
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 2463 Session of
1986

INTRODUCED BY JOHNSON, MRKONIC, CIMINI, DUFFY, WASS, LUCYK AND
HAYES, MAY 7, 1986

REFERRED TO COMMITTEE ON STATE GOVERNMENT, MAY 7, 1986

AN ACT

1 Amending Title 71 (State Government) of the Pennsylvania
2 Consolidated Statutes, further providing for creditable
3 nonstate service.

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

6 Section 1. Section 5304 of Title 71 of the Pennsylvania
7 Consolidated Statutes is amended to read:

8 § 5304. Creditable nonstate service.

9 (a) Eligibility.--An active member or a multiple service
10 member who is a school employee and an active member or
11 annuitant of the Public School Employees' Retirement System
12 shall be eligible for Class A service credit for creditable
13 nonstate service as set forth in subsections (b) and (c) except
14 that intervening military service shall be credited in the class
15 of service for which the member was eligible at the time of
16 entering into military service and for which he makes the
17 required contributions.

18 (b) Limitations on eligibility.--An active member or a

1 multiple service member who is a school employee and an active
2 member or annuitant of the Public School Employees' Retirement
3 System shall be eligible to receive credit for nonstate service
4 provided that he does not have credit for such service in the
5 school system and is not entitled to receive, eligible to
6 receive now or in the future, or is receiving retirement
7 benefits for such service under a retirement system administered
8 and wholly or partially paid for by any other governmental
9 agency, with the exception of members eligible to receive or
10 receiving military retirement pay earned by a combination of
11 active duty and nonactive duty with a reserve or national guard
12 component of the armed forces which (retirement pay) is payable
13 only upon the attainment of a specified age under 10 U.S.C. Ch.
14 67 (relating to retired pay for non-regular service), or by any
15 private employer, or a retirement program approved by the
16 employer in accordance with section 5301(a)(12) (relating to
17 mandatory and optional membership), and further provided, that
18 such service is certified by the previous employer and
19 contributions are agreed upon and made in accordance with
20 section 5505 (relating to contributions for the purchase of
21 credit for creditable nonstate service).

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

24 (1) intervening military service;

25 (2) other military service not exceeding five years,
26 with the exception of members eligible to receive or
27 receiving military retirement pay earned by a combination of
28 active duty and nonactive duty with a reserve or national
29 guard component of the armed forces which (retirement pay) is
30 payable only upon the attainment of a specified age under 10

1 U.S.C. Ch. 67;

2 (3) service in any public school or public educational
3 institution in any state other than this Commonwealth or in
4 any territory or area under the jurisdiction of the United
5 States; or service as an administrator, teacher, or
6 instructor in the field of education for any agency or
7 department of the government of the United States, whether or
8 not such area was under the jurisdiction of the United
9 States, the total of such service not exceeding the lesser of
10 ten years or the number of years of active membership in the
11 system, as an officer or employee of the Department of
12 Education or as an administrator, teacher, or instructor
13 employed in any State-owned educational institution or The
14 Pennsylvania State University; or

15 (4) previous service with a governmental agency other
16 than the Commonwealth which employment with said agency was
17 terminated because of the transfer by statute of the
18 administration of such service or of the entire agency to the
19 Commonwealth.

20 (d) Limitation on years of credit.--In no case, with the
21 exception of members eligible to receive or receiving military
22 retirement pay earned by a combination of active duty and
23 nonactive duty with a reserve or national guard component of the
24 armed forces which (retirement pay) is payable only upon the
25 attainment of a specified age under 10 U.S.C. Ch. 67, shall the
26 total credit for nonstate service other than that listed in
27 subsection (c)(1)[,] and (4) [and (5)] exceed the number of
28 years of State service credited in the system, plus, in the case
29 of a multiple service member, any additional years of school
30 service credited in the Public School Employees' Retirement

1 System.

2 (e) Purchase of nonintervening military service.--In no case
3 shall a member be permitted to make more than one purchase of
4 nonintervening military service as listed in subsection (c)(2).

5 (f) Additional years of credit.--An individual who is
6 eligible for credit under subsection (a) may receive twice the
7 credit to which the individual is entitled under subsection
8 (c)(1) or (2) if the individual is a recipient of a Purple
9 Heart.

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