
A BILL FOR AN ACT

RELATING TO EMPLOYMENT OF RETIRANTS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that the department of
2 education continues to face a critical shortage of qualified
3 teachers and educational officers, particularly in hard-to-staff
4 geographic regions and specialized subject areas. The
5 legislature further finds that this chronic shortage denies
6 students consistent, high-quality instruction and places an
7 immense burden on existing school staff.

8 The legislature also finds that to address these vacancies,
9 the State has increasingly relied on emergency hires and the
10 recruitment of teachers from foreign countries through the J-1
11 visa program. While these teachers provide a necessary stopgap,
12 the legislature notes that the J-1 visa program is inherently
13 temporary, creating a revolving door of turnover that disrupts
14 student learning and requires continuous recruitment resources.

15 The legislature recognizes that while retired teachers are
16 eligible to return as substitute teachers, the current
17 compensation structure for substitutes often fails to adequately



1 recognize their professional credentials. Because substitute
2 pay is generally standardized, highly qualified retirees are
3 disincentivized from returning, as the compensation does not
4 reflect their expert status compared to non-credentialed
5 substitutes.

6 The legislature believes that re-engaging these retirees is
7 a fiscal opportunity. By creating a structured pilot program,
8 the State can fill critical vacancies with experienced local
9 talent while realizing cost savings by statutorily excluding
10 these positions from active recruitment into the Hawaii
11 employer-union health benefits trust fund.

12 Accordingly, the purpose of this Act is to establish a
13 five-year critical skills retention pilot program within the
14 department of education to authorize the rehiring of retired
15 educators for hard-to-staff positions.

16 SECTION 2. Chapter 302A, Hawaii Revised Statutes, is
17 amended by adding a new section to part III, subpart B, to be
18 appropriately designated and to read as follows:

19 "§302A- Critical skills retention pilot program. (a)

20 There is established within the department the critical skills
21 retention pilot program. The purpose of the pilot program shall



1 be to authorize the department to employ retirants under section
2 88-9(d) (6).

3 (b) A retirant may be employed without reenrollment in the
4 employees' retirement system and suffer no loss or interruption
5 of benefits provided under chapters 87A and 88 if the retirant
6 is employed under this section.

7 (c) Before employing or reemploying a retirant under this
8 section, the superintendent shall certify in writing that:

9 (1) Either:

10 (A) The department has conducted two career fairs
11 and, within a sixty-day period, has actively
12 advertised the position as part of a good-faith
13 recruitment effort for the position; provided
14 that the department shall advertise the position
15 for a minimum period specified pursuant to the
16 department's standard recruitment efforts; and

17 (B) The position falls within a licensure area or
18 geographic complex designated by the
19 superintendent as having a systemic shortage
20 where continuous recruitment has failed to



1 produce a sufficient number of qualified non-
2 retiree applicants; and

3 (2) No qualified and available non-retirant applicant
4 could be identified to fill the vacancy.

5 The superintendent shall establish internal procedures to verify
6 the certifications, ensuring that the program supplements,
7 rather than supplants, the permanent workforce.

8 (d) Employment of any retirant by the department shall be
9 limited to employment in positions:

10 (1) Eligible for a hard-to-staff location differential;

11 (2) Eligible for a special education differential;

12 (3) Eligible for a Hawaiian language immersion
13 differential;

14 (4) In an area where the percentage of unlicensed
15 individuals employed as emergency hires pursuant to
16 subpart D exceeds per cent of all public school
17 teachers in that area; or

18 (5) Identified by the superintendent as a hard-to-staff
19 position.

20 (e) A retirant hired pursuant to this section after
21 June 30, 2026:



1 (1) Shall receive the entry level salary for the teacher
2 or administrator position as negotiated in the
3 collective bargaining unit contract for that position;
4 and

5 (2) Shall not be eligible for benefits typically afforded
6 to active employees pursuant to chapter 78.

7 (f) No retirant employed pursuant to this section shall
8 have:

9 (1) Been employed by the State or a county during the
10 twelve calendar months immediately preceding the first
11 day of reemployment, except as provided under
12 subsection (h); or

13 (2) Entered into an agreement with the State or a county
14 prior to the retirement of the retirant, for the
15 return to work by the retirant after retirement.

16 (g) The retirant shall not earn additional service credit
17 or contribute to the pension accumulation fund established under
18 section 88-114.

19 (h) The retirant's term of employment shall not exceed one
20 year; provided that the retirant may be reappointed to
21 additional one-year terms if, before each reappointment:



1 (1) The requirements under subsection (c) are satisfied
2 again; and

3 (2) The position continues to satisfy the qualifications
4 under subsection (d).

5 (i) For purposes of this section, "retirant" has the same
6 meaning as defined in section 88-21."

7 SECTION 3. Section 76-16, Hawaii Revised Statutes, is
8 amended by amending subsection (b) to read as follows:

9 "(b) The civil service to which this chapter applies shall
10 comprise all positions in the State now existing or hereafter
11 established and embrace all personal services performed for the
12 State, except the following:

13 (1) Commissioned and enlisted personnel of the Hawaii
14 National Guard and positions in the Hawaii National
15 Guard that are required by state or federal laws or
16 regulations or orders of the National Guard to be
17 filled from those commissioned or enlisted personnel;

18 (2) Positions filled by persons employed by contract where
19 the director of human resources development has
20 certified that the service is special or unique or is
21 essential to the public interest and that, because of



- 1 circumstances surrounding its fulfillment, personnel
2 to perform the service cannot be obtained through
3 normal civil service recruitment procedures. Any
4 contract may be for any period not exceeding one year;
- 5 (3) Positions that must be filled without delay to comply
6 with a court order or decree if the director
7 determines that recruitment through normal recruitment
8 civil service procedures would result in delay or
9 noncompliance, such as the Felix-Cayetano consent
10 decree;
- 11 (4) Positions filled by the legislature or by either house
12 or any committee thereof;
- 13 (5) Employees in the office of the governor and office of
14 the lieutenant governor, and household employees at
15 Washington Place;
- 16 (6) Positions filled by popular vote;
- 17 (7) Department heads, officers, and members of any board,
18 commission, or other state agency whose appointments
19 are made by the governor or are required by law to be
20 confirmed by the senate;



- 1 (8) Judges, referees, receivers, masters, jurors, notaries
2 public, land court examiners, court commissioners, and
3 attorneys appointed by a state court for a special
4 temporary service;
- 5 (9) One bailiff for the chief justice of the supreme court
6 who shall have the powers and duties of a court
7 officer and bailiff under section 606-14; one
8 secretary or clerk for each justice of the supreme
9 court, each judge of the intermediate appellate court,
10 and each judge of the circuit court; one secretary for
11 the judicial council; one deputy administrative
12 director of the courts; three law clerks for the chief
13 justice of the supreme court, two law clerks for each
14 associate justice of the supreme court and each judge
15 of the intermediate appellate court, one law clerk for
16 each judge of the circuit court, two additional law
17 clerks for the civil administrative judge of the
18 circuit court of the first circuit, two additional law
19 clerks for the criminal administrative judge of the
20 circuit court of the first circuit, one additional law
21 clerk for the senior judge of the family court of the



1 first circuit, two additional law clerks for the civil
2 motions judge of the circuit court of the first
3 circuit, two additional law clerks for the criminal
4 motions judge of the circuit court of the first
5 circuit, and two law clerks for the administrative
6 judge of the district court of the first circuit; and
7 one private secretary for the administrative director
8 of the courts, the deputy administrative director of
9 the courts, each department head, each deputy or first
10 assistant, and each additional deputy, or assistant
11 deputy, or assistant defined in paragraph (16);

12 (10) First deputy and deputy attorneys general, the
13 administrative services manager of the department of
14 the attorney general, one secretary for the
15 administrative services manager, an administrator and
16 any support staff for the criminal and juvenile
17 justice resources coordination functions, and law
18 clerks;

19 (11) (A) Teachers, principals, vice-principals, complex
20 area superintendents, deputy and assistant
21 superintendents, other certificated personnel,



1 and no more than twenty noncertificated
2 administrative, professional, and technical
3 personnel not engaged in instructional work;
4 (B) Effective July 1, 2003, teaching assistants,
5 educational assistants, bilingual or bicultural
6 school-home assistants, school psychologists,
7 psychological examiners, speech pathologists,
8 athletic health care trainers, alternative school
9 work study assistants, alternative school
10 educational or supportive services specialists,
11 alternative school project coordinators, and
12 communications aides in the department of
13 education;
14 (C) The special assistant to the state librarian and
15 one secretary for the special assistant to the
16 state librarian; and
17 (D) Members of the faculty of the university of
18 Hawaii, including research workers, extension
19 agents, personnel engaged in instructional work,
20 and administrative, professional, and technical
21 personnel of the university;



- 1 (12) Employees engaged in special, research, or
2 demonstration projects approved by the governor;
- 3 (13) (A) Positions filled by inmates, patients of state
4 institutions, and persons with severe physical or
5 mental disabilities participating in the work
6 experience training programs;
- 7 (B) Positions filled with students in accordance with
8 guidelines for established state employment
9 programs; and
- 10 (C) Positions that provide work experience training
11 or temporary public service employment that are
12 filled by persons entering the workforce or
13 persons transitioning into other careers under
14 programs such as the federal Workforce Investment
15 Act of 1998, as amended, or the Senior Community
16 Service Employment Program of the Employment and
17 Training Administration of the United States
18 Department of Labor, or under other similar state
19 programs;
- 20 (14) A custodian or guide at Iolani Palace, the Royal
21 Mausoleum, and Hulihee Palace;



1 (15) Positions filled by persons employed on a fee,
2 contract, or piecework basis, who may lawfully perform
3 their duties concurrently with their private business
4 or profession or other private employment and whose
5 duties require only a portion of their time, if it is
6 impracticable to ascertain or anticipate the portion
7 of time to be devoted to the service of the State;

8 (16) Positions of first deputies or first assistants of
9 each department head appointed under or in the manner
10 provided in section 6, article V, of the Hawaii State
11 Constitution; three additional deputies or assistants
12 either in charge of the highways, harbors, and
13 airports divisions or other functions within the
14 department of transportation as may be assigned by the
15 director of transportation, with the approval of the
16 governor; one additional deputy in the department of
17 human services either in charge of welfare or other
18 functions within the department as may be assigned by
19 the director of human services; four additional
20 deputies in the department of health, each in charge
21 of one of the following: behavioral health,



1 environmental health, hospitals, and health resources
2 administration, including other functions within the
3 department as may be assigned by the director of
4 health, with the approval of the governor; two
5 additional deputies in charge of the law enforcement
6 programs, administration, or other functions within
7 the department of law enforcement as may be assigned
8 by the director of law enforcement, with the approval
9 of the governor; three additional deputies each in
10 charge of the correctional institutions,
11 rehabilitation services and programs, and
12 administration or other functions within the
13 department of corrections and rehabilitation as may be
14 assigned by the director of corrections and
15 rehabilitation, with the approval of the governor; two
16 administrative assistants to the state librarian; and
17 an administrative assistant to the superintendent of
18 education;

19 (17) Positions specifically exempted from this part by any
20 other law; provided that:



- 1 (A) Any exemption created after July 1, 2014, shall
2 expire three years after its enactment unless
3 affirmatively extended by an act of the
4 legislature; and
- 5 (B) All of the positions defined by paragraph (9)
6 shall be included in the position classification
7 plan;
- 8 (18) Positions in the state foster grandparent program and
9 positions for temporary employment of senior citizens
10 in occupations in which there is a severe personnel
11 shortage or in special projects;
- 12 (19) Household employees at the official residence of the
13 president of the university of Hawaii;
- 14 (20) Employees in the department of education engaged in
15 the supervision of students during meal periods in the
16 distribution, collection, and counting of meal
17 tickets, and in the cleaning of classrooms after
18 school hours on a less than half-time basis;
- 19 (21) Employees hired under the tenant hire program of the
20 Hawaii public housing authority; provided that no more
21 than twenty-six per cent of the authority's workforce



1 in any housing project maintained or operated by the
2 authority shall be hired under the tenant hire
3 program;

4 (22) Positions of the federally funded expanded food and
5 nutrition program of the university of Hawaii that
6 require the hiring of nutrition program assistants who
7 live in the areas they serve;

8 (23) Positions filled by persons with severe disabilities
9 who are certified by the state vocational
10 rehabilitation office that they are able to perform
11 safely the duties of the positions;

12 (24) The sheriff;

13 (25) A gender and other fairness coordinator hired by the
14 judiciary;

15 (26) Positions in the Hawaii National Guard youth and adult
16 education programs;

17 (27) In the Hawaii state energy office in the department of
18 business, economic development, and tourism, all
19 energy program managers, energy program specialists,
20 energy program assistants, and energy analysts;



- 1 (28) Administrative appeals hearing officers in the
- 2 department of human services;
- 3 (29) In the Med-QUEST division of the department of human
- 4 services, the division administrator, finance officer,
- 5 health care services branch administrator, medical
- 6 director, and clinical standards administrator;
- 7 (30) In the director's office of the department of human
- 8 services, the enterprise officer, information security
- 9 and privacy compliance officer, security and privacy
- 10 compliance engineer, security and privacy compliance
- 11 analyst, information technology implementation
- 12 manager, assistant information technology
- 13 implementation manager, resource manager, community or
- 14 project development director, policy director, special
- 15 assistant to the director, and limited English
- 16 proficiency project manager or coordinator;
- 17 (31) The Alzheimer's disease and related dementia services
- 18 coordinator in the executive office on aging;
- 19 (32) In the Hawaii emergency management agency, the
- 20 executive officer, public information officer, civil
- 21 defense administrative officer, branch chiefs, and

1 emergency operations center state warning point
2 personnel; provided that for state warning point
3 personnel, the director shall determine that
4 recruitment through normal civil service recruitment
5 procedures would result in delay or noncompliance;
6 (33) The executive director and seven full-time
7 administrative positions of the school facilities
8 authority;
9 (34) Positions in the Mauna Kea stewardship and oversight
10 authority;
11 (35) In the office of homeland security of the department
12 of law enforcement, the statewide interoperable
13 communications coordinator;
14 (36) In the social services division of the department of
15 human services, the business technology analyst;
16 (37) The executive director and staff of the 911 board;
17 (38) The software developer supervisor and senior software
18 developers in the department of taxation;
19 (39) In the department of law enforcement, five Commission
20 on Accreditation for Law Enforcement Agencies, Inc.,
21 coordinator positions;



1 (40) The state fire marshal and deputy state fire marshal
2 in the office of the state fire marshal;

3 (41) The administrator for the law enforcement standards
4 board;

5 (42) In the office of the director of taxation, the data
6 privacy officer and tax business analysts; ~~and~~

7 ~~]~~ (43) ~~[~~ All positions filled by the Hawaii tourism authority
8 within the department of business, economic
9 development, and tourism~~[-]~~; and

10 (44) Retirants employed under section 302A- .

11 The director shall determine the applicability of this
12 section to specific positions.

13 Nothing in this section shall be deemed to affect the civil
14 service status of any incumbent as it existed on July 1, 1955."

15 SECTION 4. Section 76-77, Hawaii Revised Statutes, is
16 amended to read as follows:

17 "**§76-77 Civil service and exemptions.** The civil service
18 to which this part applies comprises all positions in the public
19 service of each county, now existing or hereafter established,
20 and embraces all personal services performed for each county,
21 except the following:



- 1 (1) Positions in the office of the mayor; provided that
- 2 the positions shall be included in the classification
- 3 systems;
- 4 (2) Positions of officers elected by public vote,
- 5 positions of heads of departments, and positions of
- 6 one first deputy or first assistant of heads of
- 7 departments;
- 8 (3) Positions of deputy county attorneys, deputy
- 9 corporation counsel, deputy prosecuting attorneys, and
- 10 law clerks;
- 11 (4) Positions of members of any board, commission, or
- 12 agency;
- 13 (5) Positions filled by students; positions filled through
- 14 federally funded programs that provide temporary
- 15 public service employment such as the federal
- 16 Comprehensive Employment and Training Act of 1973; and
- 17 employees engaged in special research or demonstration
- 18 projects approved by the mayor, for which projects
- 19 federal funds are available;
- 20 (6) Positions of district judges, jurors, and witnesses;



- 1 (7) Positions filled by persons employed by contract where
2 the personnel director has certified that the service
3 is special or unique, is essential to the public
4 interest, and that because of the circumstances
5 surrounding its fulfillment, personnel to perform the
6 service cannot be recruited through normal civil
7 service procedures; provided that no contract pursuant
8 to this paragraph shall be for any period exceeding
9 one year[+], except for contracts authorized under
10 section 302A- ;
- 11 (8) Positions of a temporary nature needed in the public
12 interest where the need does not exceed ninety days;
13 provided that before any person may be employed to
14 render temporary service pursuant to this paragraph,
15 the director shall certify that the service is of a
16 temporary nature and that recruitment through normal
17 civil service recruitment procedures is not
18 practicable; and provided further that the employment
19 of any person pursuant to this paragraph may be
20 extended for good cause for an additional period not



- 1 to exceed ninety days upon similar certification by
2 the director;
- 3 (9) Positions of temporary election clerks in the office
4 of the county clerk employed during election periods;
- 5 (10) Positions specifically exempted from this part by any
6 other state statutes;
- 7 (11) Positions of one private secretary for each department
8 head; provided that the positions shall be included in
9 the classification systems;
- 10 (12) Positions filled by persons employed on a fee,
11 contract, or piecework basis who may lawfully perform
12 their duties concurrently with their private business
13 or profession or other private employment, if any, and
14 whose duties require only a portion of their time,
15 where it is impracticable to ascertain or anticipate
16 the portion of time devoted to the service of the
17 county and that fact is certified by the director;
- 18 (13) Positions filled by persons with a severe disability
19 who are certified by the state vocational
20 rehabilitation office as able to safely perform the
21 duties of the positions;



1 (14) Positions of the housing and community development
2 office or department of each county; provided that
3 this exemption shall not preclude each county from
4 establishing these positions as civil service
5 positions;

6 (15) The following positions in the office of the
7 prosecuting attorney: private secretary to the
8 prosecuting attorney, secretary to the first deputy
9 prosecuting attorney, and administrative or executive
10 assistants to the prosecuting attorney; provided that
11 the positions shall be included in the classification
12 systems; and

13 (16) Positions or contracts for personal services with
14 private persons or entities for services lasting no
15 longer than one year and at a cost of no more than
16 \$750,000; provided that the exemption under this
17 paragraph shall apply to contracts for building,
18 custodial, and grounds maintenance services with
19 qualified community rehabilitation programs, as
20 defined in section 103D-1001, lasting for no longer
21 than a year and at a cost of no more than \$3,000,000



1 in the aggregate per private person or entity,
2 regardless of the number of contracts or qualified
3 community rehabilitation programs utilized for the
4 personal service.

5 The director shall determine the applicability of this
6 section to specific positions and shall determine whether or not
7 positions exempted by paragraphs (7) and (8) shall be included
8 in the classification systems.

9 Nothing in this section shall be deemed to affect the civil
10 service status of any incumbent private secretary of a
11 department head who held that position on May 7, 1977."

12 SECTION 5. Section 87A-1, Hawaii Revised Statutes, is
13 amended by amending the definition of "employee-beneficiary" to
14 read as follows:

15 ""Employee-beneficiary" means:

16 (1) An employee;

17 (2) The beneficiary of an employee who is killed in the
18 performance of the employee's duty, including:

19 (A) The surviving child, if there is no surviving
20 parent who is eligible to be an employee-



1 beneficiary and the child is unmarried and under
2 the limiting age as defined by the board; and
3 (B) The surviving spouse, if the surviving spouse
4 does not subsequently remarry;
5 (3) An employee who retired prior to 1961; and
6 (4) The beneficiary of a retired member of the employees'
7 retirement system; a county pension system; or a
8 police, firefighters, or bandsmen pension system of
9 the State or a county, upon the death of the retired
10 member, including:
11 (A) The surviving child, if there is no surviving
12 parent who is eligible to be an employee-
13 beneficiary and the child is unmarried and under
14 the limiting age as defined by the board; and
15 (B) The surviving spouse, if the surviving spouse
16 does not subsequently remarry;
17 provided that the employee, the employee's beneficiary, or the
18 beneficiary of the deceased retired employee is deemed eligible
19 by the board to participate in a health benefits plan or
20 long-term care benefits plan under this chapter.



1 "Employee-beneficiary" does not include any retirant
2 employed under section 302A- during the retirant's employment
3 under that section for employee-beneficiaries hired after
4 June 30, 2026."

5 SECTION 6. Section 88-9, Hawaii Revised Statutes, is
6 amended by amending subsection (d) to read as follows:

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

11 (1) As an elective officer pursuant to section 88-42.6(c)
12 or as a member of the legislature pursuant to section
13 88-73(d);

14 (2) As a juror or precinct official;

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



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



1 system's unfunded actuarial accrued liability;

2 [~~or~~]

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

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

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

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

19 (6) In a position under section 302A- ; provided that:

20 (A) The retirant was not employed by the State or a
21 county during the twelve calendar months



1 immediately preceding the first day of
2 reemployment; and
3 (B) No agreement was entered into between the State
4 or a county and the retirant before the
5 retirement of the retirant, for the return to
6 work by the retirant after retirement."

7 SECTION 7. This Act does not affect rights and duties that
8 matured, penalties that were incurred, and proceedings that were
9 begun before its effective date.

10 SECTION 8. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

12 SECTION 9. This Act shall take effect on July 1, 3000;
13 provided that on June 30, 2031, this Act shall be repealed and
14 sections 76-16, 76-77, 87A-1, and 88-9, Hawaii Revised Statutes,
15 shall be reenacted in the form in which they read on the day
16 prior to the effective date of this Act.



Report Title:

DOE; Hard-to-Staff Positions; Pilot Program; Employment;
Retirants

Description:

Establishes a five-year pilot program to authorize the Department of Education to rehire retired teachers and educational officers for hard-to-staff positions. Sunsets 6/30/2031. Effective 7/1/3000. (SD1)

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

