

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2163 Session of
2001

INTRODUCED BY GEIST, NOVEMBER 19, 2001

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
DECEMBER 3, 2001

AN ACT

1 Amending the act of April 9, 1929 (P.L.177, No.175), entitled
2 "An act providing for and reorganizing the conduct of the
3 executive and administrative work of the Commonwealth by the
4 Executive Department thereof and the administrative
5 departments, boards, commissions, and officers thereof,
6 including the boards of trustees of State Normal Schools, or
7 Teachers Colleges; abolishing, creating, reorganizing or
8 authorizing the reorganization of certain administrative
9 departments, boards, and commissions; defining the powers and
10 duties of the Governor and other executive and administrative
11 officers, and of the several administrative departments,
12 boards, commissions, and officers; fixing the salaries of the
13 Governor, Lieutenant Governor, and certain other executive
14 and administrative officers; providing for the appointment of
15 certain administrative officers, and of all deputies and
16 other assistants and employes in certain departments, boards,
17 and commissions; and prescribing the manner in which the
18 number and compensation of the deputies and all other
19 assistants and employes of certain departments, boards and
20 commissions shall be determined," providing for THE CREATION
21 OF VOLUNTARY LEAVE POOLS FOR EMPLOYEES OF THE COMMONWEALTH;
22 FURTHER PROVIDING FOR FURNISHING LISTS OF EMPLOYEES TO
23 CERTAIN STATE OFFICERS; AND PROVIDING FOR deputy secretaries
24 in the Department of Transportation.

25 The General Assembly of the Commonwealth of Pennsylvania
26 hereby enacts as follows:

27 ~~Section 1. Section 2001.3(a) of the act of April 9, 1929~~
28 ~~(P.L.177, No.175), known as The Administrative Code of 1929,~~

1 ~~amended June 22, 1982 (P.L.573, No.166), is amended and the~~
2 ~~section is amended by adding a subsection to read:~~

3 SECTION 1. THE ACT OF APRIL 9, 1929 (P.L.177, NO.175), KNOWN <—
4 AS THE ADMINISTRATIVE CODE OF 1929, IS AMENDED BY ADDING A
5 SECTION TO READ:

6 SECTION 221.1. CATASTROPHIC LEAVE POOL.--(A) THE GOVERNING
7 BODY OF A STATE AGENCY SHALL, THROUGH THE ESTABLISHMENT OF A
8 PROGRAM, ALLOW AN EMPLOYE TO VOLUNTARILY TRANSFER TO A LEAVE
9 POOL ANNUAL, SICK OR PERSONAL LEAVE EARNED BY THE EMPLOYE. THE
10 POOL ADMINISTRATOR SHALL ADMINISTER THE LEAVE POOL.

11 (B) AN EMPLOYE OF A STATE AGENCY MAY REQUEST IN WRITING THAT
12 A SPECIFIED NUMBER OF HOURS OF HIS ACCRUED ANNUAL, SICK OR
13 PERSONAL LEAVE BE TRANSFERRED TO THE LEAVE POOL. AN EMPLOYE MAY
14 NOT TRANSFER TO THE LEAVE POOL ANY HOURS OF LEAVE IF THE BALANCE
15 OF HIS ANNUAL AND PERSONAL LEAVE AFTER THE TRANSFER IS LESS THAN
16 ONE HUNDRED TWENTY (120) HOURS. THE POOL ADMINISTRATOR SHALL
17 CREDIT THE LEAVE POOL WITH THE AMOUNT OF TIME CONTRIBUTED BY AN
18 EMPLOYE AND DEDUCT A CORRESPONDING AMOUNT OF TIME FROM THE
19 EMPLOYE'S EARNED ANNUAL, SICK OR PERSONAL LEAVE AS IF THE
20 EMPLOYE HAD USED THE TIME FOR PERSONAL PURPOSES. ANY HOURS OF
21 ANNUAL, SICK OR PERSONAL LEAVE WHICH ARE TRANSFERRED FROM ANY
22 EMPLOYE'S TIME TO THE LEAVE POOL MAY NOT BE RETURNED OR RESTORED
23 TO THE ORIGINATING EMPLOYE, EXCEPT THAT THE EMPLOYE SHALL NOT BE
24 PREVENTED FROM RECEIVING TIME FROM THE LEAVE POOL IF ELIGIBLE.

25 (C) AN EMPLOYE IS ELIGIBLE TO USE TIME CONTRIBUTED TO THE
26 LEAVE POOL OF THE STATE AGENCY IF THE EMPLOYE HAS EXHAUSTED THE
27 BALANCE OF ANNUAL, PERSONAL AND SICK LEAVE BECAUSE OF A
28 CATASTROPHIC ILLNESS OR INJURY THAT INCAPACITATES THE EMPLOYE
29 AND REQUIRES A LENGTHY CONVALESCENCE OR IS LIFE THREATENING; A
30 CATASTROPHIC ILLNESS OR INJURY THAT INCAPACITATES A MEMBER OF

1 THE EMPLOYEE'S IMMEDIATE FAMILY AND REQUIRES A LENGTHY
2 CONVALESCENCE OR IS LIFE THREATENING; OR A DEATH IN THE
3 EMPLOYEE'S IMMEDIATE FAMILY. THE POOL ADMINISTRATOR AT THE
4 DIRECTION OF THE GOVERNING BODY OF THE STATE AGENCY MAY ADOPT
5 FURTHER CRITERIA AS IS APPROPRIATE.

6 (D) AN EMPLOYEE MAY APPLY IN WRITING TO THE POOL
7 ADMINISTRATOR FOR PERMISSION TO WITHDRAW TIME FROM THE LEAVE
8 POOL. THE REQUEST MUST INCLUDE THE EMPLOYEE'S NAME, TITLE AND
9 CLASSIFICATION; A STATEMENT PROVIDING SUFFICIENT INFORMATION
10 REGARDING THE ILLNESS OR EVENT RESULTING IN THE NEED FOR
11 SUPPLEMENTAL LEAVE TIME. THE GOVERNING BODY OF THE APPLICABLE
12 STATE AGENCY MAY REQUIRE A WRITTEN CERTIFICATE FROM A PHYSICIAN
13 OR OTHER LICENSED PRACTITIONER WHO IS TREATING THE EMPLOYEE OR
14 THE MEMBER OF THE EMPLOYEE'S IMMEDIATE FAMILY; AND THE
15 ANTICIPATED DURATION OF LEAVE REQUIRED TO COPE WITH THE EVENT.
16 AN EMPLOYEE MAY NOT WITHDRAW TIME FROM THE LEAVE POOL IN AN
17 AMOUNT THAT EXCEEDS ONE-THIRD OF THE TOTAL TIME IN THE POOL; OR
18 NINETY (90) DAYS. IF AN EMPLOYEE REQUIRES ADDITIONAL TIME BEYOND
19 THE AMOUNT REQUESTED AND USED, THE EMPLOYEE MAY APPLY FOR
20 ADDITIONAL LEAVE TIME IN THE SAME MANNER PRESCRIBED IN THIS
21 SUBSECTION THROUGH THE SAME PROCEDURE.

22 (E) THE GOVERNING BODY OF THE STATE AGENCY MAY APPROVE THE
23 TRANSFER OF A SPECIFIED NUMBER OF HOURS OF LEAVE FROM THE LEAVE
24 POOL TO AN EMPLOYEE WHO THE GOVERNING BODY DETERMINES IS ELIGIBLE
25 TO RECEIVE SUCH LEAVE. UPON APPROVAL OF THE GOVERNING BODY OF
26 THE STATE AGENCY, THE POOL ADMINISTRATOR SHALL TRANSFER THE TIME
27 FROM THE LEAVE POOL AND SHALL CREDIT THE TIME TO THE EMPLOYEE.

28 (F) THE GOVERNING BODY OF THE STATE AGENCY SHALL HAVE THE
29 AUTHORITY TO PERIODICALLY REVIEW THE STATUS OF AN EMPLOYEE USING
30 TIME FROM THE LEAVE POOL TO DETERMINE IF THE NEED TO TAKE LEAVE

1 CONTINUES TO EXIST. THE GOVERNING BODY OF THE STATE AGENCY MAY
2 REQUIRE A WRITTEN CERTIFICATE FROM A PHYSICIAN OR OTHER LICENSED
3 PRACTITIONER THAT THE REASON FOR THE LEAVE STILL EXISTS AND
4 REMAINS NECESSARY. THE GOVERNING BODY OF THE STATE AGENCY SHALL
5 NOT GRANT ANY HOURS OF LEAVE FROM THE LEAVE POOL AFTER THE NEED
6 TO TAKE LEAVE CEASES TO EXIST OR THE EMPLOYEE WHO IS RECEIVING
7 THE LEAVE RESIGNS, RETIRES OR HIS EMPLOYMENT WITH THE STATE
8 AGENCY IS TERMINATED. ANY LEAVE RECEIVED FROM THE LEAVE POOL
9 THAT WAS NOT USED SHALL BE RETURNED TO THE LEAVE POOL.

10 (G) EACH STATE AGENCY ADMINISTERING A LEAVE POOL SHALL
11 MAINTAIN RECORDS AND SHALL ISSUE A REPORT TO THE GENERAL
12 ASSEMBLY NO LATER THAN EIGHTEEN (18) MONTHS AFTER THE EFFECTIVE
13 DATE OF THIS SECTION ANY INFORMATION RELATED TO THE USE,
14 EFFECTIVENESS AND COST TO CARRY OUT THE PROVISIONS OF THIS
15 SECTION.

16 (H) EACH STATE AGENCY SHALL PROMULGATE RULES TO ADMINISTER
17 THE PROVISIONS OF THIS SECTION.

18 (I) AS USED IN THIS SECTION:

19 "EMPLOYEE" MEANS AN INDIVIDUAL EMPLOYED BY A STATE AGENCY FOR
20 A MINIMUM OF ONE YEAR.

21 "IMMEDIATE FAMILY" MEANS THE EMPLOYEE'S SPOUSE, CHILD,
22 STEPCHILD, GRANDCHILD, GRANDPARENT OR PARENT.

23 "LEAVE POOL" MEANS A CATASTROPHIC LEAVE POOL ESTABLISHED TO
24 ACCUMULATE AND DISBURSE VOLUNTARILY AND IRREVOCABLY CONTRIBUTED
25 LEAVE TIME FROM STATE EMPLOYEES FOR THE PURPOSE OF PROVIDING
26 SUPPLEMENTAL LEAVE TIME TO ELIGIBLE EMPLOYEES.

27 "POOL ADMINISTRATOR" MEANS THE INDIVIDUAL APPOINTED BY THE
28 GOVERNING BODY OF THE AGENCY TO ADMINISTER THE STATE AGENCY'S
29 LEAVE POOL.

30 "STATE AGENCY" MEANS ANY AGENCY, BOARD, COMMISSION, AUTHORITY

1 OR DEPARTMENT OF THE COMMONWEALTH AND THE GENERAL ASSEMBLY.

2 SECTION 2. SECTION 614(A) AND (C) OF THE ACT, AMENDED
3 NOVEMBER 26, 1997 (P.L.530, NO.57), ARE AMENDED TO READ:

4 SECTION 614. LIST OF EMPLOYES TO BE FURNISHED TO CERTAIN
5 STATE OFFICERS.--(A) ALL ADMINISTRATIVE DEPARTMENTS, BOARDS,
6 AND COMMISSIONS AND THE ATTORNEY GENERAL SHALL ON JULY 15 OF
7 EACH YEAR, TRANSMIT TO THE AUDITOR GENERAL, THE STATE TREASURER
8 AND SECRETARY OF THE BUDGET A COMPLETE LIST, AND TO THE
9 LEGISLATIVE DATA PROCESSING CENTER A COMPUTER TAPE OF SUCH LIST,
10 AS OF JULY 1 PRECEDING, OF THE NAMES OF ALL PERSONS, EXCEPT DAY-
11 LABORERS, ENTITLED TO RECEIVE COMPENSATION FROM THE COMMONWEALTH
12 FOR SERVICES RENDERED IN OR TO THE DEPARTMENT, BOARD, OR
13 COMMISSION, AS THE CASE MAY BE. SUCH LIST SHALL SHOW THE
14 POSITION OCCUPIED BY EACH SUCH PERSON, THE DATE OF BIRTH AND
15 VOTING RESIDENCE OF SUCH PERSON, THE SALARY AT WHICH OR OTHER
16 BASIS UPON WHICH SUCH PERSON IS ENTITLED TO BE PAID, THE DATE
17 WHEN SUCH PERSON ENTERED THE SERVICE OF THE COMMONWEALTH,
18 WHETHER SUCH PERSON HAS BEEN CONTINUOUSLY EMPLOYED BY THE
19 COMMONWEALTH SINCE THAT DATE, AND ALL PERIODS OF SERVICE AND
20 POSITIONS HELD AS AN EMPLOYE OF THE COMMONWEALTH, OR SUCH PART
21 OF SUCH INFORMATION AS THE GOVERNOR MAY PRESCRIBE.

22 NOTWITHSTANDING THE PRECEDING REQUIREMENT, THE LISTS OF PERSONS
23 FURNISHED BY THE DEPARTMENT OF CORRECTIONS, THE BOARD OF
24 PROBATION AND PAROLE AND THE PARDONS BOARD SHALL ALSO LIST THE
25 COUNTY OF RESIDENCE OF EACH PERSON.

26 * * *

27 (C) THE INFORMATION RECEIVED BY THE AUDITOR GENERAL, THE
28 STATE TREASURER AND THE SECRETARY OF THE BUDGET, UNDER THIS
29 SECTION, SHALL BE PUBLIC INFORMATION[.], EXCEPT THAT THE
30 INFORMATION IDENTIFYING THE VOTING RESIDENCE OF THE PERSONS

1 FURNISHED BY THE DEPARTMENT OF CORRECTIONS, THE BOARD OF
2 PROBATION AND PAROLE AND THE PARDONS BOARD IS NOT PUBLIC
3 INFORMATION AND MAY NOT BE TREATED AS SUCH.

4 SECTION 3. SECTION 2001.3(A) OF THE ACT, AMENDED JUNE 22,
5 1982 (P.L.573, NO.166), IS AMENDED AND THE SECTION IS AMENDED BY
6 ADDING A SUBSECTION TO READ:

7 Section 2001.3. Deputy Secretaries.--(a) The Secretary of
8 Transportation shall appoint, with the approval of the Governor,
9 [six] seven deputy secretaries who shall have the title of
10 Deputy Secretary for Administration, Deputy Secretary for
11 Highway Administration, Deputy Secretary for [Safety
12 Administration] Driver and Vehicle Services, Deputy Secretary
13 for Planning, Deputy Secretary for Local and Area Transportation
14 [and], Deputy Secretary for Aviation, Rail Freight, Ports and
15 Waterways and Deputy Secretary for Transportation Security.

16 * * *

17 (h) The Deputy Secretary for Transportation Security, with
18 the approval of the Secretary of Transportation, shall have the
19 power and the duty to establish, implement and administer
20 department internal security, including, but not limited to,
21 computer networks, internal and external security at department
22 facilities and coordination of security matters with all
23 transportation entities located within this Commonwealth,
24 including, but not limited to, airports, trucking terminals,
25 buses, toll roads and bridges, transit agencies, railroads,
26 ships and barge companies.

27 Section ~~2~~ 4. This act shall take effect immediately.

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