
11 accumulation fund the required percentage of the
12 rehired retirant's compensation to amortize the
13 system's unfunded actuarial accrued liability;
14 [~~or~~]; and

15 (D) Each employer, department, or agency, as the
16 relevant jurisdiction, shall use one of the
17 following requirements to identify a labor
18 shortage or difficult-to-fill position:

19 (i) The vacancy rate of positions for the class,
20 being the number of vacant positions on
21 active recruitment divided by the sum of the



1 filled positions and vacant positions on
2 active recruitment for the class of work,
3 shall have been at an average monthly
4 vacancy rate of fifty per cent or higher for
5 the preceding calendar year. A position
6 shall be considered vacant if not filled for
7 the majority of work days in a month;
8 (ii) The vacancy rate of positions for a class in
9 a geographic area, being the number of
10 vacant positions of that class on active
11 recruitment in that geographic area divided
12 by the sum of the filled positions and
13 vacant positions on active recruitment for
14 the class of work in that geographic area,
15 shall have been at an average monthly
16 vacancy rate of fifty per cent or higher for
17 the preceding calendar year. A position
18 shall be considered vacant if not filled for
19 the majority of work days in a month; or



1 requirements to identify a teacher or an
2 administrator position in a shortage area or a
3 mentor position for new classroom teachers:
4 (i) The vacancy rate of positions for the class,
5 being the number of vacant positions on
6 active recruitment divided by the sum of the
7 filled positions and vacant positions on
8 active recruitment for the class of work,
9 shall have been at an average monthly
10 vacancy rate of fifty per cent or higher for
11 the preceding calendar year. A position
12 shall be considered vacant if not filled for
13 the majority of work days in a month;
14 (ii) The vacancy rate of positions for a class in
15 a geographic area, being the number of
16 vacant positions of that class on active
17 recruitment in that geographic area divided
18 by the sum of the filled positions and
19 vacant positions on active recruitment for
20 the class of work in that geographic area,
21 shall have been at an average monthly



1 vacancy rate of fifty per cent or higher for
2 the preceding calendar year. A position
3 shall be considered vacant if not filled for
4 the majority of work days in a month; or
5 (iii) A position has been vacant while on
6 continuous active recruitment for at least
7 twelve calendar months; or
8 (6) As a school resource officer identified by the
9 department of law enforcement or other law enforcement
10 agency as a labor shortage or difficult-to-fill
11 position; provided that:
12 (A) The retirant was not employed by the State or a
13 county during the twelve calendar months before
14 the first day of reemployment;
15 (B) No agreement was entered into between the State
16 or a county and the retirant before the
17 retirement of the retirant, for the return to
18 work by the retirant after retirement;
19 (C) The department of law enforcement or other law
20 enforcement agency shall contribute to the
21 pension accumulation fund the required percentage



1 of the rehired retirant's compensation to
2 amortize the system's unfunded actuarial accrued
3 liability;

4 (D) The retirant shall be stationed at a public
5 school, as defined in section 302A-101, as a
6 school resource officer; and

7 (E) The department of law enforcement or each law
8 enforcement agency, as the relevant jurisdiction,
9 shall use one of the following requirements to
10 identify a labor shortage or difficult-to-fill
11 position:

12 (i) The vacancy rate of positions for school
13 resource officers, being the number of
14 vacant positions on active recruitment
15 divided by the sum of the filled positions
16 and vacant positions on active recruitment
17 for school resource officers, shall have
18 been at an average monthly vacancy rate of
19 fifty per cent or higher for the preceding
20 calendar year. A position shall be



1 considered vacant if not filled for the
2 majority of work days in a month; or
3 (ii) The vacancy rate of school resource officers
4 in a geographic area, being the number of
5 vacant positions of that school resource
6 officers on active recruitment in that
7 geographic area divided by the sum of the
8 filled positions and vacant positions on
9 active recruitment for school resource
10 officers in that geographic area, shall have
11 been at an average monthly vacancy rate of
12 fifty per cent or higher for the preceding
13 calendar year. A position shall be
14 considered vacant if not filled for the
15 majority of work days in a month; or
16 (iii) A school resource officer position has been
17 vacant while on continuous active
18 recruitment for at least twelve calendar
19 months."

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



1 "(f) No later than twenty days prior to the convening of
2 each regular legislative session, the director of human
3 resources of the appropriate state jurisdiction or the human
4 resources management chief executive of each county shall submit
5 an annual report to the legislature detailing the employment of
6 retirants under [~~paragraphs (4) and (5) of subsection (d),~~]
7 subsection (d) (4), (5), and (6), including the number and
8 positions of retirants."

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

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



Report Title:

DLE; ERS; Retirees; Benefits; Law Enforcement Officers; School Resource Officers; 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 a law enforcement officer stationed at a public school as a school resource officer as a labor shortage or difficult-to-fill positions, 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. Effective 7/1/3000. (HD1)

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