

Employees' Retirement System - "Reference Guide"

Rev 07/2010

Return to Work of Active/Former Member after June 30, 2006

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	Previous Plan	Class Code	Refunded Prior to Return to Work	Years of Service at Termination	Return to Service	Required Plan Upon Return *	Status of Service Upon Return	Remarks	Status of Contributions upon RTW	HRS
(1)	Hybrid	H	No	≥ 5 years (vested)	Anytime	Hybrid (Class H)	All restored - credited as Hybrid service (Class H), except for any Noncontributory service (Class C) that was not converted which will remain Class C.	Class H service includes any Class A/B/C service that was converted to Class H. If mixed service, retire on a split benefit formula.	Combine new and previous accumulated contributions	88-47 88-341 88-343
(2)	Hybrid	H	No	< 5 years (not vested)	<u>Within</u> 4 calendar years	Hybrid (Class H)	All restored - credited as Hybrid service (Class H), except for any Noncontributory service (Class C) that was not converted which will remain Class C.	Class H service includes any Class A/B/C service that was converted to Class H. If mixed service, retire on a split benefit formula.	Combine new and previous accumulated contributions	88-47 88-340 88-341 88-342
(3)	Hybrid	H	No	< 5 years (not vested)	<u>After</u> 4 calendar years	Hybrid (Class H)	All restored - credited as Hybrid service (Class H) upon RTW, except for any Noncontributory service (Class C) that was not converted which will remain Class C.	New membership date. Class H service includes any Class A/B/C service that was converted to Class H. If mixed service, retire on a split benefit formula.	Combine new and previous accumulated contributions	88-47 88-340 88-341 88-342
(4)	Hybrid	H	Yes	N/A	Anytime	Hybrid (Class H)	All Hybrid (Class H) and any Noncontributory (Class C) service forfeited. Not able to buy back Class H service. Class C service that was <u>not</u> converted to Class H will be restored at no cost on a month-for-month basis as Class C service.	New membership date. Class H service includes any Class A/B/C service that was converted to Class H. If mixed service, retire on a split benefit formula.	N/A	88-47 forfeited Class H service cannot be restored. 88-340

Hybrid Note: Unrefunded contributions + interest for nonvested Hybrid service (<5 years) will be refunded after attain age 62 for inactive members. [88-341(a)]

*The required plan upon return to work after June 30, 2006 is listed on chart unless by law must join Contributory Plan as Class A or B. (Refer to HRS)

The Noncontributory Plan was the required (standard) plan for an active/former member who returned to work prior to July 1, 2006.

An ERS member that terminated or resigned after a break in service of at least one (1) working day must be reenrolled as a returning active/former ERS member.

	Previous Plan	Class Code	Refunded Prior to Return to Work	Years of Service at Termination	Return to Service	Required Plan Upon Return *	Status of Service Upon Return	Remarks	Status of Contributions upon RTW	HRS
(5)	Noncontributory	C	N/A	≥ 10 years (vested)	Anytime	Hybrid (Class H)	All restored - credited as Noncontributory service (Class C).	Not able to convert. Retire on a split benefit formula.	N/A	88-47 88-273(b) 88-321(b)(1)
(6)	Noncontributory	C	N/A	< 10 years (not vested)	<u>Within</u> 1 calendar year	Hybrid (Class H)	All restored - credited as Noncontributory service (Class C).	Not able to convert service. Retire on a split benefit formula.	N/A	88-47 88-273(a) 88-321(b)(1)
(7)	Noncontributory	C	N/A	< 10 years (not vested)	<u>After</u> 1 calendar year	Hybrid (Class H)	All forfeited, restored at no cost on a month-for-month basis as Noncontributory service (Class C).	New membership date. Not able to convert service. Retire on a split benefit formula.	N/A	88-47 88-273(a) 88-321(b)(1) 88-324(e)
(8)	Noncontributory <i>(Applies to former vested Contributory Plan members who returned to work or Act 276/1994 WSOs who:</i> <i>• Made a voluntary election to join the Noncontributory Plan, AND</i> <i>• Received a refund of their post 1987 contributions)</i>	C	N/A	≥ 10 years (vested)	Anytime	Noncontributory (Class C)	All restored - credited as Noncontributory service (Class C).	Must remain in the Noncontributory Plan.	N/A	88-47 88-271(c)
				< 10 years (not vested)	<u>Within</u> 1 calendar year	Noncontributory (Class C)	All restored - credited as Noncontributory service (Class C).	Must remain in the Noncontributory Plan.	N/A	88-47 88-271(c)
				< 10 years (not vested)	<u>After</u> 1 calendar year	Noncontributory (Class C)	All forfeited, restored at no cost on a month-for-month basis as Noncontributory service (Class C).	New membership date. Must be enrolled in the Noncontributory Plan.	N/A	88-47 88-271(c) 88-324(e)

Noncontributory Note: Provisions under item (8) also applies to a returning Contributory Plan member. If the member was a former vested Contributory Plan member who returned to work or an Act 276/1994 WSO who previously made a voluntary election to join the Noncontributory Plan AND received a refund of any post 1987 contributions, the member must be enrolled in the Noncontributory Plan upon return to service.

*The required plan upon return to work after June 30, 2006 is listed on chart unless by law must join Contributory Plan as Class A or B. (Refer to HRS)
The Noncontributory Plan was the required (standard) plan for an active/former member who returned to work prior to July 1, 2006.
An ERS member that terminated or resigned after a break in service of at least one (1) working day must be reenrolled as a returning active/former ERS member.

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Previous Plan	Class Code	Refunded Prior to Return to Work	Years of Service at Termination	Return to Service	Required Plan Upon Return *	Status of Service Upon Return	Remarks	Status of Contributions upon RTW	HRS
(9) Contributory	A or B	No	≥ 5 years (vested)	Between 7/1/06 to 6/30/08	Contributory (Class A or B) unless elects to transfer to Hybrid within 30 days of return	All restored (credited). If transfers, Class A/B service converted to Hybrid service (Class H), any Noncontributory service will remain Class C.	1.8% difference in contribution rate will not be refunded. Not able to convert Class C service to Class H.	Combine new and previous accumulated contributions	88-47 88-62(c) 88-97 88-321(b)(2)
				On or after 7/1/08	Contributory (Class A or B)	All restored - credited as Contributory service (Class A) unless mandatory Class B, any Noncontributory service will remain Class C.	Must remain in Contributory Plan. Act 41, SLH 2008 - effective 7/1/08	Combine new and previous accumulated contributions	88-47 88-62 (c) 88-97 88-321(b)(3) and (4)
(10) Contributory	A or B	No	< 5 years (not vested)	Within 4 calendar years	Hybrid (Class H)	All restored - credited as Noncontributory service (Class C).	All contributions refunded. Not able to convert Class C service to Class H. Retire on a split benefit formula.	\$1,000 or less – refund >\$1,000 – retain until terminates, retires or age 62 if not refunded within 30 calendar days after RTW.	88-47 88-62(b) 88-321(b)(2)
(11) Contributory	A or B	No	< 5 years (not vested)	After 4 calendar years	Hybrid (Class H)	All forfeited, restored at no cost on a month-for-month basis as Noncontributory service (Class C).	New membership date. Not able to buy back as Class H. Retire on a split benefit formula.	\$1,000 or less – refund >\$1,000 – retain until terminates, retires or age 62 if not refunded within 30 calendar days after RTW.	88-47 88-62 (a) 88-321(b)(2) 88-324(e)
(12) Contributory	A or B	Yes	N/A	Anytime	Hybrid (Class H)	All forfeited, restored at no cost on a month-for-month basis as Noncontributory service (Class C).	New membership date. Not able to buy back as Class H. Retire on a split benefit formula.	N/A	88-47 88-62 (a) 88-324(e)

Contributory Note: Unrefunded contributions + interest for nonvested Contributory service (<5 years) will be refunded after attain age 62 for inactive members. [88-96(a)]

*The required plan upon return to work after June 30, 2006 is listed on chart unless by law must join Contributory Plan as Class A or B. (Refer to HRS)
 The Noncontributory Plan was the required (standard) plan for an active/former member who returned to work prior to July 1, 2006.
 An ERS member that terminated or resigned after a break in service of at least one (1) working day must be reenrolled as a returning active/former ERS member.

Employees' Retirement System - "Reference Guide"
Return to Work of Retirant After June 30, 2006

		Class Code Upon Return to Work as Active Member							
Retirant Initial Retirement Plan	Retirant Class Code at Retirement	General (Group 1/2/3)	Appointed (Group 1/3)	Police/Fire (Group 4)	Judge/Elected/Legislative (Group 5/6)	Sewer/WSO/EMT (Group 7/8)	Investigators (Group 8)	ACO (Group 8)	HRS
(1)	Contributory	Class A	Class A	Class B	Class A	Class A	Class A	Class A	88-47 88-98
(2)	Contributory	Class B	Class A	Class B	Class A	Class A	Class A	Class A	88-47 88-98
(3)	Noncontributory	Class C	Class C	Class B	Class A	Class C	Class A	Class C	88-47 88-273(c) to (g)
(4)	Hybrid	Class H	Class H	Class B	Class A	Class H	Class A	Class H	88-47 88-344

NOTES:

- 1) All retirants who return to work contribute to Medicare Taxes.
- 2) Former retirant re-retires again under the same retirement plan, the same retirement allowance option and beneficiary designation, if irrevocable, that was initially selected on the first retirement. Pension is suspended if they are hired in an ERS membership position, unable to "double dip".
- 3) Act 179, Session Laws of Hawaii 2010 effective January 1, 2011 repealed Act 286, SLH 2006 (rehired teachers and DOE administrators employed in teacher shortage areas or mentors for new teachers) and Act 156, SLH 2008 (labor shortage or difficult-to-fill positions).

Establishes the conditions under which State & county governments may employ ERS retirants while allowing them to continue to receive their retirement and retiree health benefits.

- Requires a 6 calendar month waiting period or break prior to the first day of reemployment before any State or County employer may hire an ERS retirant in a part-time (less than 20 hours per week or less than 50% FTE) or temporary or casual position (less than 3 months) or other position that is excluded from ERS membership.
- Requires a 12 calendar month waiting period or break prior to the first day of reemployment before any State or County employer may hire an ERS retirant in a labor shortage or difficult-to-fill position or in an DOE/Charter School teacher shortage area.

After complying with the above waiting periods, the retirants returning to work in any of the above positions would not have their retirement benefits suspended, would not earn any additional retirement service credits, would not contribute to the ERS pension fund, and would not gain additional ERS benefits as a result of their re-employment.