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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 existing law  
2 specifies the circumstances under which an employees' retirement  
3 system retirant may be reemployed without the suspension of the  
4 retirant's benefits and provides remedies for the employees'  
5 retirement system if a retirant is reemployed in violation of  
6 chapter 88, Hawaii Revised Statutes, and any administrative rule  
7 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 and law enforcement  
11 officer positions that may be stationed at public schools as  
12 school resource officers.

13           Accordingly, the purpose of this Act is to establish  
14 additional categories of retirants who may be employed without  
15 reenrollment in the employees' retirement system and without  
16 loss or interruption of benefits.



1 SECTION 2. Section 88-9, Hawaii Revised Statutes, is  
2 amended as follows:

3 1. By amending subsection (d) to read:

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

8 (1) As an elective officer pursuant to section 88-42.6(c)  
9 or as a member of the legislature pursuant to section  
10 88-73(d);

11 (2) As a juror or precinct official;

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



1 (A) The retirant was not employed by the State or a  
2 county during the six calendar months [~~prior to~~]  
3 before the first day of reemployment; and

4 (B) No agreement was entered into between the State  
5 or a county and the retirant, [~~prior to~~] before  
6 the retirement of the retirant, for the return to  
7 work by the retirant after retirement;

8 (4) In a position identified by the appropriate  
9 jurisdiction as a labor shortage or difficult-to-fill  
10 position; provided that:

11 (A) The retirant was not employed by the State or a  
12 county during the twelve calendar months [~~prior~~  
13 ~~to~~] before the first day of reemployment;

14 (B) No agreement was entered into between the State  
15 or a county and the retirant, [~~prior to~~] before  
16 the retirement of the retirant, for the return to  
17 work by the retirant after retirement; and

18 (C) Each employer shall contribute to the pension  
19 accumulation fund the required percentage of the  
20 rehired retirant's compensation to amortize the



1 system's unfunded actuarial accrued liability;

2 [~~or~~]

3 (5) As a teacher or an administrator in a teacher shortage  
4 area identified by the department of education or in a  
5 charter school or as a mentor for new classroom  
6 teachers; provided that:

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

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

14 (C) The department of education or charter school  
15 shall contribute to the pension accumulation fund  
16 the required percentage of the rehired retirant's  
17 compensation to amortize the system's unfunded  
18 actuarial accrued liability[~~-~~];

19 (6) As a law enforcement officer identified by the  
20 department of law enforcement as a labor shortage or  
21 difficult-to-fill position; provided that:



- 1           (A) The retirant was not employed by the State or a  
2           county during the six calendar months before the  
3           first day of reemployment;
- 4           (B) No agreement was entered into between the State  
5           or a county and the retirant before the  
6           retirement of the retirant, for the return to  
7           work by the retirant after retirement;
- 8           (C) The department of law enforcement shall  
9           contribute to the pension accumulation fund the  
10           required percentage of the rehired retirant's  
11           compensation to amortize the system's unfunded  
12           actuarial accrued liability; and
- 13           (D) The retirant shall be stationed at a public  
14           school as a resource officer; or
- 15        (7) As an investigator identified by the department of the  
16        attorney general as a labor shortage or difficult-to-  
17        fill position; provided that:
- 18           (A) The retirant was not employed by the State or a  
19           county during the six calendar months before the  
20           first day of reemployment;



1           (B) No agreement was entered into between the  
2           retirant and the State or a county, before 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           2. By amending subsection (f) to read:

11           "(f) No later than twenty days prior to the convening of  
12 each regular legislative session, the director of human  
13 resources of the appropriate state jurisdiction or the human  
14 resources management chief executive of each county shall submit  
15 an annual report to the legislature detailing the employment of  
16 retirants under [~~paragraphs (4) and (5) of subsection (d),~~  
17 subsection (d)(4), (5), (6), and (7), including the number and  
18 positions of retirants."

19           SECTION 3. Statutory material to be repealed is bracketed  
20 and stricken. New statutory material is underscored.

21           SECTION 4. This Act shall take effect on July 1, 2050.



**Report Title:**

DLE; ATG; Retirees; ERS; EUTF; Benefits; School Resource Officers; Investigators; Counties; Report

**Description:**

Allows a retirant to be employed without reenrollment in the Employees' Retirement System and without loss or interruption of benefits under the System or the Hawaii Employer-Union Health Benefits Trust Fund if the retirant is employed as a law enforcement officer stationed at a public school as a resource officer or investigator identified by the Department of Law Enforcement or the Department of the Attorney General, respectively, as a labor shortage or difficult-to-fill position, subject to certain conditions. Requires the Director of Human resources of the appropriate state jurisdiction or the human resources management chief executive of each county to include in their annual reports to the Legislature details on the employment of retirants as school resource officers or investigators. Effective 7/1/2050. (SD1)

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

