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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 in 2010, chapter 88,  
2 Hawaii Revised Statutes, was amended to clarify the  
3 circumstances under which an employees' retirement system  
4 retirant may be reemployed without the suspension of the  
5 retirant's benefits and to provide remedies for the employees'  
6 retirement system if a retirant is reemployed in violation of  
7 that chapter and any administrative rule adopted thereunder.

8           The legislature further finds that there is a labor  
9 shortage that makes it difficult-to-fill investigator positions  
10 in the department of the attorney general.

11           Accordingly, the purpose of this Act is to establish an  
12 additional category of retirants who may be employed without  
13 re-enrollment in the employees' retirement system and without  
14 loss or interruption of benefits.

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



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

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

8           (2) As a juror or precinct official;

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

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



- 1 (B) No agreement was entered into between the State  
2 or a county and the retirant, prior to the  
3 retirement of the retirant, for the return to  
4 work by the retirant after retirement;
- 5 (4) In a position identified by the appropriate  
6 jurisdiction as a labor shortage or difficult-to-fill  
7 position; provided that:
- 8 (A) The retirant was not employed by the State or a  
9 county during the twelve calendar months prior to  
10 the first day of reemployment;
- 11 (B) No agreement was entered into between the State  
12 or a county and the retirant, prior to the  
13 retirement of the retirant, for the return to  
14 work by the retirant after retirement; and
- 15 (C) Each employer shall contribute to the pension  
16 accumulation fund the required percentage of the  
17 rehired retirant's compensation to amortize the  
18 system's unfunded actuarial accrued liability;  
19 [~~or~~]
- 20 (5) As a teacher or an administrator in a teacher shortage  
21 area identified by the department of education or in a



1 charter school or as a mentor for new classroom  
2 teachers; provided that:

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

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

10 (C) The department of education or charter school  
11 shall contribute to the pension accumulation fund  
12 the required percentage of the rehired retirant's  
13 compensation to amortize the system's unfunded  
14 actuarial accrued liability[-]; or

15 (6) As an investigator identified by the department of the  
16 attorney general as a labor shortage or  
17 difficult-to-fill position; provided that:

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



1           (B) No agreement was entered into between the  
2           retirant and the State or a county, prior to the  
3           retirement of the retirant, for the return to  
4           work by the retirant after retirement; and

5           (C) The department of the attorney general shall  
6           contribute to the pension accumulation fund the  
7           required percentage of the rehired retirant's  
8           compensation to amortize the system's unfunded  
9           actuarial accrued liability."

10           SECTION 3. Statutory material to be repealed is bracketed  
11 and stricken. New statutory material is underscored.

12           SECTION 4. This Act shall take effect upon its approval.



**Report Title:**

ATG; Retirees; ERS; Hawaii Employer-Union Health Benefits Trust Fund; Investigators

**Description:**

Provides that a retirant may be employed without reenrollment in the Employees' Retirement System and suffer no loss or interruption of benefits provided by the system or under Chapter 87A, HRS, if the retirant is employed as an investigator in a position identified by the Department of the Attorney General as a labor shortage or difficult-to-fill position, subject to certain conditions. (SD1)

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

