

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 383 Session of
2005

INTRODUCED BY PICCOLA, WONDERLING, WENGER, PUNT, MADIGAN,
M. WHITE, THOMPSON, WAUGH AND D. WHITE, MARCH 14, 2005

REFERRED TO EDUCATION, MARCH 14, 2005

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," providing for exemption from certain
6 act; further providing for contracts to require competent
7 workmen; repealing provisions relating to transferred
8 programs and classes; further providing for contracts of
9 professional employees, for causes of suspension of
10 professional employees and for payment of salaries in cases
11 of sickness, injury or death.

12 The General Assembly of the Commonwealth of Pennsylvania
13 hereby enacts as follows:

14 Section 1. The act of March 10, 1949 (P.L.30, No.14), known
15 as the Public School Code of 1949, is amended by adding a
16 section to read:

17 Section 103.1. Exemption.--The requirements of the act of
18 August 15, 1961 (P.L.987, No.442), known as the "Pennsylvania
19 Prevailing Wage Act," shall not apply to any person, entity,
20 contract or activity provided for by this act, and this section
21 shall supersede any requirements or references in this act or
22 any act.

1 Section 2. Section 752 of the act is amended to read:

2 Section 752. Contracts to Require Competent Workmen.--All
3 contracts, hereafter awarded and entered into by any school
4 district, shall contain a clause or stipulation requiring that
5 no person shall be employed to do work under such contract
6 except competent and first-class workmen and mechanics. No
7 workmen shall be regarded as competent and first-class, within
8 the meaning of this act, except those who are duly skilled in
9 their respective branches of labor[, and who shall be paid not
10 less than such rates of wages and for such hours' work as shall
11 be the established and current rates of wages paid for such
12 hours by employers of organized labor in doing of similar work
13 in the district where work is being done].

14 Section 3. Section 1124 of the act, amended August 8, 1963
15 (P.L.564, No.299), is amended to read:

16 Section 1124. Causes for Suspension.--Any board of school
17 directors may suspend the necessary number of professional
18 employes, for any of the causes hereinafter enumerated:

19 (1) Substantial decrease in pupil enrollment in the school
20 district;

21 (2) Curtailment or alteration of the educational program on
22 recommendation of the superintendent, concurred in by the board
23 of school directors, approved by the Department of [Public
24 Instruction] Education, as a result of substantial decline in
25 class or course enrollments or to conform with standards of
26 organization or educational activities required by law or
27 recommended by the Department of [Public Instruction] Education;

28 (3) Consolidation of schools, whether within a single
29 district, through a merger of districts, or as a result of joint
30 board agreements, when such consolidation makes it unnecessary

1 to retain the full staff of professional employees.

2 (4) When new school districts are established as the result
3 of reorganization of school districts pursuant to Article II.,
4 subdivision (i) of this act, and when such reorganization makes
5 it unnecessary to retain the full staff of professional
6 employees.

7 (5) Curtailment or alteration of the educational program on
8 recommendation of the superintendent, concurred in by the board
9 of school directors, as a result of economic factors.

10 Section 4. Sections 1125.1 and 1144 of the act are repealed.

11 Section 5. Section 1154(a) of the act, amended August 18,
12 1971 (P.L.339, No.88), is amended to read:

13 Section 1154. Payment of Salaries in Cases of Sickness,
14 Injury or Death.--(a) In any school year whenever a
15 professional or temporary professional employee is prevented by
16 illness or accidental injury from following [his or her] the
17 employee's occupation, the school district shall pay to [said]
18 the employee for each day of absence the full salary to which the
19 employee may be entitled as if [said] the employee were actually
20 engaged in the performance of duty for a period [of ten days.
21 Any such unused leave shall be cumulative from year to year in
22 the school district of current employment or its predecessors
23 without limitation. All or any part of such accumulated unused
24 leave may be taken with full pay in any one or more school
25 years.] to be mutually agreed upon by the district and the
26 employee organization. No employee's salary shall be paid if the
27 accidental injury is incurred while the employee is engaged in
28 remunerative work unrelated to school duties.

29 [Whenever the boards of school directors of two or more
30 school districts may establish any joint elementary public

1 school, high school or department, or whenever two or more
2 school districts shall merge or form a union school district or
3 administrative unit in accordance with the provisions of
4 sections 291, 292, 293, 294, 295, 296 and 297 of this act, the
5 professional or temporary professional employees employed by the
6 several boards of school directors establishing such joint
7 school or department or merged or union school district or
8 administrative unit shall be entitled to the sick leave
9 accumulated in the individual school districts subsequently
10 establishing such joint school or department or merged or union
11 school district or administrative unit.

12 Professional and temporary professional employees who sever
13 their employment with one school district and enter into
14 employment with another school district shall be entitled to all
15 accumulated leave not exceeding a maximum of twenty-five (25)
16 working days acquired during their employment in the school
17 districts of the Commonwealth.]

18 The board of school directors may require the employee to
19 furnish a certificate from a physician or other practitioner
20 certifying that [said] the employee was unable to perform [his or
21 her] the employee's duties during the period of absence for which
22 compensation is required to be paid under this section.

23 [The board of school directors of each school district shall
24 maintain and supply annually to each professional and temporary
25 professional employee a copy of a cumulative record of sick leave
26 credited to and used by such professional or temporary
27 professional employee. In any case involving a dispute over the
28 amount of accumulated sick leave, a professional or temporary
29 professional employee shall have a right of appeal to the
30 Secretary of Education pursuant to such rules and regulations as

1 he may establish.]

2 * * *

3 Section 6. This act shall take effect in 60 days.