

**RCUH Certification of Compliance – Current RCUH Employee**

**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 Hawaii’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 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 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 Nelson Sakamoto, Director of RCUH Human Resources ([nsakamoto@rcuh.com](mailto:nsakamoto@rcuh.com) or fax (808) 956-5022) 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 Director of 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: \_\_\_\_\_

EMPLOYEES' RETIREMENT SYSTEM OF THE STATE OF HAWAII  
201 Merchant Street, Suite 1400, Honolulu, Hawaii 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 Hawaii (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: _____ State of Hawaii County of _____ City and County of Honolulu	
<p>I understand that, as an ERS retirant, I must meet the requirements for employment of a retirant, 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 retirant, <b>I will forfeit my entire retirement allowance and health benefits during the period that I am employed by the RCUH after January 1, 2011.</b></p> <p>I also understand that, if I do not meet the requirements for employment of a retirant, I will be required to reimburse the ERS for:</p> <ul style="list-style-type: none"> <li>Any retirement allowance or other benefits I receive after January 1, 2011 while I am employed by RCUH, plus 8 per cent annual interest;</li> <li>Any employee retirement contributions that should have been paid on my compensation after January 1, 2011, plus 8 per cent annual interest; and</li> <li>Any administrative expenses incurred by the ERS in responding to my employment by the RCUH in violation of the requirements for reemployment of a retirant, to the extent that I am determined to be at fault by ERS.</li> </ul> <p><b><u>Requirements for Employment of a Retirant</u></b></p> <p>I confirm that:</p> <ul style="list-style-type: none"> <li>I am or will be employed in a position that is excluded from ERS membership; and</li> <li>I will not be employed in a labor shortage or difficult-to-fill position; and</li> <li>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</li> <li>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.</li> </ul> <p>By signing below, I confirm that I understand the Requirements for Employment of a Retirant and that I understand the consequences to me if I do not meet the Requirements for Employment of a Retirant.</p>		
_____	_____	
RETIRANT SIGNATURE	DATE SIGNED	
<p><b>Warning:</b> 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. Hawaii Revised Statutes §710-1063.</p>		

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

Research Corporation of the University of Hawaii 2530 Dole Street, Sakamaki D100 Honolulu, Hawaii 96822 Phone: 956-3100 Fax: 956-5022	EFFECTIVE DATE OF HIRE:
<ul style="list-style-type: none"><li>• 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.</li><li>• The Retirant will be employed in an RCUH position excluded from ERS membership (pursuant to HRS § 304A-3001).</li></ul>	
_____ Nelson Sakamoto Director of Human Resources, RCUH	_____ Date Signed
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.	

**Return form to: Nelson Sakamoto, Director of Human Resources ([nsakamoto@rcuh.com](mailto:nsakamoto@rcuh.com))**