

ACT 156

H.B. NO. 2710

A Bill for an Act Relating to the Re-Employment of Retirees.

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

SECTION 1. Chapter 88, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§88- Re-employment of retirants. (a) Appointing authorities in a county or the State may employ retired state or county government employees who are receiving retirement benefits under this chapter.

(b) The director of human resources of the appropriate state jurisdiction or the human resources management chief executive of a county may employ retired state or county government employees who are receiving retirement benefits under this chapter to fill labor shortage and difficult-to-fill exempt or civil service positions.

(c) Retired state or county government employees shall be eligible for a position of at least one-half of a full-time equivalent with a state or county government after one calendar year of retirement.

(d) Re-employment agreements shall not be entered into between the State or county and an employee prior to the retirement of the employee.

(e) Retired state or county government employees rehired for civil service positions under this section shall be recruited, selected, and employed pursuant to applicable civil service and employment laws.

(f) The director of human resources of the appropriate state jurisdiction in which a retired state or county government employee is hired or the human resources management chief executive of the respective county in which a retired state or county government employee is hired by that county shall certify the hiring of the retirant as having been performed pursuant to applicable civil service and employment laws.

(g) Sections 88-21, 88-42.5, 88-43, 88-45, 88-46, 88-98, 88-273, 88-326, and 88-344, chapter 89, and any other law to the contrary notwithstanding, retired state or county government employees who are hired by the State or any of the counties under this section shall not earn retirement service credit, contribute to the retirement system, or gain additional retirement system benefits as a result of their subsequent employment with the State or a county, and the retired state or county government employee shall continue to receive the retirant’s retirement benefits and health benefits without penalty. Each employer shall contribute to the pension accumulation fund the required percentage of the rehired employee’s compensation to amortize the system’s unfunded actuarial accrued liability.

(h) A retired state or county government employee who is hired by the State or county under this section shall join the appropriate bargaining unit if hired in a position covered by collective bargaining.

(i) This section shall not preclude a retired state or county government employee from returning to work and relinquishing the person’s retirement benefits to earn additional service credits and gain additional retirement benefits for a future retirement date as may be allowed by this chapter.

(j) The director of human resources of the appropriate state jurisdiction or the human resources management chief executive of a county shall submit an annual report to the legislature detailing the employment of retirants, including the number and positions of retired employees hired under this section no later than twenty days prior to the convening of each regular legislative session.

(k) For purposes of this section:

“Executive branch of the State” means all the departments of the executive branch of state government, except the University of Hawaii, the Hawaii health systems corporation, and the department of education.

“One calendar year” means twelve consecutive months from the date of the employee’s retirement to the date of the employee’s re-employment under this Act.

“State jurisdiction” means the department of education, the judiciary, the Hawaii health systems corporation, the office of Hawaiian affairs, the executive branch of the State or any of its political subdivisions, and the legislative branch of the State.”

SECTION 2. Act 286, Session Laws of Hawaii 2006, is amended by amending section 2 to read as follows:

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

“§302A- **Rehiring of retired teachers and administrators to fill certain positions; authorized.** (a) Beginning July 1, 2006, the department of education and charter schools may employ for positions up to one hundred per cent full-time equivalency:

- (1) Retired teachers to teach in teacher shortage areas identified by the department of education and charter schools and to serve as mentors for new classroom teachers; and
- (2) Retired administrators to teach or administer in teacher shortage areas identified by the department of education and charter schools and to serve as mentors for new classroom teachers,

with the prior approval of the superintendent of education or the local school board of each charter school and pursuant to collective bargaining agreements; provided that the department shall contribute [~~thirteen and three-quarters per cent~~] the required percentage of the rehired employee’s compensation to the pension accumulation fund[-] to amortize the employees’ retirement system’s unfunded actuarial accrued liability.

(b) Sections 88-21, 88-42.5, 88-43, 88-45, 88-46, 88-325, and 88-326, and any other law to the contrary notwithstanding, a teacher or administrator retired from the department of education or a charter school who is rehired under this section shall not earn retirement service credit, contribute to the retirement system, or gain additional retirement system benefits as a result of the teacher or administrator’s employment; provided that the retired teacher or administrator shall continue to be entitled to the teacher or administrator’s regular retirement benefits without penalty.

(c) To qualify for a position of at least one-half of a full-time [~~rehiring~~] equivalent under this section, the person shall have been retired for at least one calendar year prior to reemployment.”

SECTION 3. Act 286, Session Laws of Hawaii 2006, is amended by amending section 4 to read as follows:

“SECTION 4. This Act shall take effect on July 1, 2006, and shall be repealed on June 30, [~~2011.~~] 2013.”

SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.¹

SECTION 5. This Act shall take effect on July 1, 2008, and shall be repealed on June 30, 2013.

(Approved June 9, 2008.)

Note

1. Edited pursuant to HRS §23G-16.5.