

COUNCIL OF THE COUNTY OF MAUI

GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE

September 20, 2022

**Committee
Report No.** _____

Honorable Chair and Members
of the County Council
County of Maui
Wailuku, Maui, Hawaii

Chair and Members:

Your Government Relations, Ethics, and Transparency Committee, having met on August 30, 2022, and reconvened on August 31, 2022, makes reference to the following:

1. County Communication 21-43, from Council Chair Alice L. Lee, relating to the Hawaii State Association of Counties.

2. Resolution 22-195 entitled “APPROVING FOR INCLUSION IN THE 2023 HAWAI’I STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL TO REMOVE THE MINIMUM AGE REQUIREMENT FOR POLICE OFFICER RETIREMENT.”

Resolution 22-195’s purpose is to approve for inclusion in the 2023 Hawai’i State Association of Counties Legislative Package a proposed State bill, attached as Exhibit “A,” entitled “A BILL FOR AN ACT RELATING TO THE EMPLOYEES’ RETIREMENT SYSTEM.”

The purpose of the proposed State bill is to provide an incentive to recruit and retain Police Officers by removing the minimum-age requirement for Police-Officer retirement.

3. County Communication 21-44, from Council Chair Alice L. Lee, relating to the Maui County Council Legislative Package.

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4. Resolution 22-200 entitled “APPROVING FOR INCLUSION IN THE 2023 MAUI COUNTY COUNCIL LEGISLATIVE PACKAGE A STATE BILL TO REMOVE THE MINIMUM AGE REQUIREMENT FOR POLICE OFFICER RETIREMENT.”

Resolution 22-200’s purpose is to approve for inclusion in the 2023 Maui County Council Legislative Package a proposed State bill, attached as Exhibit “A,” entitled “A BILL FOR AN ACT RELATING TO THE EMPLOYEES’ RETIREMENT SYSTEM.”

The purpose of the proposed State bill is to provide an incentive to recruit and retain Police Officers by removing the minimum-age requirement for Police-Officer retirement.

Your Committee notes the proposed State bills removes the minimum-age requirement of 55 years for Police Officers to retire but maintains the requirement for 25 years of service.

Your Committee further notes the proposed legislation seeks to address concerns expressed by Maui County Police Officers by improving the Department of Police’s ability to recruit and retain officers, while also addressing the cost impacts to the State of Hawai‘i Employees’ Retirement System (“ERS”) resulting from excessive overtime due to staff shortages.

Your Committee noted Police Officers often feel overworked and as a result, feel they are being placed in unsafe working conditions.

Your Committee further noted a number of Police Officers have relocated and sought employment in states where there is no minimum-age requirement for retirement or that offer more competitive retirement benefits.

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The Assistant Chief of Police expressed the Department's support and quoted a National Center for Biotechnology Information study, which found the following:

- Police officers generally have shorter life expectancies due to stress, shiftwork, obesity, and exposure to hazardous work environments.
- A male police officer who reached age 50 between 1950 and 2005 was expected to live only 7.8 additional years, while a male in the general population of the United States who reached age 50 in the same time period was expected to live an additional 35 years.

The Assistant Chief also noted Police Officers and their families face increased stress and must often make personal sacrifices including missing out on important life events. He said removing the minimum-age requirement would help to attract potential applicants who are worried about those risks and allow for more years in post-retirement.

The Director of Personnel Services expressed support but said Section 88-99 of the Hawai'i Revised Statutes ("HRS") prohibits the increase or enhancement of retirement benefits for public employees until the ERS is fully funded.

The Director further noted that in 2012, the Hawai'i State Legislature enacted a number of amendments that impacted retirement benefits for all public employees in response to unfunded liabilities in the ERS. The ERS is 53 to 54 percent funded at this point, which is still a \$14 billion shortfall.

The First Deputy Corporation Counsel advised amending Resolutions 22-195 and 22-200 by noting corresponding changes to HRS Section 88-99.

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Your Committee voted 7-0 to recommend adoption of Resolution 22-195, CD1 and Resolution 22-200, CD1. Committee Chair Molina and members Johnson, Kama, King, Lee, Paltin, and Sinenci voted “aye.” Committee Vice-Chair Rawlins-Fernandez and member Sugimura were excused.

Your Committee is in receipt of Resolutions 22-195, CD1 and 22-200, CD1, incorporating your Committee’s recommended revisions and nonsubstantive revisions.

Your Government Relations, Ethics, and Transparency Committee **RECOMMENDS** the following:

1. That Resolution 22-195, CD1, as revised herein and attached hereto, entitled “APPROVING FOR INCLUSION IN THE 2023 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL TO REMOVE THE MINIMUM AGE REQUIREMENT FOR POLICE OFFICER RETIREMENT,” be ADOPTED; and
2. That Resolution 22-200, CD1, as revised herein and attached hereto, entitled “APPROVING FOR INCLUSION IN THE 2023 MAUI COUNTY COUNCIL LEGISLATIVE PACKAGE A STATE BILL TO REMOVE THE MINIMUM AGE REQUIREMENT FOR POLICE OFFICER RETIREMENT,” be ADOPTED.

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This report is submitted in accordance with Rule 8 of the Rules of the Council.



MICHAEL J. MOLINA, Chair

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Resolution

No. 22-195, CD1

APPROVING FOR INCLUSION IN THE 2023
HAWAII STATE ASSOCIATION OF COUNTIES
LEGISLATIVE PACKAGE A STATE BILL TO
REMOVE THE MINIMUM AGE REQUIREMENT
FOR POLICE OFFICER RETIREMENT

WHEREAS, the Maui Police Department has a vacancy rate of approximately twenty-five percent despite recruitment efforts in Hawai'i and on the mainland; and

WHEREAS, the current retirement requirements of twenty-five years of service and a minimum age of fifty-five may discourage many qualified applicants from applying or transferring to the Department; and

WHEREAS, removing the minimum age requirement would provide an incentive to recruit and retain more police officers; now, therefore,

BE IT RESOLVED by the Council of the County of Maui:

1. That the proposed State bill, attached as Exhibit "A," relating to the minimum age requirement for police officer retirement, is approved for inclusion in the 2023 Hawai'i State Association of Counties Legislative Package; and
2. That certified copies of this Resolution be transmitted to the Hawai'i State Association of Counties Executive Committee.

INTRODUCED BY:

Tamara A.M. Paltin

TAMARA PALTIN

A BILL FOR AN ACT

RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM.

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

1 SECTION 1. The legislature finds existing state law requires
2 a police officer employed after June 30, 2012, to meet both age
3 and years of service requirements for retirement. An officer hired
4 after this date is required to have twenty-five years of service
5 and have attained the age of fifty-five. According to a study by
6 the National Center for Biotechnology Information, the years of
7 potential life lost for police officers was twenty-one times
8 greater than that of the general population. Police officers
9 generally have shorter life expectancy due to stress, shift work,
10 obesity, and exposure to hazardous work environments. The study
11 also found that a male police officer who reached age fifty between
12 1950 and 2005 was expected to live only 7.8 additional years, while
13 a male in the general population of the United States that reached
14 age fifty in the same time period was expected to live an
15 additional thirty-five years. Further, male police officers aged
16 fifty to fifty-four years had a nearly forty percent probability
17 of death compared to a one percent probability for males in the
18 general population in the same age category.

____.B. NO. _____

1 The legislature further finds that, upon considering the
2 results of this study, eliminating the minimum age requirement for
3 police officers and maintaining the twenty-five years of service
4 requirement may help to reduce the mortality rate risk factor for
5 police officers. For example, an officer who joins the police
6 department at age twenty would have the option to retire at forty-
7 five, which would significantly reduce the possibility of health
8 risk factors associated with police work. Additionally, Honolulu
9 and Maui police departments have developed a lateral transfer
10 program to attract former officers from Hawaii or elsewhere to
11 transfer to Honolulu or Maui, but the retirement requirements of
12 twenty-five years of service and minimum age of fifty-five
13 discourage many qualified individuals from transferring.

14 The purpose of this Act is to provide an incentive to recruit
15 and retain more police officers.

16 SECTION 2. Section 88-73, Hawaii Revised Statutes, is amended
17 by amending subsection (a) to read as follows:

18 “(a) Any member who:

- 19 1. Became a member before July 1, 2012, and has at least
20 five years of credited service and has attained age
21 fifty-five;
- 22 2. Became a member before July 1, 2012, and has at least
23 twenty-five years of credited service;

Resolution

No. 22-200, CD1

APPROVING FOR INCLUSION IN THE 2023
MAUI COUNTY COUNCIL LEGISLATIVE
PACKAGE A STATE BILL TO REMOVE THE
MINIMUM AGE REQUIREMENT FOR POLICE
OFFICER RETIREMENT

WHEREAS, the Maui Police Department has a vacancy rate of approximately twenty-five percent despite recruitment efforts in Hawai'i and on the mainland; and

WHEREAS, the current retirement requirements of twenty-five years of service and a minimum age of fifty-five may discourage many qualified applicants from applying or transferring to the Department; and

WHEREAS, removing the minimum age requirement would provide an incentive to recruit and retain more police officers; now, therefore,

BE IT RESOLVED by the Council of the County of Maui:

1. That the proposed State bill, attached as Exhibit "A," relating to the minimum age requirement for police officer retirement, is approved for inclusion in the 2023 Maui County Council Legislative Package; and
2. That certified copies of this Resolution be transmitted to the Mayor.

INTRODUCED BY:

Tamara A.M. Paltin

TAMARA PALTIN

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