

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1221 Session of 2011

INTRODUCED BY DINNIMAN, ALLOWAY, GREENLEAF, EARLL AND MENSCH, AUGUST 2, 2011

SENATOR PICCOLA, EDUCATION, AS AMENDED, NOVEMBER 15, 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 STATE SYSTEM OF HIGHER EDUCATION,
6 providing for relations with private affiliated entities AND
7 FOR COLLEGE YEAR AND CLASSIFICATIONS, LEAVES OF ABSENCE AND
8 FACULTY SALARIES IN CASES OF SICKNESS OR DEATH; and making
9 related repeals.



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

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



15 Section 2021-A. Relations with Private Affiliated
16 Entities.--(a) This section shall apply to the relationships
17 between the system or a State-owned university and affiliated
18 entities that are incorporated for the sole purpose of
19 benefiting the system or a State-owned university.

20 (b) This section shall apply to an affiliated entity if the
21 affiliated entity exists for the sole purpose of benefiting the

1 system or a State-owned university. Affiliated entities may  
2 raise and utilize nonpublic funds to benefit and promote the  
3 system or a State-owned university.

4 (c) System employes or officers may provide services to an  
5 affiliated entity as an ex officio, nonvoting member of the  
6 board of the affiliated entity as part of the mission of the  
7 system or a State-owned university.

8 (d) The system and State-owned universities may coordinate  
9 and jointly engage in fundraising activities with an affiliated  
10 entity in order to raise money for the affiliated entity if the  
11 money is used to directly inure to the benefit of the system or  
12 State-owned university for the purposes stated under this act.

13 (e) Notwithstanding any other provision of law, the  
14 provisions of the act of July 19, 1957 (P.L.1017, No.451), known  
15 as the "State Adverse Interest Act," shall not apply to the  
16 system, its institutions or employes of the system and its  
17 institutions for actions undertaken in accordance with this  
18 section.

19 (f) Nothing in this section shall be construed as  
20 authorizing or granting power to an affiliated entity to enter  
21 into any transactions or any agreements on behalf of the system  
22 or a State-owned university.

23 (g) Neither the system nor a State-owned university shall be  
24 responsible for the payment of any debts or satisfaction of any  
25 obligations incurred by an affiliated entity.

26 (h) Affiliated entities recognized under this article shall  
27 not be considered instrumentalities or agencies of the  
28 Commonwealth. The Commonwealth shall not have any ownership  
29 interest in the corporation and all affiliated entities shall  
30 continue to be considered private corporations.



1 (I) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO ALTER OR  
2 AFFECT THE RESPONSIBILITIES OR DUTIES OF AFFILIATED ENTITIES AS  
3 REQUIRED UNDER THE ACT OF FEBRUARY 14, 2008 (P.L.6, NO.3), KNOWN  
4 AS THE "RIGHT-TO-KNOW LAW."

5 SECTION 2022-A. COLLEGE YEAR AND CLASSIFICATIONS; LEAVES OF  
6 ABSENCE; FACULTY SALARIES IN CASES OF SICKNESS OR DEATH.-- (A)

7 (1) EACH PERSON, REGARDLESS OF THE DATE OF APPOINTMENT,  
8 APPOINTED TO A POSITION AS AN ADMINISTRATOR OR MEMBER OF THE  
9 FACULTY OF AN INSTITUTION WITHIN THE CLASSIFICATIONS STATED IN  
10 THIS SECTION MAY BE PAID FOR SERVICES RENDERED DURING THE  
11 REGULAR NINE-MONTH COLLEGE YEAR.

12 (2) EACH PERSON EMPLOYED FOR THE FULL NINE-MONTH COLLEGE  
13 YEAR MAY RECEIVE EITHER TWENTY (20) OR TWENTY-SIX (26) BIWEEKLY  
14 SALARY PAYMENTS.

15 (3) IN NO CASE SHALL ANY FACULTY MEMBER RECEIVE MORE  
16 COMPENSATION IN TWENTY-SIX (26) PAYS THAN THE FACULTY MEMBER  
17 WOULD HAVE RECEIVED IN TWENTY (20) PAYS.

18 (4) EACH PERSON EMPLOYED DURING ANY PERIOD BEYOND THE  
19 REGULAR NINE-MONTH COLLEGE YEAR SHALL BE PAID AT THE SAME RATE  
20 OF COMPENSATION THAT THE PERSON RECEIVED OR WOULD HAVE BEEN  
21 ENTITLED TO RECEIVE DURING THE REGULAR COLLEGE YEAR.

22 (B) THE CLASSIFICATIONS UNDER SUBSECTION (A) SHALL BE AS  
23 FOLLOWS:

24 (1) PROFESSOR QUALIFICATIONS, AN EARNED DOCTOR'S DEGREE, AT  
25 LEAST SEVEN (7) YEARS OF TEACHING EXPERIENCE.

26 (2) ASSOCIATE PROFESSOR QUALIFICATIONS, A MINIMUM OF AN  
27 EARNED DOCTOR'S DEGREE OR A MASTER'S DEGREE PLUS FORTY (40)  
28 SEMESTER HOURS OF GRADUATE CREDIT OR A TOTAL OF SEVENTY (70)  
29 SEMESTER HOURS OF GRADUATE CREDIT INCLUDING A MASTER'S DEGREE OR  
30 ALL COURSE WORK COMPLETED TOWARD A DOCTORATE AS CERTIFIED BY THE

1 UNIVERSITY WHERE THE WORK IS BEING TAKEN OR EQUIVALENT  
2 EXPERIENCE, AT LEAST FIVE (5) YEARS OF TEACHING EXPERIENCE.

3 (3) ASSISTANT PROFESSOR QUALIFICATIONS, A MINIMUM OF A  
4 MASTER'S DEGREE PLUS TEN (10) SEMESTER HOURS OF GRADUATE CREDIT  
5 OR EQUIVALENT EXPERIENCE.

6 (4) INSTRUCTOR QUALIFICATIONS, A MINIMUM OF A BACHELOR'S  
7 DEGREE PLUS FIFTEEN (15) SEMESTER HOURS OF GRADUATE CREDIT.

8 (C) THE CONSIDERATIONS FOR CLASSIFICATIONS UNDER SUBSECTION  
9 (B) SHALL BE AS FOLLOWS:

10 (1) GRADUATE DEGREES AND PREPARATION TO MEET THE  
11 CLASSIFICATIONS OF THIS SECTION MUST BE EARNED IN FIELDS RELATED  
12 TO THE SERVICE RENDERED TO THE INSTITUTION.

13 (2) UPON THE RECOMMENDATION OF THE PRESIDENT OF AN  
14 INSTITUTION, THE BOARD MAY ACCEPT OTHER EDUCATION AND EXPERIENCE  
15 QUALIFICATIONS THAN THOSE MANDATED IN THIS SECTION FOR TEMPORARY  
16 APPOINTMENTS.

17 (D) ELIGIBILITY FOR LEAVES OF ABSENCE BY MEMBERS OF FACULTY  
18 OF AN INSTITUTION SHALL BE AS FOLLOWS:

19 (1) UPON RECOMMENDATION OF THE PRESIDENT OF AN INSTITUTION,  
20 A LEAVE OF ABSENCE FOR A PERIOD NOT TO EXCEED EIGHTEEN (18)  
21 COLLEGE CALENDAR WEEKS WITH FULL PAY OR A LEAVE OF ABSENCE FOR A  
22 PERIOD NOT TO EXCEED THIRTY-SIX (36) CALENDAR WEEKS WITH HALF  
23 PAY, FOR RESTORATION OF HEALTH, STUDY, TRAVEL OR OTHER  
24 APPROPRIATE PURPOSES, MAY BE GRANTED TO ANY MEMBER OF THE  
25 FACULTY WHO HAS COMPLETED SEVEN (7) OR MORE YEARS OF  
26 SATISFACTORY SERVICES AS A FACULTY MEMBER OF ONE (1) OR MORE  
27 INSTITUTIONS; PROVIDED, THAT AT LEAST FIVE (5) CONSECUTIVE YEARS  
28 OF SUCH SERVICE SHALL HAVE BEEN RENDERED TO THE INSTITUTION FROM  
29 WHICH THE LEAVE OF ABSENCE IS SOUGHT.

30 (2) AT THE OPTION OF THE FACULTY MEMBER, IF THE INSTITUTION

1 OPERATES ON A SYSTEM OF UNITS OTHER THAN SEMESTERS, THE FACULTY  
2 MEMBER MAY BE GRANTED A PERIOD CORRESPONDING TO ONE OR MORE  
3 UNITS, WITHIN THE PREVIOUS RESTRICTION OF TOTAL WEEKS.

4 (3) LEAVES OF ABSENCE MAY BE GRANTED FOR ANY PART OF A  
5 CALENDAR YEAR.

6 (4) AFTER COMPLETION OF THE REQUISITE SEVEN YEARS, ONE LEAVE  
7 OF ABSENCE SHALL BE ALLOWED FOR EACH ADDITIONAL SEVEN YEARS OF  
8 SERVICE UPON RECOMMENDATION AND APPROVAL BY THE PRESIDENT OF THE  
9 INSTITUTION.

10 (5) LEAVES OF ABSENCE SHALL BE ACCUMULATED SO THAT NO  
11 FACULTY MEMBER SHALL LOSE ENTITLEMENT BECAUSE OF FAILURE TO USE  
12 A LEAVE OF ABSENCE, BUT NO FACULTY MEMBER SHALL BE ENTITLED TO  
13 USE MORE THAN THIRTY-SIX (36) WEEKS OF ACCUMULATED LEAVE IN  
14 SUCCESSION.

15 (6) THE BOARD MAY GRANT A LEAVE OF ABSENCE TO OTHER SYSTEM  
16 EMPLOYEES ON THE SAME BASIS AS FACULTY MEMBERS, AS DEFINED IN  
17 THIS ACT.

18 (E) NO LEAVE OF ABSENCE SHALL BE GRANTED UNLESS THE MEMBER  
19 OF THE FACULTY OF AN INSTITUTION AGREES, IN WRITING, TO RETURN  
20 TO THE FACULTY MEMBER'S EMPLOYMENT WITH THE INSTITUTION FOR A  
21 PERIOD OF NOT LESS THAN ONE YEAR IMMEDIATELY FOLLOWING THE  
22 EXPIRATION OF THE LEAVE OF ABSENCE; PROVIDED: THE PRESIDENT OF  
23 THE INSTITUTION, WITH THE APPROVAL OF THE CHANCELLOR, MAY WAIVE  
24 THE REQUIREMENT TO RETURN TO THE INSTITUTION IF BOTH AGREE THAT  
25 IT IS IN THE BEST INTEREST OF THE INSTITUTION TO WAIVE THE  
26 REQUIREMENT TO RETURN. THE AGREEMENT TO WAIVE THE REQUIREMENT  
27 MUST BE IN WRITING AND SIGNED.

28 (F) (1) NO SUCH LEAVE OF ABSENCE SHALL BE CONSIDERED A  
29 TERMINATION OR BREACH OF THE CONTRACT OF EMPLOYMENT AND THE  
30 FACULTY MEMBER ON LEAVE OF ABSENCE SHALL BE RETURNED TO THE SAME

1 POSITION THE FACULTY MEMBER OCCUPIED PRIOR THERETO.

2 (2) EVERY EMPLOYE, WHILE ON SUCH LEAVE OF ABSENCE, SHALL BE  
3 CONSIDERED TO BE IN REGULAR FULL-TIME DAILY ATTENDANCE IN THE  
4 POSITION FROM WHICH THE LEAVE OF ABSENCE WAS TAKEN DURING THE  
5 PERIOD OF LEAVE, FOR THE PURPOSE OF DETERMINING THE EMPLOYE'S  
6 LENGTH OF SERVICE AND THE RIGHT TO RECEIVE INCREMENTS.

7 (3) EVERY PERSON ON LEAVE OF ABSENCE SHALL RETAIN THE RIGHT  
8 TO MAKE CONTRIBUTIONS AS A MEMBER OF EITHER THE STATE EMPLOYEES'  
9 RETIREMENT FUND OR THE PUBLIC SCHOOL EMPLOYEES' RETIREMENT FUND  
10 AND CONTINUE THE PERSON'S MEMBERSHIP IN WHICHEVER SYSTEM THE  
11 PERSON CURRENTLY HOLDS MEMBERSHIP.

12 (G) EACH INSTITUTION SHALL HAVE THE RIGHT TO MAKE SUCH  
13 POLICIES AS IT MAY DEEM NECESSARY TO MAKE SURE THAT EMPLOYES ON  
14 LEAVE SHALL UTILIZE SUCH LEAVE PROPERLY FOR THE PURPOSE FOR  
15 WHICH IT WAS GRANTED, REQUIRING REPORTS FROM THE EMPLOYE OR  
16 EMPLOYES ON LEAVE IN SUCH MANNER AS IT MAY DEEM NECESSARY.

17 (H) THE FOLLOWING SHALL APPLY TO SALARIES OF FACULTY MEMBERS  
18 OF AN INSTITUTION IN CASES OF SICKNESS OR DEATH:

19 (1) IN ANY COLLEGE YEAR, WHENEVER A FACULTY MEMBER IS  
20 PREVENTED BY ILLNESS OR ACCIDENTAL INJURY FROM FOLLOWING THE  
21 FACULTY MEMBER'S OCCUPATION, DURING THE REGULAR COLLEGE YEAR, OR  
22 AT ANY OTHER TIME WHEN PERFORMING THE FACULTY MEMBER'S DUTIES AS  
23 A FACULTY MEMBER, THERE SHALL BE PAID TO THE FACULTY MEMBER THE  
24 FULL SALARY TO WHICH THE FACULTY MEMBER MAY BE ENTITLED AS IF  
25 THE FACULTY MEMBER WERE ACTUALLY ENGAGED IN THE PERFORMANCE OF  
26 DUTY FOR A PERIOD OF FIFTEEN (15) DAYS. SUNDAYS, HOLIDAYS AND  
27 VACATION PERIODS SHALL NOT BE COUNTED AS DAYS LOST.

28 (2) SUCH LEAVE OF ABSENCE SHALL BE CUMULATIVE FROM YEAR TO  
29 YEAR BUT SHALL NOT EXCEED NINETY (90) DAYS' LEAVE OF ABSENCE  
30 WITH FULL PAY IN ANY ONE YEAR.

1 (3) NOTWITHSTANDING PROVISIONS OF PARAGRAPHS (1) AND (2), NO  
2 FACULTY MEMBER'S SALARY SHALL BE PAID, IF THE ACCIDENTAL INJURY  
3 IS INCURRED WHILE THE FACULTY MEMBER IS ENGAGED IN REMUNERATIVE  
4 WORK UNRELATED TO SCHOOL DUTIES.

5 (4) UNTIL SUCH TIME AS A FACULTY MEMBER HAS ACCUMULATED  
6 NINETY (90) DAYS' LEAVE, THE PROVISIONS OF THIS SECTION SHALL  
7 NOT PRECLUDE THE GRANTING OF ADDITIONAL SICK LEAVE BY  
8 ADMINISTRATIVE ACTION.

9 (5) WHENEVER A FACULTY MEMBER IS ABSENT FROM DUTY BECAUSE OF  
10 A DEATH IN THE IMMEDIATE FAMILY OF THE FACULTY MEMBER, THERE  
11 SHALL BE NO DEDUCTION IN THE SALARY OF THE FACULTY MEMBER FOR AN  
12 ABSENCE NOT IN EXCESS OF THREE (3) DAYS. MEMBERS OF THE  
13 IMMEDIATE FAMILY SHALL CONSIST OF FATHER, MOTHER, BROTHER,  
14 SISTER, SON, DAUGHTER, HUSBAND, WIFE OR PARENT-IN-LAW AND  
15 INCLUDE ANY NEAR RELATIVE WHO RESIDES IN THE SAME HOUSEHOLD OR  
16 ANY PERSON WITH WHOM THE FACULTY MEMBER RESIDES.

17 (6) ALL COMPENSATION REQUIRED TO BE PAID UNDER THE  
18 PROVISIONS OF THIS SUBSECTION SHALL BE PAID TO THE FACULTY  
19 MEMBER IN THE SAME MANNER AND AT THE SAME TIME THE FACULTY  
20 MEMBER WOULD HAVE RECEIVED THE FACULTY MEMBER'S SALARY IF  
21 ACTUALLY ENGAGED IN THE PERFORMANCE OF THE FACULTY MEMBER'S  
22 DUTIES.

23 (I) NOTHING IN SUBSECTION (D), (E), (F) OR (G) SHALL BE  
24 CONSTRUED TO PREVENT ANY FACULTY MEMBER ON LEAVE OF ABSENCE FROM  
25 RECEIVING A GRANT FOR FURTHER STUDY FROM AN INSTITUTION OTHER  
26 THAN THE INSTITUTION BY WHICH EMPLOYED.

27 Section 2. Repeals are as follows:

28 (1) The General Assembly declares that the repeals under  
29 paragraphs (2) and (3) are necessary to effectuate the  
30 addition of ~~section 2021-A~~ SECTIONS 2021-A AND 2022-A of the



1 act.

2 (2) The following acts are repealed:

3 (i) The act of May 20, 1857 (P.L.581, No.619),  
4 entitled "An act to provide for the Due Training of  
5 Teachers for the Common Schools of the State."

6 (ii) The act of April 15, 1859 (P.L.680, No.681),  
7 entitled "A supplement to an act to provide for the due  
8 training of Teachers for the Common Schools of the State,  
9 passed on the twentieth of May, one thousand eight  
10 hundred and fifty-seven."

11 (iii) The act of January 18, 1952 (1951 P.L.2111,  
12 No.600), entitled "An act to provide for minimum  
13 compensation and increments for administrators and  
14 members of the faculty of State Colleges; providing for  
15 leaves of absence; imposing certain duties upon the  
16 Boards of Trustees and Presidents of State Colleges and  
17 the Superintendent of Public Instruction; and repealing  
18 inconsistent laws."

19 (3) The following acts or parts of acts are repealed to  
20 the extent they are inconsistent with the addition of section  
21 2021-A of the act:

22 (i) The act of July 19, 1957 (P.L.1017, No.451),  
23 known as the State Adverse Interest Act.

24 (ii) 65 Pa.C.S. § 1103(a).

25 SECTION 3. THE PRECEDENTIAL EFFECT OF ANY ARBITRATION AWARD  
26 OR OPINION ISSUED OR PENDING PRIOR TO THE EFFECTIVE DATE OF THIS  
27 SECTION PURSUANT TO A COLLECTIVE BARGAINING AGREEMENT AUTHORIZED  
28 BY THE ACT OF JULY 23, 1970 (P.L.563, NO.195), KNOWN AS THE  
29 PUBLIC EMPLOYE RELATIONS ACT, SHALL NOT BE DIMINISHED, ALTERED  
30 OR IN ANY MANNER LIMITED BY ANY REPEAL MADE IN THIS ACT. ←

1 Section 3 4. This act shall take effect in 60 days.

