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# 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, 2026.



**Report Title:**

DLE; ERS; Retirees; Benefits; School Resource Officers; Labor Shortage; Difficult-to-Fill; State and County Human Resources; 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 school resource officer identified by the Department of Law Enforcement or other law enforcement agency as a labor shortage or difficult-to-fill position and stationed at a public school, subject to certain conditions. Establishes criteria for various agencies to use in identifying labor shortage or difficult-to-fill positions. 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. (CD1)

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

