

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 870 Session of 2011

INTRODUCED BY EICHELBERGER, PICCOLA, BAKER, BRUBAKER, FOLMER, ALLOWAY, WAUGH, PILEGGI AND D. WHITE, MARCH 28, 2011

REFERRED TO EDUCATION, MARCH 28, 2011

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," in professional employees, further
 6 providing for payment of salaries in cases of sickness,
 7 injury or death, for alternative payment plan, for persons
 8 entitled to leaves of absence, for salary while on leave and
 9 for Distinguished Educators Program.

10 The General Assembly of the Commonwealth of Pennsylvania
 11 hereby enacts as follows:

12 Section 1. Section 1154 of the act of March 10, 1949
 13 (P.L.30, No.14), known as the Public School Code of 1949,
 14 amended May 24, 1951 (P.L.368, No.84), December 22, 1965
 15 (P.L.1180, No.467) and August 18, 1971 (P.L.339, No.88), is
 16 amended to read:

17 Section 1154. [Payment of Salaries in Cases of Sickness,
 18 Injury or Death] Right to Accumulated Sick Leave.--(a) In any
 19 school year whenever a professional or temporary professional
 20 employe is prevented by illness or accidental injury from
 21 following his or her occupation, the school district shall pay

1 to said employe for each day of absence the full salary to which
2 the employe may be entitled as if said employe were actually
3 engaged in the performance of duty for a period of ten days. Any
4 such unused leave shall be cumulative from year to year in the
5 school district of current employment or its predecessors
6 without limitation. All or any part of such accumulated unused
7 leave may be taken with full pay in any one or more school
8 years. No employe's salary shall be paid if the accidental
9 injury is incurred while the employe is engaged in remunerative
10 work unrelated to school duties.]

11 Whenever the boards of school directors of two or more school
12 districts may establish any joint elementary public school, high
13 school or department, or whenever two or more school districts
14 shall merge or form a union school district or administrative
15 unit in accordance with the provisions of sections 291, 292,
16 293, 294, 295, 296 and 297 of this act, the professional or
17 temporary professional employes employed by the several boards
18 of school directors establishing such joint school or department
19 or merged or union school district or administrative unit shall
20 be entitled to the sick leave accumulated in the individual
21 school districts subsequently establishing such joint school or
22 department or merged or union school district or administrative
23 unit.

24 [Professional and temporary professional employes who sever
25 their employment with one school district and enter into
26 employment with another school district shall be entitled to all
27 accumulated leave not exceeding a maximum of twenty-five (25)
28 working days acquired during their employment in the school
29 districts of the Commonwealth.

30 The board of school directors may require the employe to

1 furnish a certificate from a physician or other practitioner
2 certifying that said employe was unable to perform his or her
3 duties during the period of absence for which compensation is
4 required to be paid under this section.

5 The board of school directors of each school district shall
6 maintain and supply annually to each professional and temporary
7 professional employe a copy of a cumulative record of sick leave
8 credited to and used by such professional or temporary
9 professional employe. In any case involving a dispute over the
10 amount of accumulated sick leave, a professional or temporary
11 professional employe shall have a right of appeal to the
12 Secretary of Education pursuant to such rules and regulations as
13 he may establish.

14 (b) Whenever a professional or temporary professional
15 employe shall be absent from duty because of a death in the
16 immediate family of said employe, there shall be no deduction in
17 salary of said employe for an absence not in excess of three
18 school days. The board of school directors may extend the period
19 of absence with pay in its discretion as the exigencies of the
20 case may warrant. Members of the immediate family shall be
21 defined as father, mother, brother, sister, son, daughter,
22 husband, wife, parent-in-law or near relative who resides in the
23 same household, or any person with whom the employe has made his
24 home.

25 (c) Whenever a professional or temporary professional
26 employe is absent because of the death of a near relative, there
27 shall be no deduction in the salary of said employe for absence
28 on the day of the funeral. The board of school directors may
29 extend the period of absence with pay in its discretion as the
30 exigencies of the case may warrant. A near relative shall be

1 defined as a first cousin, grandfather, grandmother, aunt,
2 uncle, niece, nephew, son-in-law, daughter-in-law, brother-in-
3 law or sister-in-law.

4 (d) All compensation required to be paid under the
5 provisions of this act shall be paid to the employe in the same
6 manner and at the same time said employe would have received his
7 salary if actually engaged in the performance of his duties.

8 (e) Any board of school directors may adopt rules or
9 regulations pertaining to the payment of salaries of employes
10 when absent from duty, extending the period of leave with or
11 without pay in excess of that herein provided, or authorizing
12 leaves with pay for other purposes. This act is not intended to
13 repeal any rule or regulation of any board of school directors
14 now in effect which does provide for such additional
15 compensation or additional period of leave with pay.]

16 Section 2. Section 1154.1 of the act, reenacted and amended
17 April 4, 1984 (P.L.190, No.38), is repealed:

18 [Section 1154.1. Alternative Payment Plan.--(a) In any
19 school year whenever a professional, temporary professional or
20 nonprofessional employe is prevented by illness or accidental
21 injury from following his or her occupation, the school district
22 or other school entity by written agreement with the employe
23 may, as an alternative to the payments provided in section
24 1154(a), establish a plan excluding from wages payments made as
25 provided in section 209(b) of the Social Security Act (49
26 Statute 629).

27 (b) The State Treasurer is authorized to recover, on behalf
28 of the Commonwealth and school districts and all other school
29 entities enumerated in this act and on behalf of all officers
30 and employes thereof, Social Security overpayments made to the

1 United States Treasury.

2 (c) The expenses incurred by the State Treasurer in
3 recovering such overpayments may be paid out of any recoveries
4 of overpayments on behalf of the Commonwealth and school
5 entities.

6 (d) The State Treasurer may take such actions as he deems
7 reasonable in the recovery of such overpayments.

8 (e) The full amount of any recoveries of overpayments for
9 employes shall be refunded to such employes. The amount of any
10 recoveries on behalf of school entities, after deducting the
11 expenses of collection, shall be transferred or credited to the
12 school entities. Any expenses previously paid by the State
13 Treasurer shall be refunded from such recoveries. Any unpaid
14 expenses shall be paid from such recoveries.]

15 Section 3. Section 1166 of the act, amended June 28, 1996
16 (P.L.430, No.66), is repealed:

17 [Section 1166. Persons Entitled.--(a) Any person employed
18 in the public school system of this Commonwealth who has
19 completed ten (10) years of satisfactory service as a
20 professional employe or member of the supervisory, instructional
21 or administrative staff, or as a commissioned officer, of any
22 board of school directors, county board of school directors, or
23 any other part of the public school system of the Commonwealth,
24 shall be entitled to a leave of absence for professional
25 development or a sabbatical leave for restoration of health or,
26 at the discretion of the board of school directors, for other
27 purposes. At least five consecutive years of such service shall
28 have been in the school district from which leave of absence for
29 professional development or sabbatical leave for restoration of
30 health is sought, unless the board of school directors shall in

1 its discretion allow a shorter time: Provided, however, That in
2 the case of professional employes of area vocational-technical
3 schools or technical institutes prior service in the
4 participating school districts shall be credited toward such
5 service requirement. A leave of absence for professional
6 development or sabbatical leave for restoration of health shall
7 be for a half or full school term or for two half school terms
8 during a period of two years, at the option of such person:
9 Provided, however, if a sabbatical leave is requested because of
10 the illness of an employe, a leave shall be granted for a period
11 equivalent to a half or full school term or equivalent to two
12 half school terms during a period of two years: Provided
13 further, That if a sabbatical leave for restoration of health or
14 a leave of absence for professional development for one half
15 school term or its equivalent has been granted and the employe
16 is unable to return to school service because of illness or
17 physical disability, the employe, upon written request prior to
18 the expiration of the original leave, shall be entitled to a
19 further leave for one half school term or its equivalent:
20 Provided further, That if a leave for a full school term or its
21 equivalent has been granted and the employe is unable to return
22 to school service because of illness or physical disability, the
23 board of school directors may extend such leave for such periods
24 as it may determine but not to exceed one full school term or
25 its equivalent. Thereafter, one leave of absence for
26 professional development or a sabbatical leave for restoration
27 of health shall be allowed after each seven years of service.
28 (b) A sabbatical leave for restoration of health or a leave
29 of absence for professional development granted to a regular
30 employe shall also operate as a leave of absence without pay

1 from all other school activities.]

2 Section 4. Section 1169 of the act, amended July 10, 1986
3 (P.L.1270, No.117), is repealed:

4 [Section 1169. Salary While on Leave.--The person on leave
5 of absence shall receive at least one-half of his or her regular
6 salary during the period he or she is on sabbatical leave.]

7 Section 5. Section 1195(i) of the act, added July 11, 2006
8 (P.L.1092, No.114), is amended to read:

9 Section 1195. Distinguished Educators Program.--* * *

10 (i) If leave is granted under subsection (h), Distinguished
11 Educators shall maintain the rights and obligations established
12 in sections 1168 and 1170, but the leave shall not be subject to
13 section [1166, 1166.1, 1167 or 1169] 1166.1 or 1167.

14 * * *

15 Section 6. Nothing in this act shall be construed to
16 supersede or preempt any provision of a collective bargaining
17 agreement negotiated by a school entity and an exclusive
18 representative of the employees in accordance with the act of
19 July 23, 1970 (P.L.563, No.195), known as the Public Employe
20 Relations Act, and in effect on the effective date of this act.

21 Section 7. This act shall take effect in 60 days.