

GOV. MSG. NO. 798

EXECUTIVE CHAMBERS

HONOLULU

GOVERNOR

June 9, 2008

The Honorable Colleen Hanabusa, President and Members of the Senate Twenty-Fourth State Legislature State Capitol, Room 409 Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

This is to inform you that on June 9, 2008, the following bill was signed into law:

HB2710 HD2 SD2

A BILL FOR AN ACT RELATING TO THE RE-EMPLOYMENT OF RETIREES. (ACT 156)

Sincerely,

LINDA LINGLÈ

Approved by the Governor

JUN 9 2008

ON ______ON _____ON HOUSE OF REPRESENTATIVES TWENTY-FOURTH LEGISLATURE, 2008 STATE OF HAWAII

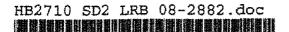
ACT 156 H.B. NO. ²⁷¹⁰ ^{H.D. 2} ^{S.D. 2}

A BILL FOR AN ACT

RELATING TO THE RE-EMPLOYMENT OF RETIREES.

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

1	SECTION 1. Chapter 88, Hawaii Revised Statutes, is amended
2	by adding a new section to be appropriately designated and to
3	read as follows:
4	*588- Re-employment of retirants. (a) Appointing
5	authorities in a county or the State may employ retired state or
6	county government employees who are receiving retirement
7	benefits under this chapter.
8	(b) The director of human resources of the appropriate
9	state jurisdiction or the human resources management chief
10	executive of a county may employ retired state or county.
11	government employees who are receiving retirement benefits under
12	this chapter to fill labor shortage and difficult-to-fill exempt
13	or civil service positions.
14	(c) Retired state or county government employees shall be
15	eligible for a position of at least one-half of a full-time
16	equivalent with a state or county government after one calendar
17	vear of retirement.



Page 2

H.B. NO. ²⁷¹⁰ H.D. 2 S.D. 2

1	(d) Re-employment agreements shall not be entered into	
2	between the State or county and an employee prior to the	
3	retirement of the employee.	
4	(e) Retired state or county government employees rehired	
5	for civil service positions under this section shall be	
6	recruited, selected, and employed pursuant to applicable civil	
7	service and employment laws.	
8	(f) The director of human resources of the appropriate	
9	state jurisdiction in which a retired state or county government	
10	employee is hired or the human resources management chief	
11	executive of the respective county in which a retired state or	
12	county government employee is hired by that county shall certify	
13	the hiring of the retirant as having been performed pursuant to	
14	applicable civil service and employment laws.	
15	(g) Sections 88-21, 88-42.5, 88-43, 88-45, 88-46, 88-98,	
16	88-273, 88-326, and 88-344, chapter 89, and any other law to the	
17	contrary notwithstanding, retired state or county government	
18	employees who are hired by the State or any of the counties	
19	under this section shall not earn retirement service credit,	
20	contribute to the retirement system, or gain additional	
21	retirement system benefits as a result of their subsequent	
22	employment with the State or a county, and the retired state or	
	HB2710 SD2 LRB 08-2882.doc ,	

H.B. NO. ²⁷¹⁰ H.D. 2 S.D. 2

1	county government employee shall continue to receive the	
2	retirant's retirement benefits and health benefits without	
3	penalty. Each employer shall contribute to the pension	
4	accumulation fund the required percentage of the rehired	
5	employee's compensation to amortize the system's unfunded	
6	actuarial accrued liability.	
7	(h) A retired state or county government employee who is	
8	hired by the State or county under this section shall join the	
9	appropriate bargaining unit if hired in a position covered by	
10	collective bargaining.	
11	(i) This section shall not preclude a retired state or	
12	county government employee from returning to work and	
13	relinquishing the person's retirement benefits to earn	
14	additional service credits and gain additional retirement	
15	benefits for a future retirement date as may be allowed by this	
16	chapter.	
17	(j) The director of human resources of the appropriate	
18	state jurisdiction or the human resources management chief	
19	executive of a county shall submit an annual report to the	
20	legislature detailing the employment of retirants, including the	
21	number and positions of retired employees hired under this	

HB2710 SD2 LRB 08-2882.doc

Page 4

H.B. NO. ²⁷¹⁰ H.D. 2 S.D. 2

1	section no later than twenty days prior to the convening of each
2	regular legislative session.
3	(k) For purposes of this section:
4	"Executive branch of the State" means all the departments
5	of the executive branch of state government, except the
6	University of Hawaii, the Hawaii health systems corporation, and
7	the department of education.
8	"One calendar year" means twelve consecutive months from
9	the date of the employee's retirement to the date of the
10	employee's re-employment under this Act.
11	"State jurisdiction" means the department of education, the
12	judiciary, the Hawaii health systems corporation, the office of
13	Hawaiian affairs, the executive branch of the State or any of
14	its political subdivisions, and the legislative branch of the
15	State.*
16	SECTION 2. Act 286, Session Laws of Hawaii 2006, is
17	amended by amending section 2 to read as follows:
18	"SECTION 2. Chapter 302A, Hawaii Revised Statutes, is
19	amended by adding a new section to part III to be appropriately
20	designated and to read as follows:
21	"§302A- Rehiring of retired teachers and administrators
22	to fill certain positions; authorized. (a) Beginning July 1,
	HB2710 SD2 LRB 08-2882.doc



Page 5

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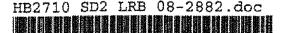
Page 5 H.B.	NO. 2710 H.D. 2 S.D. 2		
2006, the department of education and charter school	ols may employ		
for positions up to one hundred per cent full-time equivalency:			
(1) Retired teachers to teach in teacher show	rtage areas		
identified by the department of education	n and charter		
schools and to serve as mentors for new o	classroom		
teachers; and			
(2) Retired administrators to teach or admini	ister in		
teacher shortage areas identified by the	department of		
education and charter schools and to serv	ve as mentors		
for new classroom teachers,			
with the prior approval of the superintendent of ed	lucation or		
the local school board of each charter school and p	pursuant to		
collective bargaining agreements; provided that the department			

10 for

11 with the prior 12 the local scho 13 collective barg 14 shall contribute [thirteen and three quarters per cent] the 15 required percentage of the rehired employee's compensation to the pension accumulation fund[-] to amortize the employees' 16 retirement system's unfunded actuarial accrued liability. 17 Sections 88-21, 88-42.5, 88-43, 88-45, 88-46, 88-325, 18 (b) 19 and 88-326, and any other law to the contrary notwithstanding, a

20 teacher or administrator retired from the department of education or a charter school who is rehired under this section 21

22 shall not earn retirement service credit, contribute to the



Page 6

H.B. NO. ²⁷¹⁰ H.D. 2 S.D. 2

1	retirement system, or gain additional retirement system benefits
2	as a result of the teacher or administrator's employment;
3	provided that the retired teacher or administrator shall
4	continue to be entitled to the teacher or administrator's
5	regular retirement benefits without penalty.
6	(c) To qualify for a position of at least one-half of a
7	full-time [rehiring] equivalent under this section, the person
8	shall have been retired for at least one calendar year prior to
9	reemployment."
10	SECTION 3. Act 286, Session Laws of Hawaii 2006, is
11	amended by amending section 4 to read as follows:
12	"SECTION 4. This Act shall take effect on July 1, 2006,
13	and shall be repealed on June 30, [2011.] <u>2013.</u> "
14	SECTION 4. Statutory material to be repealed is bracketed
15	and stricken. New statutory material is underscored.
16	SECTION 5. This Act shall take effect on July 1, 2008, and
17	shall be repealed on June 30, 2013.

APPROVED this ⁹ day of JUN , 2008

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GOVERNOR OF THE STATE OF HAWAII

