

Returning to Work?

Employees' Retirement System (ERS) January 2011

Effective January 1, 2011, all ERS retirees employed by the State or county must meet the following requirements under Section 88-9 (Act 179) , Hawaii Revised Statutes:

- (1) A six (6) consecutive calendar month break in State or county employment prior to the first day of employment if the retiree is employed in a position that is excluded from ERS membership. For example, short term employment of less than 50% full time equivalence (FTE), temporary employment of 3 months or 90 days or less, substitute teacher, etc. The 6 month break could have occurred at anytime after your retirement date

OR

- (2) A twelve (12) consecutive calendar month break in State or county employment prior to the first day of employment if the retiree is employed in a position identified as a labor shortage or difficult to fill position.

The purpose of this law is to protect and preserve the tax exempt status of the ERS by providing remedies for the ERS against the employer and retirant if the retirant is employed in violation of the statutes and Internal Revenue Code of 1986. Any violation of this law results in remedies against the employer and retirant.

The State employers include, and are not limited to, the State executive branch, the University of Hawaii, the Research Corporation of the University of Hawaii, the Hawaii Health Systems Corporation, the Department of Education, the Office of Hawaiian Affairs, the Judiciary, the Legislative branch of the State. The County employees include the City and County of Honolulu and the Counties of Hawaii, Kauai, and Maui.

Please be advised that the law does not prohibit the employment of retirants who are re-enrolled as active ERS members when they return to State or county employment. Upon re-enrollment, the retirant's pension and other retirement benefits will be suspended until the member retires again.

Should you consider re-employment back to State or county employment, check with that employing Personnel Office.