
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 229 Session of
2017

INTRODUCED BY EICHELBERGER, VULAKOVICH, FOLMER, WHITE,
RESCHENTHALER AND MARTIN, JANUARY 26, 2017

REFERRED TO EDUCATION, JANUARY 26, 2017

AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An
2 act relating to the public school system, including certain
3 provisions applicable as well to private and parochial
4 schools; amending, revising, consolidating and changing the
5 laws relating thereto," in professional employes, further
6 providing for payment of salaries in cases of sickness,
7 injury or death, repealing provisions relating to alternative
8 payment plan, to persons entitled and to salary while on
9 leave and further providing for Distinguished Educators
10 Program.

11 The General Assembly of the Commonwealth of Pennsylvania
12 hereby enacts as follows:

13 Section 1. Section 1154 of the act of March 10, 1949
14 (P.L.30, No.14), known as the Public School Code of 1949,
15 amended July 13, 2016 (P.L.716, No.86), is amended to read:

16 Section 1154. [Payment of Salaries in Cases of Sickness,
17 Injury or Death] Right to Accumulated Sick Leave.--[a) In any
18 school year whenever a professional or temporary professional
19 employe is prevented by illness or accidental injury from
20 following his or her occupation, the school district shall pay
21 to said employe for each day of absence the full salary to which
22 the employe may be entitled as if said employe were actually

1 engaged in the performance of duty for a period of ten days. Any
2 such unused leave shall be cumulative from year to year in the
3 school district of current employment or its predecessors
4 without limitation. All or any part of such accumulated unused
5 leave may be taken with full pay in any one or more school
6 years. No employe's salary shall be paid if the accidental
7 injury is incurred while the employe is engaged in remunerative
8 work unrelated to school duties.]

9 Whenever the boards of school directors of two or more school
10 districts may establish any joint elementary public school, high
11 school or department, or whenever two or more school districts
12 shall merge or form a union school district or administrative
13 unit in accordance with the provisions of sections 291, 292,
14 293, 294, 295, 296 and 297 of this act, the professional or
15 temporary professional employes employed by the several boards
16 of school directors establishing such joint school or department
17 or merged or union school district or administrative unit shall
18 be entitled to the sick leave accumulated in the individual
19 school districts subsequently establishing such joint school or
20 department or merged or union school district or administrative
21 unit.

22 [Professional and temporary professional employes who sever
23 their employment with one school district and enter into
24 employment with another school district shall be entitled to all
25 accumulated leave not exceeding a maximum of twenty-five (25)
26 working days acquired during their employment in the school
27 districts of the Commonwealth.

28 The board of school directors may require the employe to
29 furnish a certificate from a physician or other practitioner
30 certifying that said employe was unable to perform his or her

1 duties during the period of absence for which compensation is
2 required to be paid under this section.

3 The board of school directors of each school district shall
4 maintain and supply annually to each professional and temporary
5 professional employe a copy of a cumulative record of sick leave
6 credited to and used by such professional or temporary
7 professional employe. In any case involving a dispute over the
8 amount of accumulated sick leave, a professional or temporary
9 professional employe shall have a right of appeal to the
10 Secretary of Education pursuant to such rules and regulations as
11 he may establish.

12 (b) Whenever a professional or temporary professional
13 employe shall be absent from duty because of a death in the
14 immediate family of said employe, there shall be no deduction in
15 salary of said employe for an absence not in excess of three
16 school days. The board of school directors may extend the period
17 of absence with pay in its discretion as the exigencies of the
18 case may warrant. Members of the immediate family shall be
19 defined as father, mother, brother, sister, son, daughter,
20 husband, wife, parent-in-law or near relative who resides in the
21 same household, or any person with whom the employe has made his
22 home.

23 (c) Whenever a professional or temporary professional
24 employe is absent because of the death of a near relative, there
25 shall be no deduction in the salary of said employe for absence
26 on the day of the funeral. The board of school directors may
27 extend the period of absence with pay in its discretion as the
28 exigencies of the case may warrant. A near relative shall be
29 defined as a first cousin, grandfather, grandmother, grandchild,
30 aunt, uncle, niece, nephew, son-in-law, daughter-in-law,

1 brother-in-law or sister-in-law.

2 (d) All compensation required to be paid under the
3 provisions of this act shall be paid to the employe in the same
4 manner and at the same time said employe would have received his
5 salary if actually engaged in the performance of his duties.

6 (e) Any board of school directors may adopt rules or
7 regulations pertaining to the payment of salaries of employes
8 when absent from duty, extending the period of leave with or
9 without pay in excess of that herein provided, or authorizing
10 leaves with pay for other purposes. This act is not intended to
11 repeal any rule or regulation of any board of school directors
12 now in effect which does provide for such additional
13 compensation or additional period of leave with pay.]

14 Section 2. Sections 1154.1, 1166 and 1169 of the act are
15 repealed:

16 [Section 1154.1. Alternative Payment Plan.--(a) In any
17 school year whenever a professional, temporary professional or
18 nonprofessional employe is prevented by illness or accidental
19 injury from following his or her occupation, the school district
20 or other school entity by written agreement with the employe
21 may, as an alternative to the payments provided in section
22 1154(a), establish a plan excluding from wages payments made as
23 provided in section 209(b) of the Social Security Act (49
24 Statute 629).

25 (b) The State Treasurer is authorized to recover, on behalf
26 of the Commonwealth and school districts and all other school
27 entities enumerated in this act and on behalf of all officers
28 and employes thereof, Social Security overpayments made to the
29 United States Treasury.

30 (c) The expenses incurred by the State Treasurer in

1 recovering such overpayments may be paid out of any recoveries
2 of overpayments on behalf of the Commonwealth and school
3 entities.

4 (d) The State Treasurer may take such actions as he deems
5 reasonable in the recovery of such overpayments.

6 (e) The full amount of any recoveries of overpayments for
7 employes shall be refunded to such employes. The amount of any
8 recoveries on behalf of school entities, after deducting the
9 expenses of collection, shall be transferred or credited to the
10 school entities. Any expenses previously paid by the State
11 Treasurer shall be refunded from such recoveries. Any unpaid
12 expenses shall be paid from such recoveries.

13 Section 1166. Persons Entitled.--(a) Any person employed in
14 the public school system of this Commonwealth who has completed
15 ten (10) years of satisfactory service as a professional employe
16 or member of the supervisory, instructional or administrative
17 staff, or as a commissioned officer, of any board of school
18 directors, county board of school directors, or any other part
19 of the public school system of the Commonwealth, shall be
20 entitled to a leave of absence for professional development or a
21 sabbatical leave for restoration of health or, at the discretion
22 of the board of school directors, for other purposes. At least
23 five consecutive years of such service shall have been in the
24 school district from which leave of absence for professional
25 development or sabbatical leave for restoration of health is
26 sought, unless the board of school directors shall in its
27 discretion allow a shorter time: Provided, however, That in the
28 case of professional employes of area vocational-technical
29 schools or technical institutes prior service in the
30 participating school districts shall be credited toward such

1 service requirement. A leave of absence for professional
2 development or sabbatical leave for restoration of health shall
3 be for a half or full school term or for two half school terms
4 during a period of two years, at the option of such person:
5 Provided, however, if a sabbatical leave is requested because of
6 the illness of an employe, a leave shall be granted for a period
7 equivalent to a half or full school term or equivalent to two
8 half school terms during a period of two years: Provided
9 further, That if a sabbatical leave for restoration of health or
10 a leave of absence for professional development for one half
11 school term or its equivalent has been granted and the employe
12 is unable to return to school service because of illness or
13 physical disability, the employe, upon written request prior to
14 the expiration of the original leave, shall be entitled to a
15 further leave for one half school term or its equivalent:
16 Provided further, That if a leave for a full school term or its
17 equivalent has been granted and the employe is unable to return
18 to school service because of illness or physical disability, the
19 board of school directors may extend such leave for such periods
20 as it may determine but not to exceed one full school term or
21 its equivalent. Thereafter, one leave of absence for
22 professional development or a sabbatical leave for restoration
23 of health shall be allowed after each seven years of service.

24 (b) A sabbatical leave for restoration of health or a leave
25 of absence for professional development granted to a regular
26 employe shall also operate as a leave of absence without pay
27 from all other school activities.

28 Section 1169. Salary While on Leave.--The person on leave of
29 absence shall receive at least one-half of his or her regular
30 salary during the period he or she is on sabbatical leave.]

1 Section 3. Section 1195(i) of the act is amended to read:

2 Section 1195. Distinguished Educators Program.--* * *

3 (i) If leave is granted under subsection (h), Distinguished
4 Educators shall maintain the rights and obligations established
5 in sections 1168 and 1170, but the leave shall not be subject to
6 section [1166, 1166.1, 1167 or 1169] 1166.1 or 1167.

7 * * *

8 Section 4. Nothing in this act shall be construed to
9 supersede or preempt any provision of a collective bargaining
10 agreement negotiated by a school entity and an exclusive
11 representative of the employees in accordance with the act of
12 July 23, 1970 (P.L.563, No.195), known as the Public Employe
13 Relations Act, and in effect on the effective date of this
14 section.

15 Section 5. This act shall take effect in 60 days.