

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2520 Session of
2008

INTRODUCED BY BEYER, ARGALL, GODSHALL, GOODMAN, HARHAI, KENNEY,
MELIO, SCAVELLO, SIPTROTH, SWANGER, THOMAS AND YOUNGBLOOD,
MAY 13, 2008

REFERRED TO COMMITTEE ON EDUCATION, MAY 13, 2008

AN ACT

1 Amending Title 24 (Education) of the Pennsylvania Consolidated
2 Statutes, further providing for termination of annuities.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

5 Section 1. Section 8346(b) of Title 24 of the Pennsylvania
6 Consolidated Statutes is amended and the section is amended by
7 adding a subsection to read:

8 § 8346. Termination of annuities.

9 * * *

10 (b) Return to school service during emergency.--

11 (1) When, in the judgment of the employer, an emergency
12 creates an increase in the work load such that there is
13 serious impairment of service to the public or in the event
14 of a shortage of appropriate subject certified teachers or
15 other personnel, an annuitant may be returned to school
16 service for a period not to extend beyond the school year
17 during which the emergency or shortage occurs, without loss

1 of his annuity. The annuitant shall not be entitled to earn
2 any credited service, and no contributions may be made by the
3 annuitant, the employer or the Commonwealth on account of
4 such employment.

5 (2) An employer shall pay an annuitant who is returning
6 to school service under this section no more than 125% of the
7 annuitant's last annual salary prior to retirement, less the
8 amount of the annual annuity payments from the system.

9 (3) Upon opting to hire an annuitant on an emergency
10 basis, the employer shall provide the department with
11 appropriate documentation of efforts to find a replacement,
12 the shortage of qualified applicants, the emergency created
13 by an unfilled position and duties that cannot be performed
14 by other active employees.

15 (4) An emergency return to service shall be subject to
16 approval by the department, which approval shall be
17 contingent on:

18 (i) Verification that the employer has made a bona
19 fide attempt to locate a nonannuitant replacement.

20 (ii) Certification by the employer that an emergency
21 would be created if a position went unfilled during the
22 search for a replacement.

23 (iii) Determining whether emergency employment can
24 be avoided by requiring the assistant superintendent or
25 other administrator to temporarily assume the duties of
26 the unfilled position until a replacement can be hired.

27 (5) An employer may temporarily employ an annuitant on
28 an emergency basis according to the 125% requirement until
29 the department completes its review as required under this
30 section. Once the department makes a determination regarding

1 an emergency return to service, the employer shall comply
2 with the decision immediately upon notification.

3 (6) The department shall maintain a record of all
4 requests for emergency return to service of annuitants and
5 report such requests to the chair and minority chair of the
6 Education Committee of the Senate and the chair and minority
7 chair of the Education Committee of the House of
8 Representatives annually.

9 (7) The department shall promulgate regulations
10 establishing criteria for approval of a request for emergency
11 return to service and may further define "emergency" to
12 ensure that the intent of this section is carried out.

13 (8) If a violation of the salary limitations provided
14 under this section occurs, the annuitant shall be obligated
15 to return any excess wages to the employer within 90 days.

16 * * *

17 (e) Definitions.--As used in this section, "emergency" means
18 the period of time in which an unfilled position cannot be
19 filled by a nonannuitant through efforts established under
20 subsection (c) and where the unfilled position will
21 significantly impact student achievement, school operations or a
22 school entity's ability to offer an education consistent with
23 State law and regulation.

24 Section 2. This act shall take effect in 60 days.