

**ACT 119**

H.B. NO. 317

A Bill for an Act Relating to the Employees' Retirement System.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. It has been the University of Hawaii's (University) long-standing practice to report certain faculty members and lecturers holding multiple

part-time appointments as eligible for membership in the employees' retirement system.

The purpose of this Act is to allow:

- (1) Present and future University faculty members and lecturers to qualify for membership in the employees' retirement system on the basis of aggregated multiple part-time appointments; and
- (2) Past and present University faculty members, lecturers, and administrative, professional, and technical employees to retain the membership benefits for which the University reported them to be eligible prior to the effective date of this Act.

SECTION 2. Section 88-42.5, Hawaii Revised Statutes, is amended to read as follows:

**“~~§88-42.5~~ Membership of employees holding more than one position, appointment, or office.** (a) The membership of any employee holding more than one full-time position, appointment, office, or any combination thereof shall be limited to the position, appointment, or office of the employee's option; provided that the employment in the position, appointment, or office shall meet the minimum membership eligibility requirements as provided in this part. Any contributions made based on the compensation, pay, or salary of the employee's position, appointment, or office other than that on which the employee's membership is based shall be returned to the employee.

The foregoing shall not apply to any employee holding two part-time positions of the same class if each position meets the minimum eligibility requirements for membership, and the sum total of the compensation, pay, or salary received for both positions does not exceed the higher of the full-time compensation, pay, or salary for either position.

(b) The membership of any faculty member or lecturer of the University of Hawaii with multiple part-time appointments or positions shall be based on an aggregate of all such part-time faculty or lecturer appointments or positions not to exceed one full-time position. For the purposes of this chapter, the sum total of the compensation, pay, or salary received from the positions shall not exceed an amount equal to the highest of the full-time compensation, pay, or salary for any one of the part-time appointments or positions.

Notwithstanding any other law to the contrary, with respect to any existing or former faculty member, lecturer, or administrative, professional, or technical employee of the University of Hawaii who holds or held multiple part-time appointments or positions prior to July 1, 2003, and who was reported by the University of Hawaii to the system as eligible for membership in the system, the system shall not adjust its records for, or reduce the benefits of, such faculty member, lecturer, or administrative, professional, or technical employee by reason of the failure of such faculty member, lecturer, or administrative, professional, or technical employee to meet the system membership eligibility requirements without the aggregation of multiple part-time appointments or positions.”

SECTION 3. Section 88-43, Hawaii Revised Statutes, is amended to read as follows:

**“§88-43 Persons ineligible for membership; optional membership.** [The] Except with respect to faculty members or lecturers employed on one or more campuses of the University of Hawaii who hold multiple part-time appointments or positions, in such capacities, any of which may be less than one-half of a full-time equivalent but all of which, when added together, aggregate to at least one-half of a

full-time equivalent position, the board of trustees may deny membership to any class of part-time employees or persons engaged in temporary employment of three months or less, or it may, in its discretion, make optional with persons in such classes their individual entrance into membership; provided that no officer or employee entering service after January 1, 1928, who is entitled to become a member of any pension system under [~~Part~~] part III shall be entitled to become a member of the system.

Elective officers shall be eligible for membership, and their individual entrance into membership shall be at their option.”

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

SECTION 5. This Act shall take effect on July 1, 2003.

(Approved June 2, 2003.)