

RCUH Certification of Compliance – Prospective New Hire (Post Job Offer)**Employment of ERS Retirant with the RCUH**

Act 179 became law on June 28, 2010 which amended Chapter 88, HRS – Pension and Retirement Systems as §88-9 with an effective date of January 1, 2011. §88-9 is applicable to any current and prospective retirants of the State of Hawai'i's Employee Retirement System (ERS) who works or plans to work for the RCUH. A "retirant" is a retiree of a State or County agency receiving pension benefits from the ERS. RCUH is a State agency therefore, employment of ERS retirants with the RCUH is subject to §88-9. An ERS retirant may legally work for the RCUH if: (1) he/she suspends his/her ERS pension during his/her period of employment with the RCUH or (2) prior to his/her employment with RCUH he/she must have had a 6 consecutive calendar month retirement/break-in-service period during which time he/she did not work for any State or County agency.

§88-9(d)(3)(A)(B) states:

- (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:
- (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 Hawai'i 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 the first day of reemployment; and
 - (B) No agreement was entered into between the State or a county and the retirant, prior to the retirement of the retirant, for the return to work by the retirant after retirement;

CERTIFICATION: Please check the condition that is applicable to you:

- 1. I am not an ERS Retirant and not vested in the State/County ERS. §88-9(d)(3)(A)(B) does not apply to me.
- 2. I am not an ERS Retirant but vested in the State/County ERS. §88-9(d)(3)(A)(B) may apply to me.
- 3. I am an ERS Retirant and I had a 6-consecutive calendar month retirement/break-in-service period prior to my current application for employment with the RCUH. (You must complete ERS FORM-209 see attachment.) Send your completed ERS Form 209 to RCUH Human Resources (rcuh_employment@rcuh.com or fax (808) 956-9423) before your start date.
- 4. I am an ERS Retirant but I did not have a 6-consecutive calendar month retirement/break-in-service period prior to current application for employment with the RCUH. (You may be ineligible for employment at this time. You must contact the RCUH Human Resources immediately.)

I certify that I have read and acknowledge the conditions of §88-9(d)(3)(A)(B) and I have checked my applicable status. I further understand compliance with §88-9(d)(3)(A)(B) is a condition of employment with the RCUH:

Signature: _____

Date _____

Print Name: _____

Email: _____

Phone: _____

Attachment – ERS 209 Form

RCUH HR Form No.E-14

EMPLOYEES' RETIREMENT SYSTEM OF THE STATE OF HAWAI'I
201 Merchant Street, Suite 1400, Honolulu, Hawai'i 96813-2980

**RCUH/ERS CERTIFICATION OF COMPLIANCE WITH
REQUIREMENTS FOR EMPLOYMENT OF A RETIRANT**
(customized for RCUH use only)

Complete this form if you receive a retirement allowance from the Employees' Retirement System of the State of Hawai'i (ERS) and have been or will be hired by the State or a county in a position that is excluded from ERS membership.

PART I (TO BE COMPLETED AND SIGNED BY THE RETIRANT)

RETIRANT NAME (LAST, FIRST, M.I.)	SOCIAL SECURITY NUMBER XXX-XX-	DAYTIME PHONE
STREET ADDRESS	RETIREMENT DATE	
CITY, STATE, ZIP CODE	PREVIOUS DEPARTMENT: _____ PREVIOUS DIVISION: _____ <input type="checkbox"/> State of Hawai'i <input type="checkbox"/> County of _____ <input type="checkbox"/> City and County of Honolulu	

I understand that, as an ERS retiree, I must meet the requirements for employment of a retiree, which are summarized below, during the time I am employed in a position that is excluded from ERS membership. If I do not meet the requirements for employment of a retiree, **I will forfeit my entire retirement allowance and health benefits during the period that I am employed by the RCUH after January 1, 2011.**

I also understand that, if I do not meet the requirements for employment of a retiree, I will be required to reimburse the ERS for:

- Any retirement allowance or other benefits I receive after January 1, 2011 while I am employed by RCUH, plus 8 per cent annual interest;
- Any employee retirement contributions that should have been paid on my compensation after January 1, 2011, plus 8 per cent annual interest; and
- Any administrative expenses incurred by the ERS in responding to my employment by the RCUH in violation of the requirements for reemployment of a retiree, to the extent that I am determined to be at fault by ERS.

Requirements for Employment of a Retiree

I confirm that:

- I am or will be employed in a position that is excluded from ERS membership; and
- I will not be employed in a labor shortage or difficult-to-fill position; and
- I have not been employed by the State or any county for at least 6 consecutive months during the time I have been retired; and
- No agreement (verbally or in writing) was made, prior to my retirement, that I would be employed by the RCUH or any other State or county agency after I retired.

By signing below, I confirm that I understand the Requirements for Employment of a Retiree and that I understand the consequences to me if I do not meet the Requirements for Employment of a Retiree.

RETIRANT SIGNATURE

DATE SIGNED

Warning: Any person who knowingly furnishes false information to government authorities may be guilty of a misdemeanor, punishable by up to 1 year of imprisonment and/or a \$2,000 fine. Hawai'i Revised Statutes §710-1063.

PART II (TO BE COMPLETED AND SIGNED BY THE RCUH)

Research Corporation of the University of Hawai'i 1601 East-West Road Burns Hall 4 th Floor, Makai Wing Honolulu, Hawai'i 96848 Phone: (808) 956-7307 Fax: (808) 956-9423	EFFECTIVE DATE OF HIRE:
<ul style="list-style-type: none">• The RCUH did not enter into an agreement (verbally or in writing) with the Retirant, prior to the Retirant's retirement, that the Retirant would be reemployed by the RCUH.• The Retirant will be employed in an RCUH position excluded from ERS membership (pursuant to HRS § 304A-3001).	
_____ RCUH HUMAN RESOURCES	_____ DATE SIGNED
<p>RCUH to return the completed form within 7 business days from the effective date of hire to: Employees' Retirement System, 201 Merchant Street, Suite 1400, Honolulu, HI 96813-2980.</p>	

Return form to: RCUH Human Resources
1601 East-West Road
Burns Hall 4th Floor, Makai Wing
Honolulu, HI 96848