

---

---

## A BILL FOR AN ACT

RELATING TO SCHOOL SAFETY.

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

1           SECTION 1. The legislature finds that our state's police  
2 officers, firefighters, and Hawaii National Guard retirees are  
3 an invaluable asset to our community, retiring with exceptional  
4 skills public schools can benefit from. The current state  
5 pension and retirement system of chapter 88, Hawaii Revised  
6 Statutes, precludes retirees from receiving retirement and  
7 pension benefits if they accept further state employment,  
8 preventing highly qualified retired police officers,  
9 firefighters, and Hawaii National Guard retirees from serving  
10 community schools in permanent school security safety officer  
11 and school security attendant positions.

12           Ensuring safety in public schools is one of the most  
13 important responsibilities of the State. However, security  
14 positions are among the lowest paying in public schools, and  
15 additional incentives are needed to address increased security  
16 needs adequately.

17           The purpose of this Act is to allow Hawaii National Guard  
18 and police or firefighter retirees with pension and retirement



1 benefits to receive their benefits while employed in school  
2 security safety officer and school security attendant positions  
3 within the department of education.

4 SECTION 2. Section 88-9, Hawaii Revised Statutes, is  
5 amended by amending subsection (d) to read as follows:

6 "§88-9 **Employment of retirants.** (a) A retirant may not  
7 be employed by the State or by any county unless the retirant is  
8 reenrolled in the system pursuant to this chapter, or unless the  
9 employment, without reenrollment, is authorized by this section.  
10 A retirant whose employment without reenrollment in the system  
11 is authorized by this section shall acquire no service credit or  
12 retirement rights under this chapter with respect to the  
13 employment and shall not be considered to be in service for  
14 purposes of this chapter.

15 (b) Any retirant employed in violation of this section  
16 shall:

17 (1) Reimburse the system for any retirement allowance or  
18 other benefit received from the system during the  
19 period or periods of employment in violation of this  
20 section, plus interest thereon at the rate of eight  
21 per cent per annum;



1           (2) Pay the system an amount of money equal to the  
2           employee contributions that would otherwise have been  
3           paid during the period or periods of employment in  
4           violation of this section, plus interest thereon at  
5           the rate of eight per cent per annum; and

6           (3) Contribute toward reimbursement of the system for  
7           administrative expenses incurred in responding to the  
8           situation, to the extent that the retirant is  
9           determined by the executive director to be at fault.

10          (c) Any employer that employs a retirant in violation of  
11 this section shall:

12          (1) Pay to the system an amount of money equal to the  
13          employer contributions that would otherwise have been  
14          paid for the period or periods of employment in  
15          violation of this section, plus interest thereon at  
16          the rate of eight per cent per annum; and

17          (2) Contribute toward reimbursement of the system for  
18          administrative expenses incurred in responding to the  
19          situation, to the extent that the employer is  
20          determined by the executive director to be at fault.



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

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

7 (2) As a juror or precinct official;

8 (3) As a part-time or temporary employee excluded from  
9 membership in the system pursuant to section 88-43, as  
10 a session employee excluded from membership in the  
11 system pursuant to section 88-54.2, as the president  
12 and chief executive officer of the Hawaii tourism  
13 authority excluded from membership in the system  
14 pursuant to section 201B-2, or as any other employee  
15 expressly excluded by law from membership in the  
16 system; provided that:

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

20 (B) No agreement was entered into between the State  
21 or a county and the retirant, prior to the



1 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; provided that:

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

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

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

17 (5) As a teacher, school security safety officer, school  
18 security attendant, or an administrator in a teacher  
19 shortage or heightened security concern area  
20 identified by the department of education or in a  
21 charter school or as a mentor for new classroom  
22 teachers; provided that:



1 (A) The retirant was not employed by the State or a  
2 county during the twelve calendar months prior to  
3 the first day of reemployment;

4 (B) No agreement was entered into between the State  
5 or a county and the retirant prior to the  
6 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 (e) This section does not waive any provision of chapter  
14 76 or 89 that may be applicable to a position for which a  
15 retirant is employed pursuant to this section.

16 (f) No later than twenty days prior to the convening of  
17 each regular legislative session, the director of human  
18 resources of the appropriate state jurisdiction or the human  
19 resources management chief executive of each county shall submit  
20 an annual report to the legislature detailing the employment of  
21 retirants under paragraphs (4) and (5) of subsection (d),  
22 including the number and positions of retirants."


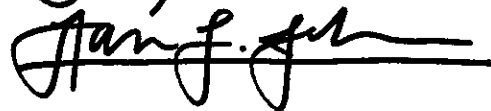


1 SECTION 3. New statutory material is underscored.

2 SECTION 4. This Act shall take effect on July 1, 2014.

3

INTRODUCED BY:

JAN 23 2014



# H.B. NO. 2652

**Report Title:**

Schools; school safety; security officers; retirees

**Description:**

Provides for reemployment opportunities for retired police officers, firefighters, and Hawaii National Guard retirees as public school security officers while protecting and without interruption of retirees' pension and retirement benefits.

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

