

S.B. NO. 2312

JAN 25 2006

A BILL FOR AN ACT

RELATING TO THE HIRING OF RETIRED TEACHERS IN THE DEPARTMENT OF
EDUCATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature recognizes that when state
2 government is faced with a labor shortage or with occupational
3 areas that are difficult to fill, the State needs to be creative
4 and flexible in finding ways to attract and retain skilled
5 employees. Retired department of education teachers are a
6 trained resource of talent that the state government can tap to
7 find skilled employees to fill these critical needs.

8 The legislature further acknowledges that the department of
9 education faces particular challenges filling vacant teacher
10 positions in smaller schools, rural schools, schools in hard to
11 reach locations, as well as math and science teaching positions.

12 It is the legislature's intent that this Act will strike a
13 balance between the department of education's requirement to
14 have an adequate number of trained teachers teaching in each
15 classroom and the retired teachers' desire to return to work for
16 a period of time to continue to use their professional talents.
17 This Act will allow retired credentialed teachers who have

1 worked in the department of education to work for the department
2 in labor shortage and difficult-to-fill school-level
3 instructional teaching positions, including rural and smaller
4 schools, and charter schools. Teachers may work as a one
5 hundred per cent full-time equivalent, and they may work more
6 than eighty-nine consecutive days, without incurring negative
7 retirement consequences, such as the forfeiture or reduction of
8 retirement benefits.

9 SECTION 2. Beginning July 1, 2006, appointing authorities
10 in the state department of education and appointing authorities
11 within the state charter school system, may employ retired
12 credentialed teachers, who may work up to one hundred per cent
13 of the full-time equivalent. These teachers may also work for
14 more than eighty-nine consecutive days. The appointment of each
15 retired teacher shall be subject to the prior approval of the
16 superintendent of education for traditional public schools, and
17 the executive director of the charter school administrative
18 office for charter schools. The positions filled by retired
19 teachers under this Act shall be limited to labor shortage and
20 difficult-to-fill school-level instructional teaching positions,
21 as determined by the superintendent of education or the

1 executive director of the charter school administrative office,
2 as the case may be.

3 Furthermore, it is expected that, while the retiree is
4 employed, the appointing authority will require the retiree to
5 train and mentor subordinates and co-workers as part of a
6 succession plan. A minimum of five hours per week of
7 compensated time shall be designated for the mentoring duties.
8 It is also expected that, during this time, the appointing
9 authority will be actively recruiting for a new teacher to
10 replace the retiree. Therefore, employment under this Act shall
11 not exceed a duration of twenty-four months on a full-time
12 equivalency basis.

13 The provisions of sections 88-21, 88-42.5, 88-43, 88-45,
14 and 88-46, Hawaii Revised Statutes, and any other statute to the
15 contrary notwithstanding, retired teachers who have worked in
16 the department of education or charter school system who are
17 hired under this Act shall not earn retirement service credit,
18 contribute to the retirement system, or gain additional
19 retirement system benefits as a result of their employment;
20 provided that the retiree shall continue to receive the entitled
21 normal retirement benefits without penalty.

S.B. NO. 2312

1 SECTION 3. This Act shall take effect on July 1, 2006, and
2 shall be repealed on July 1, 2011.

3
4

INTRODUCED BY:  _____
BY REQUEST

SB. NO 2312

JUSTIFICATION SHEET

DEPARTMENT: Office of the Governor

TITLE: A BILL FOR AN ACT RELATING TO THE HIRING OF RETIRED TEACHERS IN THE DEPARTMENT OF EDUCATION.

PURPOSE: To allow the Superintendent of Education to hire retired State Department of Education teachers in labor shortage and difficult to fill instructional teaching positions for longer than 89 days or up to one hundred percent full-time equivalents, without the retirees incurring any negative impact on their normal retirement benefits.

MEANS: Enact a session law.

JUSTIFICATION: Currently, retired Department of Education teachers can only be rehired for no more than 89 days at a time or for less than twenty hours a week, without the retirees' normal retirement benefits being affected.

This bill would allow appointing authorities of the state department of education to hire retired Department of Education teachers, without negatively affecting their normal retirement benefits. The positions to be filled by these retirees under this bill would be limited to labor shortage and difficult-to-fill school-level instructional teaching positions, as determined by the Superintendent of Education. Employment under this Act would not be allowed to exceed 24 months in duration.

The proposed measure would also enable the department of education to continue efforts in succession planning and mentoring for labor shortage and difficult to fill school-level instructional teaching positions.

Impact on the public: Retired State Department of Education teachers would be more willing to be hired, knowing that their retirement benefits would not be adversely affected.

SB. NO 2312

Impact on the department and other agencies: The Department of Education would have another source of skilled teachers in labor shortage or difficult-to-fill school-level instructional teaching positions. They would also be able to continue their efforts in succession planning and mentoring.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: None.

OTHER AFFECTED AGENCIES: Department of education.

EFFECTIVE DATE: July 1, 2006.