

JAN 17 2025

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# A BILL FOR AN ACT

RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM.

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

1       SECTION 1. The legislature finds that Act 179, Session  
2 Laws of Hawaii 2010, amended chapter 88, Hawaii Revised  
3 Statutes, to clarify the circumstances under which a retirant of  
4 the State's employees' retirement system may be reemployed  
5 without the suspension of the retirant's benefits and to provide  
6 remedies if a retirant is reemployed in violation of that  
7 chapter or 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 departments of law enforcement and 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 reenrollment 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 as follows:

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



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

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

(2) As a juror or precinct official;

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

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



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1 (B) No agreement was entered into between the State  
2 or a county and the retirant, [~~prior to~~] before  
3 the 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~~  
10 ~~to~~] before the first day of reemployment;

11 (B) No agreement was entered into between the State  
12 or a county and the retirant, [~~prior to~~] before  
13 the 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



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

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

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

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

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

(A) The retirant was not employed by the State or a county during the six calendar months before the first day of reemployment;



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

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

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

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

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



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

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INTRODUCED BY:

Lyn DeCote BR



# S.B. NO. 73/

**Report Title:**

DLE; AG; ERS; DHRD; Counties; Retirees; Benefits; Investigators; Reports

**Description:**

Allows a retirant employed as an investigator identified by the Department of Law Enforcement or Department of the Attorney General as a labor shortage or difficult-to-fill position to be rehired without reenrollment in the Employees' Retirement System and without a loss or interruption of retirement benefits, subject to certain conditions. Requires annual reports to the Legislature to include details on the employment of retirants as investigators.

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

