

July 23, 2021

**EMPLOYEES' RETIREMENT SYSTEM (ERS)  
SERVICEMEN'S ACT**

Members on active duty military leave without pay (LWOP) from their Employer may be entitled to ERS membership service up to four (4) years provided the purpose of the military service is during the time of war or declared national or state emergency or is called involuntarily to active duty.

Under the Servicemen's Act, you would receive ERS membership as if you were in continuous service with the State and County pursuant to Section 88-132, Hawaii Revised Statutes, which states in part...

- “(1) The cumulative length of time shall not exceed four years;*
- (2) The member returns to state or county government service within ninety days of release from active duty or dies in the performance of the member's military service; and*
- (3) The member's release from active duty was under honorable conditions...”*

To determine your eligibility for membership service, you are responsible to submit all required military orders to your Employer on a timely basis for your Personnel and Payroll departments to provide the required retirement contribution payment to the ERS.

Your cooperation is needed as your departmental Personnel and Payroll will be responsible for the following:

- (1) Processing the request for military leave without pay (LWOP) based on the active duty military orders.
- (2) Determining eligibility and calculating retirement contribution payment to the ERS upon the employee's return to work.

Also, under the Uniformed Services Employment and Reemployment Rights Act of 1984 (USERRA), you may be eligible to acquire active duty military service over the four (4) years allowed under the Servicemen's Act. Contact ERS for acquisition information.