
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 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 as follows:



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

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

6 (1) As an elective officer pursuant to section 88-42.6(c)
7 or as a member of the legislature pursuant to section
8 88-73(d);

9 (2) As a juror or precinct official;

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

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

19 (B) No agreement was entered into between the State
20 or a county and the retirant, [~~prior to~~] before



1 the retirement of the retirant, for the return to
2 work by the retirant after retirement;

3 (4) In a position identified by the appropriate
4 jurisdiction as a labor shortage or difficult-to-fill
5 ~~[position,]~~ position, or a position needed for
6 succession planning; provided that:

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

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

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

18 (5) As a teacher or an administrator in a teacher shortage
19 area identified by the department of education or in a
20 charter school or as a mentor for new classroom
21 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 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) of subsection (d),
20 including the number and positions of retirants[~~r~~] to provide



1 sufficient oversight to ensure that the employment
2 determinations are consistent with applicable laws and rules."

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

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

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



S.B. NO. 2555
S.D. 1

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 as one needed for succession planning. Effective 1/1/2077. (SD1)

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