

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 336 Session of  
2005

INTRODUCED BY HALUSKA, ALLEN, ARMSTRONG, BEBKO-JONES,  
BENNINGHOFF, CALTAGIRONE, DeWEESE, EACHUS, FABRIZIO, FICHTER,  
FREEMAN, GABIG, GEIST, GOODMAN, HARHAI, HARPER, HERSHEY,  
JAMES, LEH, LESCOVITZ, MANN, McCALL, McGEEHAN, MELIO, MUNDY,  
NAILOR, NICKOL, O'NEILL, PALLONE, PETRARCA, PISTELLA,  
READSHAW, REICHLEY, SAINATO, SHANER, STERN, STURLA, SURRA,  
THOMAS, WOJNAROSKI, YOUNGBLOOD AND YUDICHAK, FEBRUARY 8, 2005

REFERRED TO COMMITTEE ON LABOR RELATIONS, FEBRUARY 8, 2005

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 catastrophic  
21 leave pools.

22 The General Assembly of the Commonwealth of Pennsylvania  
23 hereby enacts as follows:

24 Section 1. The act of April 9, 1929 (P.L.177, No.175), known  
25 as The Administrative Code of 1929, is amended by adding a

1 section to read:

2 Section 221.1. Catastrophic Leave Pool.--(a) The governing  
3 body of a State agency shall, through the establishment of a  
4 program, allow an employee to voluntarily transfer to a leave  
5 pool annual, sick or personal leave earned by the employee. The  
6 pool administrator shall administer the leave pool.

7 (b) An employee of a State agency may request in writing that  
8 a specified number of hours of his accrued annual, sick or  
9 personal leave be transferred to the leave pool. An employee may  
10 not transfer to the leave pool any hours of leave if the balance  
11 of his annual and personal leave after the transfer is less than  
12 one hundred twenty hours. The pool administrator shall credit  
13 the leave pool with the amount of time contributed by an employee  
14 and deduct a corresponding amount of time from the employee's  
15 earned annual, sick or personal leave as if the employee had used  
16 the time for personal purposes. Any hours of annual, sick or  
17 personal leave which are transferred from any employee's time to  
18 the leave pool may not be returned or restored to the  
19 originating employee, except that the employee shall not be  
20 prevented from receiving time from the leave pool if eligible.

21 (c) An employee is eligible to use time contributed to the  
22 leave pool of the State agency if the employee has exhausted the  
23 balance of annual, personal and sick leave because of a  
24 catastrophic illness or injury that incapacitates the employee  
25 and requires a lengthy convalescence or is life threatening; a  
26 catastrophic illness or injury that incapacitates a member of  
27 the employee's immediate family and requires a lengthy  
28 convalescence or is life threatening; or a death in the  
29 employee's immediate family. The pool administrator at the  
30 direction of the governing body of the State agency may adopt

1 further criteria as is appropriate.

2 (d) An employe may apply in writing to the pool  
3 administrator for permission to withdraw time from the leave  
4 pool. The request must include the employe's name, title and  
5 classification; a statement providing sufficient information  
6 regarding the illness or event resulting in the need for  
7 supplemental leave time. The governing body of the applicable  
8 State agency may require a written certificate from a physician  
9 or other licensed practitioner who is treating the employe or  
10 the member of the employe's immediate family; and the  
11 anticipated duration of leave required to cope with the event.  
12 An employe may not withdraw time from the leave pool in an  
13 amount that exceeds one-third of the total time in the pool; or  
14 ninety days. If an employe requires additional time beyond the  
15 amount requested and used, the employe may apply for additional  
16 leave time in the same manner prescribed in this subsection  
17 through the same procedure.

18 (e) The governing body of the State agency may approve the  
19 transfer of a specified number of hours of leave from the leave  
20 pool to an employe who the governing body determines is eligible  
21 to receive such leave. Upon approval of the governing body of  
22 the State agency, the pool administrator shall transfer the time  
23 from the leave pool and shall credit the time to the employe.

24 (f) The governing body of the State agency shall have the  
25 authority to periodically review the status of an employe using  
26 time from the leave pool to determine if the need to take leave  
27 continues to exist. The governing body of the State agency may  
28 require a written certificate from a physician or other licensed  
29 practitioner that the reason for the leave still exists and  
30 remains necessary. The governing body of the State agency shall

1 not grant any hours of leave from the leave pool after the need  
2 to take leave ceases to exist or the employee who is receiving  
3 the leave resigns, retires or his employment with the State  
4 agency is terminated. Any leave received from the leave pool  
5 that was not used shall be returned to the leave pool.

6 (g) Each State agency administering a leave pool shall  
7 maintain records and shall issue a report to the General  
8 Assembly no later than eighteen months after the effective date  
9 of this section any information related to the use,  
10 effectiveness and cost to carry out the provisions of this  
11 section.

12 (h) Each State agency shall promulgate rules to administer  
13 the provisions of this section.

14 (i) As used in this section:

15 "Employee" means an individual employed by a State agency for  
16 a minimum of one year.

17 "Immediate family" means the employee's spouse, child,  
18 stepchild, grandchild, grandparent or parent.

19 "Leave pool" means a catastrophic leave pool established to  
20 accumulate and disburse voluntarily and irrevocably contributed  
21 leave time from State employees for the purpose of providing  
22 supplemental leave time to eligible employees.

23 "Pool administrator" means the individual appointed by the  
24 governing body of the agency to administer the State agency's  
25 leave pool.

26 "State agency" means any agency, board, commission, authority  
27 or department of the Commonwealth and the General Assembly.

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