

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 712 Session of
2013

INTRODUCED BY BAKER, COHEN, MICOZZIE, CAUSER, MURT, KORTZ,
OBERLANDER, READSHAW, GINGRICH AND MARSICO, FEBRUARY 13, 2013

REFERRED TO COMMITTEE ON STATE GOVERNMENT, FEBRUARY 13, 2013

AN ACT

1 Amending Titles 24 (Education) and 71 (State Government) of the
2 Pennsylvania Consolidated Statutes, further providing for
3 creditable nonschool service, for creditable nonstate service
4 for service performed as a crewleader with the Pennsylvania
5 Conservation Corps and for mandatory and optional membership.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. Section 8304(b) of Title 24 of the Pennsylvania
9 Consolidated Statutes is amended by adding a paragraph to read:
10 § 8304. Creditable nonschool service.

11 * * *

12 (b) Limitations on nonschool service.--Creditable nonschool
13 service credit shall be limited to:

14 * * *

15 (9) Service as a crewleader prior to July 1, 2011, with
16 the Pennsylvania Conservation Corps, not to exceed a total of
17 five years. In order to elect to purchase the service credit,
18 an active member must file an application with the board no
19 later than three years after the effective date of this

1 subsection or three years after subsequent entry into school
2 service, whichever occurs last. The Department of Labor and
3 Industry may charge an applicant a fee necessary to cover the
4 administrative costs incurred in verifying the applicant's
5 eligibility for the purchase of service.

6 * * *

7 Section 2. Section 8324 of Title 24 is amended by adding a
8 subsection to read:

9 § 8324. Contributions for purchase of credit for creditable
10 nonschool service.

11 * * *

12 (g) Creditable service as a crewleader with the Pennsylvania
13 Conservation Corps.--Contributions on account of Class T-C
14 credit for creditable service as a crewleader with the
15 Pennsylvania Conservation Corps pursuant to section 8304(b) (9)
16 shall be the present value of the full actuarial cost of the
17 increase in the projected superannuation annuity caused by the
18 additional service credited on account of the purchase of
19 service as a crewleader with the Pennsylvania Conservation
20 Corps. The amount paid for the purchase of credit for service as
21 a crewleader with the Pennsylvania Conservation Corps shall not
22 be payable as a lump sum under section 8345(a) (4) (iii).

23 Section 3. Section 5301 of Title 71 is amended by adding a
24 subsection to read:

25 § 5301. Mandatory and optional membership.

26 * * *

27 (g) Further additional optional membership.--Beginning July
28 1, 2011, individuals employed as crewleaders of the Pennsylvania
29 Conservation Corps, pursuant to the act of July 2, 1984
30 (P.L.561, No.112), known as the Pennsylvania Conservation Corps

Act, shall have the option to elect membership in the system.
The election of membership in the system shall be irrevocable
and shall be made by filing written notice with the employer no
later than 90 days following the effective date of this
subsection or no later than 90 days following the effective date
of employment in the case of a newly hired employee. Upon
receipt of the election, the employer shall certify the election
to the board. Employees who elect membership in the system under
this subsection shall remain members of the system until the
effective date of termination as a crewleader. An employee
described in this subsection who fails to timely elect
membership in the system shall be prohibited from electing
membership in the system for the duration of employment with the
Pennsylvania Conservation Corps. If an employee described in
this subsection terminates service and becomes a State employee
with an employer other than the Pennsylvania Conservation Corps,
then membership for that employee shall be determined as
otherwise provided for in this section.

Section 4. Section 5304(c) of Title 71, amended October 24,
2012 (P.L. , No.181), is amended to read:

§ 5304. Creditable nonstate service.

* * *

(c) Limitations on nonstate service.--Creditable nonstate
service credit shall be limited to:

(1) [intervening] Intervening military service if the
member returned to State service before January 1, 2012[;].

(2) (i) [military] Military service other than:

(A) intervening military service;

(B) military service purchasable under former
section 5302(d) (relating to credited State service)

1 or 5302(f)(1); and

2 (C) military service performed during USERRA
3 leave if the member was reemployed from USERRA leave.

4 (ii) [the] The total creditable nonstate service
5 under this paragraph may not exceed five years, provided
6 that a member with multiple service may not purchase more
7 than a total of five years of military service in both
8 the system and the Public School Employees' Retirement
9 System[;]

10 (3) [in] In the case of an academic administrator,
11 teacher or instructor employed in the Department of
12 Education, the State System of Higher Education, any State-
13 owned educational institution or The Pennsylvania State
14 University, provided that the total amount of service
15 creditable under this paragraph shall not exceed the lesser
16 of ten years or the number of years of active membership in
17 the system as an academic administrator, teacher or
18 instructor in the Department of Education, State System of
19 Higher Education, any State-owned educational institution or
20 The Pennsylvania State University:

21 (i) nonstudent service as an academic administrator,
22 teacher or instructor in any public school or public
23 educational institution in any state other than this
24 Commonwealth; or

25 (ii) nonstudent service as an academic
26 administrator, teacher or instructor in the field of
27 education for any agency or department of the Federal
28 Government, whether or not such area was under the
29 jurisdiction of the United States[;].

30 (4) [previous] Previous service with a governmental

1 agency other than the Commonwealth which employment with said
2 agency was terminated because of the transfer by statute of
3 the administration of such service or of the entire agency to
4 the Commonwealth[;]_.

5 (5) [service] Service as a temporary Federal employee
6 assigned to an air quality control complement for the
7 Pennsylvania Department of Environmental Resources at any
8 time during the period of 1970 through 1975. This service
9 time may be purchased only if the member makes an election to
10 purchase within one year of the effective date of this
11 paragraph, and the member shall pay an amount which is equal
12 to the full actuarial cost of the increased benefit obtained
13 by virtue of the purchase as provided in section 5505(f)[;]_.

14 (6) [service] Service in the Cadet Nurse Corps with
15 respect to any period of training as a student or graduate
16 nurse under a plan approved under section 2 of the act of
17 June 15, 1943 (Public Law 78-73, 57 Stat. 153), if the total
18 period of training under such plan was at least two years,
19 the credit for such service not to exceed three years[;]_.

20 (7) [service] Service prior to July 1, 1971, at a
21 community college established under the act of August 24,
22 1963 (P.L.1132, No.484), known as the Community College Act
23 of 1963[; or]_.

24 (8) [service] Service as a justice of the peace prior to
25 January 1970.

26 (9) Service as a crewleader prior to July 1, 2011, with
27 the Pennsylvania Conservation Corps, not to exceed a total of
28 five years. In order to elect to purchase the service credit,
29 an active member must file an application with the board no
30 later than three years after the effective date of this

1 subsection or three years after subsequent entry into State
2 service, whichever occurs last. The Department of Labor and
3 Industry may charge an applicant a fee necessary to cover the
4 administrative costs incurred in verifying the applicant's
5 eligibility for the purchase of service.

6 * * *

7 Section 5. Section 5505 of Title 71 is amended by adding a
8 subsection to read:

9 § 5505. Contributions for the purchase of credit for creditable
10 nonstate service.

11 * * *

12 (j) Creditable service as a crewleader with the Pennsylvania
13 Conservation Corps.--Contributions on account of Class A credit
14 for creditable service as a crewleader with the Pennsylvania
15 Conservation Corps pursuant to section 5304 shall be the present
16 value of the full actuarial cost of the increase in the
17 projected superannuation annuity caused by the additional
18 service credited on account of the purchase of service as a
19 crewleader with the Pennsylvania Conservation Corps. The amount
20 paid for the purchase of credit for service as a crewleader with
21 the Pennsylvania Conservation Corps shall not be payable as a
22 lump sum under section 5705(a)(4)(iii) (relating to member's
23 options).

24 Section 6. This act shall take effect July 1, 2013, or
25 immediately, whichever is later.