
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 and department of law
11 enforcement and law enforcement officer positions that can be
12 stationed at public schools as school resource officers.

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



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

1. By amending subsection (d) to read:

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

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

(2) As a juror or precinct official;

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

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



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

5 (4) In a position identified by the appropriate
6 jurisdiction, including relevant departments and
7 agencies, as a labor shortage or difficult-to-fill
8 position; provided that:

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

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

16 (C) Each employer shall contribute to the pension
17 accumulation fund the required percentage of the
18 rehired retirant's compensation to amortize the
19 system's unfunded actuarial accrued liability; or

20 (5) As a teacher or an administrator in a teacher shortage
21 area identified by the department of education or in a



1 charter school or as a mentor for new classroom
2 teachers; 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) The department of education or charter school
11 shall contribute to the pension accumulation fund
12 the required percentage of the rehired retirant's
13 compensation to amortize the system's unfunded
14 actuarial accrued liability.

15 (6) As a law enforcement officer identified by the
16 department of law enforcement or other law enforcement
17 agency as a labor shortage or difficult-to-fill
18 position; provided that:

19 (A) The retirant was not employed by the State or a
20 county during the twelve calendar months before
21 the first day of reemployment;



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

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

11 (D) The retirant shall be stationed at a public
12 school, as defined in section 302A-101, as a
13 school resource officer; or

14 (7) As an investigator identified by the department of the
15 attorney general or the department of law enforcement
16 as a labor shortage or difficult-to-fill position;
17 provided that:

18 (A) The retirant was not employed by the State or a
19 county during the twelve calendar months before
20 the 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; and
5 (C) The department of the attorney general and the
6 department of law enforcement shall contribute to
7 the pension accumulation fund the required
8 percentage of the rehired retirant's compensation
9 to amortize the system's unfunded actuarial
10 accrued liability."

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

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

20 SECTION 3. Statutory material to be repealed is bracketed
21 and stricken. New statutory material is underscored.



1 SECTION 4. This Act shall take effect on January 1, 2077.



Report Title:

ATG; DLE; ERS; Retirees; Benefits; Law Enforcement Officers;
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 retirement benefits if the retirant is employed as a law enforcement officer stationed at a public school as a school resource officer or investigator in positions identified by the Department of the Attorney General or Department of Law Enforcement or other law enforcement agency 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 1/1/2077. (SD1)

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