

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 405 Session of
1991

INTRODUCED BY MELLOW, O'PAKE, REIBMAN, STAPLETON, LINCOLN, HART,
MUSTO, STOUT, DAWIDA, LYNCH, FUMO, BODACK, PECORA, BELAN,
SCHWARTZ, ANDREZESKI, BORTNER, JONES, AFFLERBACH, SCANLON,
LAVALLE, LEWIS, WILLIAMS, PORTERFIELD, RHOADES, SHUMAKER,
HELFRICK, LEMMOND, BELL AND STEWART, FEBRUARY 11, 1991

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
JUNE 26, 1991

AN ACT

1 Amending Titles 24 (Education) and 71 (State Government) of the
2 Pennsylvania Consolidated Statutes, AMENDING CERTAIN <—
3 DEFINITIONS; ADDING AND AMENDING CERTAIN DEFINITIONS RELATING
4 TO MILITARY SERVICE; adding provisions relating to credited
5 service as a retirement incentive; ~~providing for legal~~ <—
6 ~~advisors to the respective boards; and further providing for~~
7 ~~special early retirement and for accrued liability~~, ACCRUED <—
8 LIABILITY, TERMINATION OF ANNUITIES, CREDITABLE NONSCHOOL
9 SERVICE AND RETIREMENT COUNSELING SERVICES; INCLUDING
10 ENFORCEMENT OFFICERS AND INVESTIGATORS IN THE OFFICE OF
11 ATTORNEY GENERAL WITHIN THE DEFINITION OF "ENFORCEMENT
12 OFFICER" FOR RETIREMENT PURPOSES; PROVIDING FOR CREDIT FOR
13 SERVICE WITH ANOTHER STATE GOVERNMENT; AND AUTHORIZING
14 PURCHASES OF CERTAIN CREDITABLE NONSTATE SERVICE BY JUSTICES
15 OF THE PEACE.

16 The General Assembly of the Commonwealth of Pennsylvania
17 hereby enacts as follows:

18 ~~Section 1. The introductory paragraph and paragraph (3) of~~ <—
19 ~~section 8312 and sections 8501(e) and 8502(b) and (h) of Title~~ <—
20 ~~24 of the Pennsylvania Consolidated Statutes are amended to~~
21 read:

SECTION 1. THE DEFINITIONS OF "APPROVED LEAVE OF ABSENCE"
AND "INTERVENING MILITARY SERVICE" IN SECTION 8102 OF TITLE 24
OF THE PENNSYLVANIA CONSOLIDATED STATUTES ARE AMENDED AND THE
SECTION IS AMENDED BY ADDING DEFINITIONS TO READ:

§ 8102. DEFINITIONS.

THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS PART SHALL
HAVE, UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE, THE
MEANINGS GIVEN TO THEM IN THIS SECTION:

* * *

"APPROVED LEAVE OF ABSENCE." A LEAVE OF ABSENCE WHICH HAS
BEEN APPROVED BY THE EMPLOYER FOR SABBATICAL LEAVE, SERVICE AS
AN EXCHANGE TEACHER, OR PROFESSIONAL STUDY, OR A MATERNITY LEAVE
OF ABSENCE REQUIRED BY THE EMPLOYER.

* * *

"INDUCTION." TO BE DRAFTED OR, IF A MEMBER OF A RESERVE
COMPONENT OF THE ARMED FORCES, TO BE ORDERED ON OR AFTER AUGUST
2, 1990, INTO ACTIVE MILITARY SERVICE OTHER THAN ACTIVE DUTY TO
MEET PERIODIC TRAINING REQUIREMENTS.

"INTERVENING MILITARY SERVICE." ACTIVE MILITARY SERVICE OF A
MEMBER WHO WAS A SCHOOL EMPLOYEE IMMEDIATELY PRECEDING HIS
INDUCTION INTO THE ARMED SERVICES OR FORCES OF THE UNITED STATES
IN ORDER TO MEET A [DRAFT] MILITARY OBLIGATION EXCLUDING ANY
VOLUNTARY EXTENSION OF SUCH OBLIGATIONAL SERVICE AND WHO BECOMES
A SCHOOL EMPLOYEE WITHIN 90 DAYS OF THE EXPIRATION OF SUCH
SERVICE.

* * *

"MATERNITY LEAVE OF ABSENCE." AN INVOLUNTARY LEAVE OF
ABSENCE REQUIRED BY THE EMPLOYER BECAUSE OF THE PREGNANCY OF THE
MEMBER AND OCCURRING PRIOR TO MAY 17, 1975.

* * *

1 "MILITARY OBLIGATION." A DRAFT OBLIGATION OR, IF A MEMBER OF
2 A RESERVE COMPONENT OF THE ARMED FORCES, AN ORDER ON OR AFTER
3 AUGUST 2, 1990, TO ENTER INTO ACTIVE MILITARY SERVICE, OTHER
4 THAN AN ORDER TO ENTER INTO ACTIVE DUTY TO MEET PERIODIC
5 TRAINING REQUIREMENTS.

6 * * *

7 "RESERVE COMPONENT OF THE ARMED FORCES." THE UNITED STATES
8 ARMY RESERVE, UNITED STATES NAVY RESERVE, UNITED STATES MARINE
9 CORPS RESERVE, UNITED STATES COAST GUARD RESERVE, UNITED STATES
10 AIR FORCE RESERVE, PENNSYLVANIA ARMY NATIONAL GUARD AND
11 PENNSYLVANIA AIR NATIONAL GUARD.

12 * * *

13 SECTION 2. SECTIONS 8304(B) AND 8312 INTRODUCTORY PARAGRAPH
14 AND PARAGRAPH (3) OF TITLE 24 ARE AMENDED TO READ:

15 § 8304. CREDITABLE NONSCHOOL SERVICE.

16 * * *

17 (B) LIMITATIONS ON NONSCHOOL SERVICE.--CREDITABLE NONSCHOOL
18 SERVICE CREDIT SHALL BE LIMITED TO:

19 (1) INTERVENING MILITARY SERVICE.

20 (2) OTHER MILITARY SERVICE NOT EXCEEDING FIVE YEARS.

21 (3) SERVICE IN ANY PUBLIC SCHOOL OR PUBLIC EDUCATIONAL
22 INSTITUTION IN ANY STATE OTHER THAN THIS COMMONWEALTH OR IN
23 ANY TERRITORY OR AREA UNDER THE JURISDICTION OF THE UNITED
24 STATES. THIS PARAGRAPH INCLUDES SERVICE, PRIOR TO JULY 1,
25 1965, AT A COMMUNITY COLLEGE ESTABLISHED UNDER THE ACT OF
26 AUGUST 24, 1963 (P.L.1132, NO.484), KNOWN AS THE COMMUNITY
27 COLLEGE ACT OF 1963.

28 (4) SERVICE AS AN ADMINISTRATOR, TEACHER, OR INSTRUCTOR
29 IN THE FIELD OF PUBLIC SCHOOL EDUCATION FOR ANY AGENCY OR
30 DEPARTMENT OF THE GOVERNMENT OF THE UNITED STATES WHETHER OR

1 NOT SUCH AREA WAS UNDER THE JURISDICTION OF THE UNITED
2 STATES.

3 (5) PREVIOUS SERVICE AS AN EMPLOYEE OF A COUNTY BOARD OF
4 SCHOOL DIRECTORS WHICH EMPLOYMENT WAS TERMINATED BECAUSE OF
5 THE TRANSFER OF THE ADMINISTRATION OF SUCH SERVICE OR OF THE
6 ENTIRE AGENCY TO A GOVERNMENTAL ENTITY.

7 (6) PREVIOUS SERVICE AS A COUNTY EMPLOYEE AS A NURSE.
8 FOR EVERY THREE YEARS OR MAJOR FRACTION THEREOF IN PREVIOUS
9 WORK EXPERIENCE, AN INDIVIDUAL MAY BUY ONE YEAR OF CREDITABLE
10 SERVICE, NOT TO EXCEED A TOTAL OF FIVE YEARS. THE PURCHASE OF
11 THIS SERVICE SHALL BEGIN WITHIN THREE YEARS OF THE EMPLOYEE'S
12 ELIGIBILITY TO PURCHASE THIS CREDITABLE SERVICE.

13 (7) CREDITABLE SERVICE FOR THE PERIOD OF TIME SPENT ON A
14 MATERNITY LEAVE OF ABSENCE, REQUIRED BY THE EMPLOYER, WHICH
15 CREDITABLE SERVICE SHALL NOT EXCEED TWO YEARS PER LEAVE AND
16 SHALL BE APPLICABLE ONLY TO A MATERNITY LEAVE WHICH WAS
17 MANDATORY PRIOR TO MAY 17, 1975.

18 (8) SERVICE IN THE CADET NURSE CORPS WITH RESPECT TO ANY
19 PERIOD OF TRAINING AS A STUDENT OR GRADUATE NURSE UNDER A
20 PLAN APPROVED UNDER SECTION 2 OF THE ACT OF JUNE 15, 1943
21 (PUBLIC LAW 78-73, 57 STAT. 153), IF THE TOTAL PERIOD OF
22 TRAINING UNDER THE PLAN WAS AT LEAST TWO YEARS, THE CREDIT
23 FOR SUCH SERVICE NOT TO EXCEED THREE YEARS.

24 * * *

25 § 8312. Eligibility for special early retirement.

26 Notwithstanding any provisions of this title to the contrary,
27 for the period only of July 1, 1985, to [September 30, 1991]
28 June 30, 1993, the following special early retirement provisions
29 shall be applicable to specified eligible members as follows:

30 * * *

1 (3) During the period of July 1, 1987, to [September 30,
2 1991] June 30, 1993, a member who has credit for at least 30
3 eligibility points shall be entitled, upon termination of
4 service and filing of a proper application, to receive a
5 maximum single life annuity calculated pursuant to section
6 8342 without any reduction by virtue of an effective date of
7 retirement which is under the superannuation age.

8 ~~§ 8501. Public School Employees' Retirement Board.~~ <—

9 * * *

10 ~~(c) Corporate power and legal advisor. For the purposes of~~
11 ~~this part, the board shall possess the power and privileges of a~~
12 ~~corporation. The [Attorney General of the Commonwealth] counsel~~
13 ~~employed by the board shall be the legal advisor of the board.~~

14 ~~§ 8502. Administrative duties of board.~~

15 * * *

16 ~~(b) Professional personnel. The board shall contract for~~
17 ~~the services of a chief medical examiner, an actuary, investment~~
18 ~~advisors, counselors, an investment coordinator, and such other~~
19 ~~professional personnel as it deems advisable. The board shall~~
20 ~~have the power to contract for legal services.~~

21 * * *

22 ~~(h) Regulations and procedures. The board shall, with the~~
23 ~~advice of the [Attorney General] board counsel and the actuary,~~
24 ~~adopt and promulgate rules and regulations for the uniform~~
25 ~~administration of the system. The actuary shall approve in~~
26 ~~writing all computational procedures used in the calculation of~~
27 ~~contributions and benefits prior to their application by the~~
28 ~~board.~~

29 * * *

30 SECTION 3. SECTION 8324 OF TITLE 24 IS AMENDED BY ADDING A <—

1 SUBSECTION TO READ:

2 § 8324. CONTRIBUTIONS FOR PURCHASE OF CREDIT FOR CREDITABLE
3 NONSCHOOL SERVICE.

4 * * *

5 (F) CREDITABLE MATERNITY LEAVE.--CONTRIBUTIONS ON ACCOUNT OF
6 CLASS T-C CREDIT FOR CREDITABLE MATERNITY LEAVE PURSUANT TO
7 SECTION 8304(B)(7) SHALL BE DETERMINED BY APPLYING THE MEMBER'S
8 BASIC CONTRIBUTION RATE PLUS THE NORMAL CONTRIBUTION RATE AS
9 PROVIDED IN SECTION 8328, AT THE TIME OF THE MEMBER'S RETURN TO
10 SCHOOL SERVICE, TO THE TOTAL COMPENSATION RECEIVED DURING THE
11 FIRST YEAR OF SUBSEQUENT SCHOOL SERVICE, AND MULTIPLYING THE
12 PRODUCT BY THE NUMBER OF YEARS AND FRACTIONAL PART OF A YEAR OF
13 CREDITABLE SERVICE BEING PURCHASED, TOGETHER WITH STATUTORY
14 INTEREST DURING ALL PERIODS OF SUBSEQUENT SCHOOL OR STATE
15 SERVICE TO THE DATE OF PURCHASE. THE AMOUNT PAID FOR THE
16 PURCHASE OF CREDIT FOR CREDITABLE MATERNITY LEAVE SHALL NOT BE
17 ELIGIBLE FOR WITHDRAWAL AS A LUMP SUM UNDER SECTION
18 8345(A)(4)(III).

19 SECTION 4. SECTION 8346(A) AND (B) OF TITLE 24 ARE AMENDED
20 TO READ:

21 § 8346. TERMINATION OF ANNUITIES.

22 (A) GENERAL RULE.--IF AN ANNUITANT RETURNS TO SCHOOL SERVICE
23 OR ENTERS STATE SERVICE AND ELECTS MULTIPLE SERVICE MEMBERSHIP,
24 ANY ANNUITY PAYABLE TO HIM UNDER THIS PART SHALL CEASE AND IN
25 THE CASE OF AN ANNUITY OTHER THAN A DISABILITY ANNUITY THE
26 PRESENT VALUE OF SUCH ANNUITY, ADJUSTED FOR FULL COVERAGE IN THE
27 CASE OF A JOINT COVERAGE MEMBER WHO MAKES THE APPROPRIATE BACK
28 CONTRIBUTIONS FOR FULL COVERAGE, SHALL BE FROZEN AS OF THE DATE
29 SUCH ANNUITY CEASES. IN THE EVENT THAT THE COST-OF-LIVING
30 INCREASE ENACTED DECEMBER 18, 1979 OCCURRED DURING THE PERIOD OF

1 SUCH STATE OR SCHOOL EMPLOYMENT, THE FROZEN PRESENT VALUE SHALL
2 BE INCREASED, ON OR AFTER THE MEMBER ATTAINS SUPERANNUATION AGE,
3 BY THE PERCENT APPLICABLE HAD HE NOT RETURNED TO SERVICE. THIS
4 SUBSECTION SHALL NOT APPLY IN THE CASE OF ANY ANNUITANT WHO
5 RENDERS SERVICES AS AN ACADEMIC OR DEGREED PROFESSIONAL FOR A
6 PERIOD OF NOT MORE THAN HALF THE HOURS PERFORMED BY FULL-TIME
7 EMPLOYEES IN ANY ONE MONTH TO INSTITUTIONS OF HIGHER EDUCATION.

8 (1) THE EMPLOYEES OF THE HIRING INSTITUTION IN WHICH AN
9 ANNUITANT RENDERS SERVICES WHO HAVE SELECTED REPRESENTATIVES
10 TO ACT IN THEIR INTERESTS THROUGH COLLECTIVE BARGAINING SHALL
11 AUTHORIZE A PERMISSIVE CONTRACT PROVISION UNDER THE TERMS AND
12 CONDITIONS OF EMPLOYMENT CLAUSE BEFORE ANNUITANTS MAY
13 CONTINUE TO RECEIVE THEIR ANNUITY AS WELL AS PAYMENT FROM THE
14 INSTITUTION.

15 (2) WHEN EMPLOYEES OF A HIRING INSTITUTION HAVE NOT
16 SELECTED REPRESENTATIVES TO BARGAIN COLLECTIVELY IN THEIR
17 INTERESTS, ANNUITANTS MAY CONTINUE TO RECEIVE THEIR ANNUITY
18 AS WELL AS PAYMENT FROM THE INSTITUTION.

19 (3) ANNUITANTS SHALL BE SUBJECT TO ALL PROVISIONS OF
20 LABOR CONTRACTS IN EFFECT AT THE TIME OF THEIR EMPLOYMENT BY
21 THE HIRING INSTITUTION.

22 (B) RETURN TO SCHOOL SERVICE DURING EMERGENCY.--WHEN, IN THE
23 JUDGMENT OF THE EMPLOYER, AN EMERGENCY CREATES AN INCREASE IN
24 THE WORK LOAD SUCH THAT THERE IS SERIOUS IMPAIRMENT OF SERVICE
25 TO THE PUBLIC OR IN THE EVENT OF A SHORTAGE OF APPROPRIATE
26 SUBJECT CERTIFIED TEACHERS, AN ANNUITANT MAY BE RETURNED TO
27 SCHOOL SERVICE FOR A PERIOD NOT TO EXCEED [75 DAYS] 95 FULL-DAY
28 SESSIONS IN ANY SCHOOL YEAR WITHOUT LOSS OF HIS ANNUITY. IN
29 COMPUTING THE NUMBER OF DAYS AN ANNUITANT HAS RETURNED TO SCHOOL
30 SERVICE, ANY AMOUNT OF TIME LESS THAN ONE-HALF OF A DAY SHALL BE

1 COUNTED AS ONE-HALF OF A DAY.

2 * * *

3 SECTION 5. THE DEFINITION OF "ENFORCEMENT OFFICER" IN
4 SECTION 5102 OF TITLE 71 IS AMENDED AND THE SECTION IS AMENDED
5 BY ADDING DEFINITIONS TO READ:

6 § 5102. DEFINITIONS.

7 THE FOLLOWING WORDS AND PHRASES AS USED IN THIS PART, UNLESS
8 A DIFFERENT MEANING IS PLAINLY REQUIRED BY THE CONTEXT, SHALL
9 HAVE THE FOLLOWING MEANINGS:

10 * * *

11 "ENFORCEMENT OFFICER."

12 (1) ANY ENFORCEMENT OFFICER OR INVESTIGATOR OF THE
13 PENNSYLVANIA LIQUOR CONTROL BOARD WHO IS A PEACE OFFICER
14 VESTED WITH POLICE POWER AND AUTHORITY THROUGHOUT THE
15 COMMONWEALTH AND ANY ADMINISTRATIVE OR SUPERVISORY EMPLOYEE
16 OF THE PENNSYLVANIA LIQUOR CONTROL BOARD VESTED WITH POLICE
17 POWER WHO IS CHARGED WITH THE ADMINISTRATION OR ENFORCEMENT
18 OF THE LIQUOR LAWS OF THE COMMONWEALTH.

19 (2) ANY ENFORCEMENT OFFICER OR INVESTIGATOR OF THE
20 OFFICE OF ATTORNEY GENERAL WHO IS A PEACE OFFICER VESTED WITH
21 POLICE POWER AND AUTHORITY THROUGHOUT THIS COMMONWEALTH AND
22 ANY ADMINISTRATIVE OR SUPERVISORY EMPLOYEE OF THE OFFICE OF
23 ATTORNEY GENERAL VESTED WITH POLICE POWER WHO IS CHARGED WITH
24 THE ADMINISTRATION OR ENFORCEMENT OF THE CRIMINAL LAWS OF
25 THIS COMMONWEALTH.

26 * * *

27 "INDUCTION." TO BE DRAFTED OR, IF A MEMBER OF A RESERVE
28 COMPONENT OF THE ARMED FORCES, TO BE ORDERED ON OR AFTER AUGUST
29 2, 1990, INTO ACTIVE MILITARY SERVICE OTHER THAN ACTIVE DUTY TO
30 MEET PERIODIC TRAINING REQUIREMENTS.

* * *

"MILITARY OBLIGATION." A DRAFT OBLIGATION OR, IF A MEMBER OF
A RESERVE COMPONENT OF THE ARMED FORCES, AN ORDER ON OR AFTER
AUGUST 2, 1990, TO ENTER INTO ACTIVE MILITARY SERVICE, OTHER
THAN AN ORDER TO ENTER INTO ACTIVE DUTY TO MEET PERIODIC
TRAINING REQUIREMENTS.

* * *

"RESERVE COMPONENT OF THE ARMED FORCES." THE UNITED STATES
ARMY RESERVE, UNITED STATES NAVY RESERVE, UNITED STATES MARINE
CORPS RESERVE, UNITED STATES COAST GUARD RESERVE, UNITED STATES
AIR FORCE RESERVE, PENNSYLVANIA ARMY NATIONAL GUARD AND
PENNSYLVANIA AIR NATIONAL GUARD.

* * *

Section ~~2~~ 6. Section 5302(c) of Title 71 is amended and the
section is amended by adding ~~a subsection~~ SUBSECTIONS to read:
§ 5302. Credited State service.

* * *

(c) Credited service as retirement incentive.--
Notwithstanding any provisions of this title to the contrary,
for the period February 1, 1991, to ~~September 30~~ DECEMBER 31,
1991, ~~any active member~~ AN ACTIVE MEMBER OR MEMBER FURLOUGHED
FROM STATE EMPLOYMENT BETWEEN FEBRUARY 1, 1991, TO DECEMBER 31,
1991, who is, during such period, 55 years of age or older, or
will attain 55 years of age between ~~September 30~~ DECEMBER 31,
1991, and January 31, 1992, who terminates active service on or
before ~~September 30~~ DECEMBER 31, 1991, with ten or more
eligibility points, and who files an application for retirement
prior to January 1, 1992, shall be credited with an additional
10% of his Class A and Class C service. This provision shall not
apply in the case of active members who are justices, judges or

district justices, legislators, other elected officials, and
officers of the Pennsylvania State Police.

(D) PERSONS WITH DUAL COVERAGES.--THE PROVISIONS OF THIS
PART SHALL APPLY TO PERSONS WHO HAVE DUAL COVERAGE UNDER THE
PUBLIC SCHOOL EMPLOYEES' RETIREMENT SYSTEM AND THE STATE
EMPLOYEES' RETIREMENT SYSTEM DURING THE LENGTH OF TIME NECESSARY
TO FULFILL THE REQUIREMENTS OF THIS PART. HOWEVER, THIS
PROVISION SHALL APPLY ONLY TO THOSE PERSONS WHO ARE COVERED BOTH
BY THE PUBLIC SCHOOL EMPLOYEES' RETIREMENT SYSTEM AND THE STATE
EMPLOYEES' RETIREMENT SYSTEM.

[(c)] ~~(d)~~ (E) Cancellation of credited service.--All
credited service shall be cancelled if a member withdraws his
total accumulated deductions.

SECTION 7. SECTION 5304(C) OF TITLE 71 IS AMENDED TO READ:
§ 5304. CREDITABLE NONSTATE SERVICE.

* * *

(C) LIMITATIONS ON NONSTATE SERVICE.--CREDITABLE NONSTATE
SERVICE CREDIT SHALL BE LIMITED TO:

- (1) INTERVENING MILITARY SERVICE;
- (2) OTHER MILITARY SERVICE NOT EXCEEDING FIVE YEARS;
- (3) SERVICE IN ANY PUBLIC SCHOOL OR PUBLIC EDUCATIONAL
INSTITUTION IN ANY STATE OTHER THAN THIS COMMONWEALTH OR IN
ANY TERRITORY OR AREA UNDER THE JURISDICTION OF THE UNITED
STATES; OR SERVICE AS AN ADMINISTRATOR, TEACHER, OR
INSTRUCTOR IN THE FIELD OF EDUCATION FOR ANY AGENCY OR
DEPARTMENT OF THE GOVERNMENT OF THE UNITED STATES, WHETHER OR
NOT SUCH AREA WAS UNDER THE JURISDICTION OF THE UNITED
STATES, THE TOTAL OF SUCH SERVICE NOT EXCEEDING THE LESSER OF
TEN YEARS OR THE NUMBER OF YEARS OF ACTIVE MEMBERSHIP IN THE
SYSTEM, AS AN OFFICER OR EMPLOYEE OF THE DEPARTMENT OF

1 EDUCATION OR AS AN ADMINISTRATOR, TEACHER, OR INSTRUCTOR
2 EMPLOYED IN ANY STATE-OWNED EDUCATIONAL INSTITUTION OR THE
3 PENNSYLVANIA STATE UNIVERSITY;

4 (4) PREVIOUS SERVICE WITH A GOVERNMENTAL AGENCY OTHER
5 THAN THE COMMONWEALTH WHICH EMPLOYMENT WITH SAID AGENCY WAS
6 TERMINATED BECAUSE OF THE TRANSFER BY STATUTE OF THE
7 ADMINISTRATION OF SUCH SERVICE OR OF THE ENTIRE AGENCY TO THE
8 COMMONWEALTH;

9 (5) SERVICE AS A TEMPORARY FEDERAL EMPLOYEE ASSIGNED TO
10 AN AIR QUALITY CONTROL COMPLEMENT FOR THE PENNSYLVANIA
11 DEPARTMENT OF ENVIRONMENTAL RESOURCES AT ANY TIME DURING THE
12 PERIOD OF 1970 THROUGH 1975. THIS SERVICE TIME MAY BE
13 PURCHASED ONLY IF THE MEMBER MAKES AN ELECTION TO PURCHASE
14 WITHIN ONE YEAR OF THE EFFECTIVE DATE OF THIS PARAGRAPH, AND
15 THE MEMBER SHALL PAY AN AMOUNT WHICH IS EQUAL TO THE FULL
16 ACTUARIAL COST OF THE INCREASED BENEFIT OBTAINED BY VIRTUE OF
17 THE PURCHASE AS PROVIDED IN SECTION 5505(F);

18 (6) SERVICE IN THE CADET NURSE CORPS WITH RESPECT TO ANY
19 PERIOD OF TRAINING AS A STUDENT OR GRADUATE NURSE UNDER A
20 PLAN APPROVED UNDER SECTION 2 OF THE ACT OF JUNE 15, 1943
21 (PUBLIC LAW 78-73, 57 STAT. 153), IF THE TOTAL PERIOD OF
22 TRAINING UNDER SUCH PLAN WAS AT LEAST TWO YEARS, THE CREDIT
23 FOR SUCH SERVICE NOT TO EXCEED THREE YEARS; [OR]

24 (7) SERVICE PRIOR TO JULY 1, 1971, AT A COMMUNITY
25 COLLEGE ESTABLISHED UNDER THE ACT OF AUGUST 24, 1963
26 (P.L.1132, NO.484), KNOWN AS THE COMMUNITY COLLEGE ACT OF
27 1963[.]; OR

28 (8) PREVIOUS RAILROAD SERVICE BY PERSONS WHO SERVE AS
29 RAILROAD INSPECTORS FOR THE PENNSYLVANIA PUBLIC UTILITY
30 COMMISSION.

1 * * *

2 SECTION 8. TITLE 71 IS AMENDED BY ADDING A SECTION TO READ:

3 § 5304.1. CREDIT FOR SERVICE WITH ANOTHER STATE GOVERNMENT.

4 (A) ELIGIBILITY FOR CREDITED SERVICE.--A MEMBER WHO WAS
5 EMPLOYED BY ANOTHER STATE GOVERNMENT SHALL BE ELIGIBLE FOR
6 CREDITED SERVICE FOR THE PERIOD OF TIME DURING WHICH THE MEMBER
7 WAS AN EMPLOYEE OF ANOTHER STATE GOVERNMENT.

8 (B) LIMITATIONS ON ELIGIBILITY.--A MEMBER SHALL BE ELIGIBLE
9 TO RECEIVE CREDIT FOR SERVICE PROVIDED THAT HE DOES NOT HAVE
10 CREDIT FOR SUCH SERVICE IN THE RETIREMENT SYSTEM OF ANOTHER
11 STATE AND IS NOT ENTITLED TO RECEIVE, ELIGIBLE TO RECEIVE NOW OR
12 IN THE FUTURE OR RECEIVING RETIREMENT BENEFITS FOR SUCH SERVICE
13 UNDER A RETIREMENT SYSTEM ADMINISTERED AND PAID FOR BY AN AGENCY
14 OF ANOTHER STATE GOVERNMENT.

15 (C) CONTRIBUTIONS.--THIS SERVICE TIME MAY BE PURCHASED ONLY
16 IF THE MEMBER MAKES AN ELECTION TO PURCHASE WITHIN ONE YEAR OF
17 THE EFFECTIVE DATE OF THIS SECTION, AND THE MEMBER SHALL PAY AN
18 AMOUNT THAT IS EQUAL TO THE FULL ACTUARIAL COST OF THE INCREASED
19 BENEFIT OBTAINED BY VIRTUE OF THE PURCHASE AS PROVIDED IN
20 SECTION 5505(F) (RELATING TO CONTRIBUTIONS FOR THE PURCHASE OF
21 CREDIT FOR CREDITABLE NONSTATE SERVICE).

22 ~~Section 3. Sections 9. SECTION 5308.1, 5508(e), 5706(a),~~ <—
23 ~~5901(e) and 5902(b) and (h) AND 5706(A) of Title 71 are IS~~ <—
24 amended to read:

25 § 5308.1. Eligibility for special early retirement.

26 Notwithstanding any provisions of this title to the contrary,
27 [for the period only of July 1, 1985, to September 30, 1991,]
28 the following special early retirement provisions shall be
29 applicable to specified eligible members as follows:

30 (1) During the period of July 1, 1985, to [September 30,

1991] the effective date of paragraph (3), an active member who has attained the age of at least 53 years and has accrued at least 30 eligibility points shall be entitled, upon termination of State service and compliance with section 5907(f) (relating to rights and duties of State employees and members), to receive a maximum single life annuity calculated under section 5702 (relating to maximum single life annuity) without a reduction by virtue of an effective date of retirement which is under the superannuation age.

(2) During the period of July 1, 1985, to ~~September 30,~~ ~~1991]~~ ~~the effective date of paragraph (3)~~, an active member who has attained the age of at least 50 years but not greater than 53 years and has accrued at least 30 eligibility points shall be entitled, upon termination of State service and compliance with section 5907(f), to receive a maximum single life annuity calculated under section 5702 with a reduction by virtue of an effective date of retirement which is under the superannuation age of a percentage factor which shall be determined by multiplying the number of months, including a fraction of a month as a full month, by which the effective date of retirement precedes the attainment of age 53 by 0.25%.

(3) From the effective date of this paragraph to June 30, 1993, a member who has credit for at least 30 eligibility points shall be entitled, upon termination of service and filing of a proper application, to receive a maximum single life annuity calculated pursuant to section 5702 without any reduction by virtue of an effective date of retirement which is under the superannuation age.

SECTION 10. SECTION 5505(F) OF TITLE 71 IS AMENDED AND THE

SECTION IS AMENDED BY ADDING A SUBSECTION TO READ:

§ 5505. CONTRIBUTIONS FOR THE PURCHASE OF CREDIT FOR CREDITABLE
NONSTATE SERVICE.

* * *

(F) TEMPORARY FEDERAL SERVICE AND SERVICE WITH ANOTHER STATE
GOVERNMENT. --

(1) CONTRIBUTIONS ON ACCOUNT OF CREDIT FOR SERVICE AS A
TEMPORARY FEDERAL EMPLOYEE ASSIGNED TO AN AIR QUALITY CONTROL
COMPLEMENT FOR THE DEPARTMENT OF ENVIRONMENTAL RESOURCES
DURING THE PERIOD OF 1970 THROUGH 1975, AS AUTHORIZED IN
SECTION 5304(C)(5) (RELATING TO CREDITABLE NONSTATE SERVICE)
AND AS AN EMPLOYEE OF ANOTHER STATE GOVERNMENT, AS AUTHORIZED
IN SECTION 5304.1 (RELATING TO CREDIT FOR SERVICE WITH
ANOTHER STATE GOVERNMENT), SHALL BE EQUAL TO THE FULL
ACTUARIAL COST OF THE INCREASED BENEFIT OBTAINED BY VIRTUE OF
THE PURCHASE. THE INCREASED BENEFIT ATTRIBUTABLE TO THE
PURCHASED SERVICE SHALL BE THE DIFFERENCE BETWEEN:

[(1)] (I) THE ANNUAL AMOUNT OF A STANDARD SINGLE
LIFE ANNUITY, BEGINNING AT THE EARLIEST POSSIBLE
SUPERANNUATION AGE, CALCULATED ASSUMING NO FUTURE SALARY
INCREASES, ASSUMING CREDIT FOR THE SERVICE TO BE
PURCHASED; AND

[(2)] (II) THE ANNUAL AMOUNT OF A STANDARD SINGLE
LIFE ANNUITY, CALCULATED ON THE SAME BASIS, BUT EXCLUDING
CREDIT FOR THE SERVICE TO BE PURCHASED.

THE EARLIEST POSSIBLE SUPERANNUATION AGE SHALL BE THE AGE AT
WHICH THE MEMBER BECOMES FIRST ELIGIBLE FOR SUPERANNUATION
RETIREMENT ASSUMING CONTINUED FULL-TIME SERVICE AND CREDIT
FOR THE AMOUNT OF SERVICE WHICH THE MEMBER HAS ELECTED TO
PURCHASE, OR THE CURRENT ATTAINED AGE OF THE MEMBER,

1 WHICHEVER IS LATER. THE FULL ACTUARIAL COST OF THE INCREASED
2 BENEFIT ATTRIBUTABLE TO THE PURCHASED SERVICE SHALL BE THE
3 ACTUARIAL PRESENT VALUE OF A DEFERRED ANNUITY EQUAL TO THE
4 AMOUNT OF THE INCREASED BENEFIT DETERMINED ABOVE, BEGINNING
5 AT THE EARLIEST POSSIBLE SUPERANNUATION AGE AND PAYABLE FOR
6 LIFE, CALCULATED USING A PRERETIREMENT INTEREST ASSUMPTION OF
7 1.5%, A POSTRETIREMENT INTEREST ASSUMPTION OF 4%, NO
8 PRERETIREMENT MORTALITY ASSUMPTION AND STANDARD
9 POSTRETIREMENT MORTALITY ASSUMPTIONS. THE PURCHASE PAYMENT
10 SHALL BE MADE IN LUMP SUM BY THE MEMBER WITHIN 30 DAYS OF
11 CERTIFICATION BY THE BOARD OF THE REQUIRED PURCHASE AMOUNT OR
12 MAY BE AMORTIZED THROUGH SALARY DEDUCTIONS IN AMOUNTS AGREED
13 UPON BY THE MEMBER AND THE BOARD WITH INTEREST PAYABLE ON THE
14 UNPAID BALANCE AT THE RATE APPLICABLE TO THE MOST RECENTLY
15 ISSUED 30-YEAR BONDS OF THE UNITED STATES TREASURY
16 DEPARTMENT.

17 (2) THE AMOUNT PAID FOR THE PURCHASE OF SERVICE CREDIT
18 UNDER THIS SUBSECTION SHALL NOT BE PAYABLE AS A LUMP SUM
19 WITHDRAWAL UNDER SECTION 5705(A)(4)(III) (RELATING TO
20 MEMBER'S OPTIONS).

21 (G) JUSTICE OF THE PEACE SERVICE.--CONTRIBUTIONS ON ACCOUNT
22 OF CREDIT FOR SERVICE AS A JUSTICE OF THE PEACE SHALL BE
23 DETERMINED BY THE BOARD TO BE EQUAL TO THE AMOUNT HE OR SHE
24 WOULD HAVE PAID AS EMPLOYEE CONTRIBUTIONS TOGETHER WITH
25 STATUTORY INTEREST TO DATE OF PURCHASE HAD HE OR SHE BEEN A
26 STATE EMPLOYEE DURING HIS OR HER PERIOD OF SERVICE AS A JUSTICE
27 OF THE PEACE FOR THE COMMONWEALTH PLUS THE AMOUNT DETERMINED BY
28 APPLYING THE COMMONWEALTH NORMAL CONTRIBUTION RATE FOR ACTIVE
29 MEMBERS AT THE BEGINNING OF THE DISTRICT JUSTICE SYSTEM AS OF
30 JANUARY 1970 TO THE STARTING SALARY OF THE DISTRICT JUSTICE FOR

1 THE MAGISTERIAL DISTRICT IN WHICH THE MEMBER WAS ELECTED DATING
2 FROM THE BEGINNING OF THE DISTRICT JUSTICE SYSTEM AS OF JANUARY
3 1970 AND MULTIPLYING THE RESULT BY THE NUMBER OF YEARS AND
4 FRACTIONAL PART OF A YEAR OF CREDITABLE SERVICE BEING PURCHASED
5 TOGETHER WITH STATUTORY INTEREST FROM ENTRY INTO STATE SERVICE
6 AS A DISTRICT JUSTICE TO THE DATE OF PURCHASE. THE AMOUNT SO
7 DETERMINED BY THE STATE EMPLOYEE RETIREMENT BOARD TO BE PAID
8 INTO THE STATE EMPLOYEE RETIREMENT SYSTEM SHALL BE THE
9 OBLIGATION OF THE JUSTICE WHO REQUESTED CREDIT FOR PREVIOUS
10 SERVICE AS A JUSTICE OF THE PEACE FOR THE COMMONWEALTH PRIOR TO
11 1970. A JUSTICE OF THE PEACE DESIRING TO PURCHASE HIS OR HER
12 SERVICE TIME PRIOR TO 1970 SHALL HAVE BEEN ELECTED OR APPOINTED
13 A DISTRICT JUSTICE ANY TIME DURING OR AFTER 1970. THE CLASS THAT
14 HE OR SHE IS TO ENTER IN THE PENSION SYSTEM SHALL BE DETERMINED
15 BY THE TIME OF HIS OR HER ENTRY INTO THE DISTRICT JUSTICE
16 SYSTEM. IT SHALL BE INCUMBENT UPON THE DISTRICT JUSTICE TO
17 CERTIFY TO THE BOARD WITH A COPY OF HIS OR HER COMMISSION OR
18 COMMISSIONS THE AMOUNT OF TIME THAT HE OR SHE SERVED THE
19 COMMONWEALTH AS A JUSTICE OF THE PEACE. THE SALARY DOLLAR AMOUNT
20 THAT SHALL BE USED IN THE FORMULA FOR DETERMINING THE MEMBER'S
21 CONTRIBUTIONS SHALL BE EQUAL TO THE STARTING SALARY OF THE
22 DISTRICT JUSTICE FOR THE MAGISTERIAL DISTRICT IN WHICH HE OR SHE
23 WAS ELECTED, DATING FROM THE BEGINNING OF THE DISTRICT JUSTICE
24 SYSTEM AS OF JANUARY 1970. IN NO EVENT SHALL SUCH AN AMOUNT BE
25 THE OBLIGATION OF THE COMMONWEALTH OR THE COUNTY IN WHICH THE
26 JUSTICE SERVED.

27 SECTION 11. SECTIONS 5508(C), 5706(A), 5902(A) AND 5903(A)
28 AND (B) OF TITLE 71 ARE AMENDED TO READ:

29 § 5508. Actuarial cost method.

30 * * *

1 (c) Accrued liability contribution rate.--For the fiscal
2 year beginning July 1, 1969, the accrued liability contribution
3 rate shall be computed as the rate of total compensation of all
4 active members which shall be certified by the actuary as
5 sufficient to fund over a period of 30 years from such date the
6 present value of the liabilities for all prospective benefits,
7 except supplemental benefits as provided in section 5708, in
8 excess of the total assets in the fund, excluding the balance in
9 the supplemental annuity account, and the present value of
10 employer normal contributions and of member contributions
11 payable with respect to all active members on such date during
12 the remainder of their active service, assuming that the total
13 compensation of all active members will increase at the annual
14 rate of 4% compounded annually. Thereafter, the amount of each
15 annual accrued liability contribution shall be at least 4%
16 greater than the amount of such contribution for the previous
17 fiscal year, except that, if the accrued liability is increased
18 by legislation enacted subsequent to July 1, 1969, such
19 additional liability, except as provided for by section 5302(c)
20 (relating to credited State service), shall be funded over a
21 period of 30 years from the first day of July, coincident with
22 or next following the effective date of the increase assuming
23 that the total compensation of all active members will increase
24 at the annual rate of 4% compounded annually. The added
25 liability created by the enactment of section 5302(c) shall be
26 funded over a period of ten years from July 1, 1991 1992, on a <—
27 uniform annual dollar amount over that period. The accrued
28 liability contributions under this section shall be discontinued
29 as soon as the total assets in the fund, excluding the balance
30 in the supplemental annuity account, equals the present value of

1 the liability for all prospective benefits, except the
2 supplemental benefits as provided in section 5708, less the
3 present value of the prospective employer normal contributions
4 and of member contributions payable with respect to all active
5 members on such date during the remainder of their active
6 service.

7 * * *

8 § 5706. Termination of annuities.

9 (a) General rule.--If the annuitant returns to State service
10 or enters school service and elects multiple service membership,
11 any annuity payable to him under this part shall cease and in
12 the case of an annuity other than a disability annuity the
13 present value of such annuity, adjusted for full coverage in the
14 case of a joint coverage member who makes the appropriate back
15 contributions for full coverage, shall be frozen as of the date
16 such annuity ceases. An annuitant who is credited with an
17 additional 10% of Class A and Class C service as provided in
18 section 5302(c) (relating to credited State service) and who
19 returns to State service shall forfeit such credited service and
20 shall have his frozen present value adjusted as if his 10%
21 retirement incentive had not been applied to his account. In the
22 event that the cost-of-living increase enacted December 18,
23 1979, occurred during the period of such State or school
24 employment, the frozen present value shall be increased, on or
25 after the member attains superannuation age, by the percent
26 applicable had he not returned to service. This subsection shall
27 not apply in the case of any annuitant [who]:

<—

28 (1) WHO may render services to the Commonwealth in the
29 capacity of an independent contractor or as a member of an
30 independent board or commission or as a member of a

1 departmental administrative or advisory board or commission
2 when such members of independent or departmental boards or
3 commissions are compensated on a per diem basis for not more
4 than 100 days per calendar year.

5 (2) WHO RENDERS SERVICES AS AN ACADEMIC OR DEGREED <—
6 PROFESSIONAL FOR A PERIOD OF NOT MORE THAN HALF THE HOURS
7 PERFORMED BY FULL-TIME EMPLOYEES IN ANY ONE MONTH TO
8 INSTITUTIONS OF HIGHER EDUCATION.

9 (I) THE EMPLOYEES OF THE HIRING INSTITUTION IN WHICH
10 AN ANNUITANT RENDERS SERVICES WHO HAVE SELECTED
11 REPRESENTATIVES TO ACT IN THEIR INTERESTS THROUGH
12 COLLECTIVE BARGAINING SHALL AUTHORIZE A PERMISSIVE
13 CONTRACT PROVISION UNDER THE TERMS AND CONDITIONS OF
14 EMPLOYMENT CLAUSE BEFORE ANNUITANTS MAY CONTINUE TO
15 RECEIVE THEIR ANNUITY AS WELL AS PAYMENT FROM THE
16 INSTITUTION.

17 (II) WHEN EMPLOYEES OF A HIRING INSTITUTION HAVE NOT
18 SELECTED REPRESENTATIVES TO BARGAIN COLLECTIVELY IN THEIR
19 INTERESTS, ANNUITANTS MAY CONTINUE TO RECEIVE THEIR
20 ANNUITY AS WELL AS PAYMENT FROM THE INSTITUTION.

21 (III) ANNUITANTS SHALL BE SUBJECT TO ALL PROVISIONS
22 OF LABOR CONTRACTS IN EFFECT AT THE TIME OF THEIR
23 EMPLOYMENT BY THE HIRING INSTITUTION.

24 * * *

25 ~~§ 5901. The State Employees' Retirement Board.~~ <—

26 ~~* * *~~

27 ~~(c) Corporate power and legal advisor. For the purposes of~~
28 ~~this part, the board shall possess the power and privileges of a~~
29 ~~corporation. The [Attorney General of the Commonwealth] counsel~~
30 ~~employed by the board shall be the legal advisor of the board.~~

1 ~~§ 5902. Administrative duties of the board.~~

2 ~~* * *~~

3 ~~(b) Professional personnel. The board shall contract for~~
4 ~~the services of a chief medical examiner, an actuary, investment~~
5 ~~advisors and counselors, and such other professional personnel~~
6 ~~as it deems advisable. The board [may, with the approval of the~~
7 ~~Attorney General,] shall have the power to contract for legal~~
8 ~~services.~~

9 ~~* * *~~

10 ~~(h) Regulations and procedures. The board shall, with the~~
11 ~~advice of the [Attorney General] board counsel and the actuary,~~
12 ~~adopt and promulgate rules and regulations for the uniform~~
13 ~~administration of the system. The actuary shall approve in~~
14 ~~writing all computational procedures used in the calculation of~~
15 ~~contributions and benefits prior to their application by the~~
16 ~~board.~~

17 ~~* * *~~

18 § 5902. ADMINISTRATIVE DUTIES OF THE BOARD.

<—

19 (A) EMPLOYEES.--THE SECRETARY, CLERICAL, AND OTHER EMPLOYEES
20 OF THE BOARD AND THEIR SUCCESSORS WHOSE POSITIONS ON THE
21 EFFECTIVE DATE OF THIS PART ARE UNDER THE CLASSIFIED SERVICE
22 PROVISIONS OF THE ACT OF AUGUST 5, 1941 (P.L.752, NO.286), KNOWN
23 AS THE ["]CIVIL SERVICE ACT["], SHALL CONTINUE UNDER SUCH
24 PROVISIONS. THE COMPENSATION OF ALL OTHER PERSONS APPOINTED
25 SHALL BE DETERMINED BY THE BOARD AND SHALL BE CONSISTENT WITH
26 THE STANDARDS ESTABLISHED BY THE EXECUTIVE BOARD OF THIS
27 COMMONWEALTH. THE SECRETARY SHALL ACT AS CHIEF ADMINISTRATIVE
28 OFFICER FOR THE BOARD. IN ADDITION TO OTHER POWERS AND DUTIES
29 CONFERRED UPON AND DELEGATED TO THE SECRETARY BY THE BOARD, THE
30 SECRETARY SHALL:

(1) SERVE AS THE ADMINISTRATIVE AGENT OF THE BOARD.

(2) SERVE AS LIAISON BETWEEN THE BOARD AND APPLICABLE LEGISLATIVE COMMITTEES, THE TREASURY DEPARTMENT, THE DEPARTMENT OF THE AUDITOR GENERAL, AND BETWEEN THE BOARD AND THE INVESTMENT COUNSEL AND THE MORTGAGE SUPERVISOR IN ARRANGING FOR INVESTMENTS TO SECURE MAXIMUM RETURNS TO THE FUND.

(3) REVIEW AND ANALYZE PROPOSED LEGISLATION AND LEGISLATIVE DEVELOPMENTS AFFECTING THE SYSTEM AND PRESENT FINDINGS TO THE BOARD, LEGISLATIVE COMMITTEES, AND OTHER INTERESTED GROUPS OR INDIVIDUALS.

(4) DIRECT THE MAINTENANCE OF FILES AND RECORDS AND PREPARATION OF PERIODIC REPORTS REQUIRED FOR ACTUARIAL EVALUATION STUDIES.

(5) RECEIVE INQUIRIES AND REQUESTS FOR INFORMATION CONCERNING THE SYSTEM FROM THE PRESS, COMMONWEALTH OFFICIALS, STATE EMPLOYEES, THE GENERAL PUBLIC, RESEARCH ORGANIZATIONS, AND OFFICIALS AND ORGANIZATIONS FROM OTHER STATES, AND PROVIDE INFORMATION AS AUTHORIZED BY THE BOARD.

(6) SUPERVISE A STAFF OF ADMINISTRATIVE, TECHNICAL, AND CLERICAL EMPLOYEES ENGAGED IN RECORD-KEEPING AND CLERICAL PROCESSING ACTIVITIES IN MAINTAINING FILES OF MEMBERS, ACCOUNTING FOR CONTRIBUTIONS, PROCESSING PAYMENTS TO ANNUITANTS, [AND] PREPARING REQUIRED REPORTS, AND RETIREMENT COUNSELING.

* * *

§ 5903. DUTIES OF THE BOARD TO ADVISE AND REPORT TO HEADS OF DEPARTMENTS AND MEMBERS.

(A) MANUAL OF REGULATIONS.--THE BOARD SHALL, WITH THE ADVICE OF THE ATTORNEY GENERAL AND THE ACTUARY, PREPARE AND PROVIDE,

1 WITHIN 90 DAYS OF THE EFFECTIVE DATE OF THIS PART, A MANUAL
2 INCORPORATING RULES AND REGULATIONS CONSISTENT WITH THE
3 PROVISIONS OF THIS PART TO THE HEADS OF DEPARTMENTS [AND THEIR
4 RESPECTIVE RETIREMENT COUNSELORS] WHO SHALL MAKE THE INFORMATION
5 CONTAINED THEREIN AVAILABLE TO THE GENERAL MEMBERSHIP. THE BOARD
6 SHALL THEREAFTER ADVISE THE HEADS OF DEPARTMENTS WITHIN 90 DAYS
7 OF ANY CHANGES IN SUCH RULES AND REGULATIONS DUE TO CHANGES IN
8 THE LAW OR DUE TO CHANGES IN ADMINISTRATIVE POLICIES.

9 (B) MEMBER STATUS STATEMENTS AND CERTIFICATIONS.--THE BOARD
10 SHALL FURNISH ANNUALLY TO THE HEAD OF EACH DEPARTMENT ON OR
11 BEFORE APRIL 1, A STATEMENT FOR EACH MEMBER EMPLOYED IN SUCH
12 DEPARTMENT SHOWING THE TOTAL ACCUMULATED DEDUCTIONS STANDING TO
13 HIS CREDIT AS OF DECEMBER 31 OF THE PREVIOUS YEAR AND REQUESTING
14 THE MEMBER TO MAKE ANY NECESSARY CORRECTIONS OR REVISIONS
15 REGARDING HIS DESIGNATED BENEFICIARY. IN ADDITION, FOR EACH
16 MEMBER EMPLOYED IN ANY DEPARTMENT AND FOR WHOM THE [RETIREMENT
17 COUNSELOR] DEPARTMENT HAS FURNISHED THE NECESSARY INFORMATION,
18 THE BOARD SHALL CERTIFY THE NUMBER OF YEARS AND FRACTIONAL PART
19 OF A YEAR OF CREDITED SERVICE ATTRIBUTABLE TO EACH CLASS OF
20 SERVICE, THE NUMBER OF YEARS AND FRACTIONAL PART OF A YEAR
21 ATTRIBUTABLE TO SOCIAL SECURITY INTEGRATION CREDITS IN EACH
22 CLASS OF SERVICE AND, IN THE CASE OF A MEMBER ELIGIBLE TO
23 RECEIVE AN ANNUITY, THE BENEFIT TO WHICH HE IS ENTITLED UPON THE
24 ATTAINMENT OF SUPERANNUATION AGE.

25 * * *

26 SECTION 12. SECTION 5905 OF TITLE 71 IS AMENDED BY ADDING A
27 SUBSECTION TO READ:

28 § 5905. DUTIES OF THE BOARD REGARDING APPLICATIONS AND
29 ELECTIONS OF MEMBERS.

30 * * *

1 (C.1) TERMINATION OF SERVICE.--THE BOARD SHALL, IN THE CASE
2 OF ANY MEMBER TERMINATING STATE SERVICE WHO IS ENTITLED TO AN
3 ANNUITY, ADVISE SUCH MEMBER IN WRITING OF ANY BENEFITS TO WHICH
4 HE MAY BE ENTITLED UNDER THE PROVISIONS OF THIS PART AND SHALL
5 HAVE THE MEMBER PREPARE, ON OR BEFORE THE DATE OF TERMINATION OF
6 STATE SERVICE ONE OF THE FOLLOWING THREE FORMS, A COPY OF WHICH
7 SHALL BE GIVEN TO THE MEMBER AND THE ORIGINAL OF WHICH SHALL BE
8 FILED WITH THE BOARD:

9 (1) AN APPLICATION FOR THE RETURN OF TOTAL ACCUMULATED
10 DEDUCTIONS; OR

11 (2) AN ELECTION TO VEST HIS RETIREMENT RIGHTS, AND IF HE
12 IS A JOINT COVERAGE MEMBER AND SO DESIRES, ELECT TO BECOME A
13 FULL COVERAGE MEMBER AND AGREE TO PAY WITHIN 30 DAYS OF THE
14 DATE OF TERMINATION OF SERVICE THE LUMP SUM REQUIRED; OR

15 (3) AN APPLICATION FOR AN IMMEDIATE ANNUITY, AND IF HE
16 DESIRES:

17 (I) AN ELECTION TO CONVERT HIS MEDICAL, MAJOR
18 MEDICAL AND HOSPITALIZATION INSURANCE COVERAGE TO THE
19 PLAN FOR STATE ANNUITANTS; AND

20 (II) IF HE IS A JOINT COVERAGE MEMBER, AN ELECTION
21 TO BECOME A FULL COVERAGE MEMBER AND AN AGREEMENT TO PAY
22 WITHIN 30 DAYS OF DATE OF TERMINATION OF SERVICE THE LUMP
23 SUM REQUIRED.

24 * * *

25 SECTION 13. SECTION 5906(F) AND (J) OF TITLE 71 ARE AMENDED
26 TO READ:

27 § 5906. DUTIES OF HEADS OF DEPARTMENTS.

28 * * *

29 [(F) RETIREMENT COUNSELOR.--THE HEAD OF DEPARTMENT SHALL
30 DESIGNATE AN EMPLOYEE OF HIS DEPARTMENT TO SERVE AS A RETIREMENT

1 COUNSELOR SUBJECT TO APPROVAL BY THE BOARD. SUCH RETIREMENT
2 COUNSELOR SHALL ASSIST THE HEAD OF DEPARTMENT IN ADVISING THE
3 EMPLOYEES OF THE DEPARTMENT OF THEIR RIGHTS AND DUTIES AS
4 MEMBERS OF THE SYSTEM.]

5 * * *

6 (J) TERMINATION OF SERVICE.--THE HEAD OF DEPARTMENT SHALL,
7 IN THE CASE OF ANY MEMBER TERMINATING STATE SERVICE WHO IS
8 INELIGIBLE FOR AN IMMEDIATE ANNUITY, ADVISE SUCH MEMBER IN
9 WRITING OF ANY BENEFITS TO WHICH HE MAY BE ENTITLED UNDER THE
10 PROVISIONS OF THIS PART AND SHALL HAVE THE MEMBER PREPARE, ON OR
11 BEFORE THE DATE OF TERMINATION OF STATE SERVICE [ONE OF THE
12 FOLLOWING THREE FORMS, A COPY OF WHICH SHALL BE GIVEN TO THE
13 MEMBER AND THE ORIGINAL OF WHICH SHALL BE FILED WITH THE BOARD:

14 (1)] AN APPLICATION FOR THE RETURN OF TOTAL ACCUMULATED
15 DEDUCTIONS[; OR

16 (2) AN ELECTION TO VEST HIS RETIREMENT RIGHTS, AND IF HE
17 IS A JOINT COVERAGE MEMBER AND SO DESIRES, ELECT TO BECOME A
18 FULL COVERAGE MEMBER AND AGREE TO PAY WITHIN 30 DAYS OF THE
19 DATE OF TERMINATION OF SERVICE THE LUMP SUM REQUIRED; OR

20 (3) AN APPLICATION FOR AN IMMEDIATE ANNUITY; AND IF HE
21 DESIRES,

22 (I) AN ELECTION TO CONVERT HIS MEDICAL, MAJOR
23 MEDICAL, AND HOSPITALIZATION INSURANCE COVERAGE TO THE
24 PLAN FOR STATE ANNUITANTS; AND

25 (II) IF HE IS A JOINT COVERAGE MEMBER, AN ELECTION
26 TO BECOME A FULL COVERAGE MEMBER AND AN AGREEMENT TO PAY
27 WITHIN 30 DAYS OF DATE OF TERMINATION OF SERVICE THE LUMP
28 SUM REQUIRED].

29 * * *

30 Section 4 14. Upon the effective date of this act, the State <—

1 Employees' Retirement Board shall recompute the retirement
2 benefits of annuitants who filed applications for retirement in
3 accordance with 71 Pa.C.S. § 5302(c) but prior to the effective
4 date of this act.

5 ~~Section 5. It is the intent of the General Assembly that the~~ <—
6 ~~Public School Employees' Retirement Board and the State~~
7 ~~Employees' Retirement Board be independent agencies within the~~
8 ~~meaning the act of October 15, 1980 (P.L.950, No.164), known as~~
9 ~~the Commonwealth Attorneys Act. Accordingly, within 60 days of~~
10 ~~the effective date of this act, the Public School Employees'~~
11 ~~Retirement Board and the State Employees' Retirement Board shall~~
12 ~~each employ counsel for the respective boards.~~

13 ~~Section 6 5. This act shall take effect immediately.~~

14 SECTION 15. ANY EMPLOYEE OF THE OFFICE OF ATTORNEY GENERAL <—
15 WHO COMES WITHIN THE DEFINITION OF "ENFORCEMENT OFFICER" UNDER
16 71 PA.C.S. § 5102 SHALL RECEIVE CREDITED SERVICE AS AN
17 ENFORCEMENT OFFICER FOR PREVIOUS SERVICE IN ANOTHER AGENCY OF
18 STATE GOVERNMENT IN WHICH HE PERFORMED SERVICES NOW PERFORMED BY
19 THE OFFICE OF ATTORNEY GENERAL AND FOR SERVICE IN THE OFFICE OF
20 ATTORNEY GENERAL PRIOR TO THE EFFECTIVE DATE OF THIS AMENDATORY
21 ACT.

22 SECTION 16. THE ADDITION OF 71 PA.C.S. § 5304.1 SHALL APPLY
23 TO INDIVIDUALS WHO WERE MEMBERS OF THE STATE EMPLOYEES'
24 RETIREMENT SYSTEM ON MARCH 1, 1991.

25 SECTION 17. (A) THE AMENDMENTS OF 24 PA.C.S. § 8102 AND 71
26 PA.C.S. § 5102 SHALL BE RETROACTIVE TO AUGUST 2, 1990.

27 (B) THE ADDITION OF 71 PA.C.S. § 5304.1 SHALL BE RETROACTIVE
28 TO MARCH 1, 1991.

29 SECTION 18. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

30 (1) THE AMENDMENTS OF THE DEFINITION OF "RETIREMENT

1 COUNSELOR" IN 71 PA.C.S. § 5102 AND THE AMENDMENTS TO 71
2 PA.C.S. §§ 5902(A)(6), 5903(A) AND (B), 5905(C.1), REPEALING
3 71 PA.C.S. § 5906(F) AND AMENDING 71 PA.C.S. § 5906(J) SHALL
4 TAKE EFFECT ON THE DATE OF PUBLICATION IN THE PENNSYLVANIA
5 BULLETIN OF A CERTIFICATION BY THE STATE EMPLOYEES'
6 RETIREMENT BOARD THAT THE SEVEN-OFFICE STATEWIDE RETIREMENT
7 COUNSELING FIELD OFFICE NETWORK IS FULLY IMPLEMENTED.

8 (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT
9 IMMEDIATELY.