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# 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 reemployment of  
2           retirees for unique and crucial positions will help stabilize  
3           county operations, provide expertise and institutional  
4           knowledge, and support workforce training and succession  
5           planning.

6           Accordingly, the purpose of this Act is to enable the State  
7           and counties to temporarily rehire retired public employees in  
8           positions identified as unique and critical to government  
9           operations.

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

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

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



- 1 (1) As an elective officer pursuant to section 88-42.6(c)  
2 or as a member of the legislature pursuant to section  
3 88-73(d);
- 4 (2) As a juror or precinct official;
- 5 (3) As a part-time or temporary employee excluded from  
6 membership in the system pursuant to section 88-43, as  
7 a session employee excluded from membership in the  
8 system pursuant to section 88-54.2[+], [+] or as any  
9 other employee expressly excluded by law from  
10 membership in the system; provided that:
- 11 (A) The retirant was not employed by the State or a  
12 county during the six calendar months prior to  
13 the first day of reemployment; and
- 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;
- 18 (4) In a position identified by the appropriate  
19 jurisdiction as a labor shortage or difficult-to-fill  
20 position; 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 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; and
- 8 (C) Each employer shall contribute to the pension
- 9 accumulation fund the required percentage of the
- 10 rehired retirant's compensation to amortize the
- 11 system's unfunded actuarial accrued liability;
- 12 [~~or~~]
- 13 (5) As a teacher or an administrator in a teacher shortage
- 14 area identified by the department of education or in a
- 15 charter school or as a mentor for new classroom
- 16 teachers; provided that:
- 17 (A) The retirant was not employed by the State or a
- 18 county during the twelve calendar months prior to
- 19 the first day of reemployment;
- 20 (B) No agreement was entered into between the State
- 21 or a county and the retirant prior to the



1 retirement of the retirant, for the return to  
2 work by the retirant after retirement; and  
3 (C) The department of education or charter school  
4 shall contribute to the pension accumulation fund  
5 the required percentage of the rehired retirant's  
6 compensation to amortize the system's unfunded  
7 actuarial accrued liability~~[+]~~; or  
8 (6) In a position identified by the appropriate  
9 jurisdiction as unique and critical to operations;  
10 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;  
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                   and  
3                   (D) Notwithstanding section 76-16(b)(17), the  
4                   retirant hired after June 30, 2026, shall not be  
5                   reemployed in a position identified as unique and  
6                   critical to operations for a period exceeding  
7                   four years in total. Upon reaching the four-year  
8                   limit, the retirant shall separate from state or  
9                   county employment.

10                   For the purpose of this subsection:

11                   "Unique and critical to operations" means positions that  
12 require a high degree of specialized knowledge and experience."

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

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



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

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

6 SECTION 5. This Act shall take effect on January 1, 2077.



**Report Title:**

Hawaii Council of Mayors Package; Retirants; Employment

**Description:**

Authorizes the rehiring of retirants for positions that are unique and critical to operations. Limits the duration of each retirant's reemployment to four years. Effective 1/1/2077.  
(SD1)

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

