

JAN 16 2025

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 The legislature further finds that there is a labor
12 shortage that makes it difficult to fill excluded management
13 positions in the department of agriculture.

14 Accordingly, the purpose of this Act is to establish an
15 additional category of retirants who may be employed without
16 re-enrollment in the employees' retirement system and without
17 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
10 section 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 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 the
6 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 to
13 the first day of reemployment;

14 (B) No agreement was entered into between the State
15 or a county and the retirant, prior to the
16 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 to
9 the first day of reemployment;

10 (B) No agreement was entered into between the State
11 or a county and the retirant prior to the
12 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 an investigator identified by the department of the
20 attorney general 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 twelve calendar months prior to
3 the first day of reemployment;
- 4 (B) No agreement was entered into between the
5 retirant and the State or a county, 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 the attorney general 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; or
- 13 (7) As a management position excluded from collective
14 bargaining under chapter 89 and identified by the
15 department of agriculture as a labor shortage or
16 difficult-to-fill position; provided that:
 - 17 (A) The retirant was not employed by the State or a
18 county during the twelve calendar months prior to
19 the first day of reemployment;
 - 20 (B) No agreement was entered into between the
21 retirant and the State or a county, prior to the



1 retirement of the retirant, for the return to
2 work by the retirant after retirement; and
3 (C) The department of agriculture shall contribute to
4 the pension accumulation fund the required
5 percentage of the rehired retirant's compensation
6 to amortize the system's unfunded actuarial
7 accrued liability."

8 2. By amending subsection (f) to read:

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

17 SECTION 3. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.



1 SECTION 4. This Act shall take effect on July 1, 2025.

2

INTRODUCED BY:

Travis Hunter



S.B. NO. 442

Report Title:

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

Description:

Allows a retirant to be employed without reenrollment in the Employees' Retirement System (ERS) and without loss or interruption of benefits provided by the ERS or under chapter 88, HRS, if the retirant is employed as an investigator in a position identified by the Department of the Attorney General or an excluded management position identified by the Department of Agriculture 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 investigators pursuant to this measure.

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

