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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 702 Session of  
2019

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INTRODUCED BY STEFANO, PHILLIPS-HILL, SCARNATI, MENSCH, K. WARD,  
FOLMER, MARTIN, DiSANTO, VOGEL, J. WARD AND WHITE,  
MAY 31, 2019

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REFERRED TO EDUCATION, MAY 31, 2019

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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 collective bargaining, further  
6 providing for definitions and providing for union leave.

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

9 Section 1. Section 1101-A of the act of March 10, 1949  
10 (P.L.30, No.14), known as the Public School Code of 1949, is  
11 amended by adding definitions to read:

12 Section 1101-A. Definitions.--When used in this article, the  
13 following words and phrases shall have the following meanings:

14 \* \* \*

15 "Statewide employe organization" shall mean the Statewide  
16 affiliated parent organization of an employe organization.

17 \* \* \*

18 "Substitute" shall have the meaning given to it in section  
19 1101.

1 "Union leave" shall mean any arrangement under which an  
2 employe takes leave from employment with an employer for the  
3 purpose of service with a Statewide employe organization or an  
4 employe organization.

5 Section 2. The act is amended by adding a section to read:

6 Section 1173-A. Union Leave.--(a) Subject to subsection (b)  
7 and notwithstanding 24 Pa.C.S. § 8302 (relating to credited  
8 school service) or any other provision of law, no collective  
9 bargaining agreement or contract between an employe organization  
10 and school district entered into, renewed or extended on or  
11 after the effective date of this section may allow an employe to  
12 take union leave from an employer.

13 (b) Notwithstanding subsection (a), the following shall  
14 apply:

15 (1) Each Statewide employe organization may designate not  
16 more than three (3) individuals throughout the Commonwealth at  
17 any time who may take union leave, provided that each designated  
18 individual may take union leave for a cumulative period of no  
19 more than six (6) school years, subject to subsection (c).

20 (2) An employe who is not designated under paragraph (1) may  
21 take union leave for no more than three (3) consecutive days  
22 within any week and for a cumulative period of no more than  
23 fifteen (15) days each school year, subject to subsection (c).

24 (c) When an employe is permitted to take union leave from an  
25 employer pursuant to subsection (b) or pursuant to a collective  
26 bargaining agreement or contract entered into prior to the  
27 effective date of this section and remaining in effect on the  
28 effective date of this section, the following shall apply,  
29 except as prohibited by a collective bargaining agreement or  
30 contract entered into prior to the effective date of this

1 section and remaining in effect on the effective date of this  
2 section:

3 (1) The Statewide employe organization or employe  
4 organization shall reimburse the employer for:

5 (i) Any monetary compensation or benefits accrued by an  
6 employe during the period of union leave.

7 (ii) The services of any substitute engaged by the employer  
8 to perform the duties of the employe during the period of union  
9 leave.

10 (iii) Any contribution made by the employer on behalf of the  
11 employe under 24 Pa.C.S. § 8327 (relating to payments by  
12 employers) for the period of union leave with valuation  
13 interest.

14 (iv) Any contribution made by the employer on behalf of the  
15 employe under the Social Security Act (49 Stat. 620, 42 U.S.C. §  
16 301 et seq.) for the period of union leave.

17 (2) Notwithstanding 24 Pa.C.S. §§ 8326 (relating to  
18 contributions by the Commonwealth) and 8535 (relating to  
19 payments to school entities by Commonwealth), no payments shall  
20 be made to the employer from funds appropriated for payment of  
21 required contributions for public school employes' retirement on  
22 behalf of the employe with respect to the period of union leave.

23 (3) Notwithstanding 24 Pa.C.S. § 8329 (relating to payments  
24 on account of social security deductions from appropriations),  
25 no payments shall be made to the employer from funds  
26 appropriated for school employes' Social Security with respect  
27 to the employe for the period of union leave.

28 (d) No collective bargaining agreement or contract between  
29 an employe organization and a school district entered into,  
30 renewed or extended on or after the effective date of this

1 section shall contain provisions contrary to subsection (a), (b)  
2 or (c).

3 Section 3. This act shall take effect immediately.