

PUBLIC SCHOOL CODE OF 1949 - RIGHTS PRESERVED DURING LEAVE OF  
ABSENCE

Act of Jul. 1, 2013, P.L. 194, No. 33

Cl. 24

Session of 2013

No. 2013-33

SB 798

AN ACT

Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An act relating to the public school system, including certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto," further providing for rights preserved during leave of absence.

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

Section 1. Section 1178 of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, is amended by adding a subsection to read:

Section 1178. Rights Preserved During Leave of Absence.--\*  
\* \*

**(e) Notwithstanding this section, for military service for leaves granted on or after July 1, 2013, an employe who is an active or inactive member of the Public School Employees' Retirement System at the time he is granted a military leave shall be entitled to receive credit in the Public School Employees' Retirement System for the leave as provided in 24 Pa.C.S. Pt. IV (relating to retirement for school employees).**

Section 2. The addition of section 1178(e) of the act shall apply to leaves of absence or military leaves of absence that are granted on or after the effective date of this section.

Section 3. The addition of section 1178(e) shall not:

(1) Create in any member of the Public School Employees' Retirement System or in any other person claiming an interest in the account of any member a contractual right, either expressed or implied, in relation to requirements for qualification of the Public School Employees' Retirement System as a qualified pension plan under the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 1 et seq.).

(2) Establish compliance with or affect any construction of:

(i) 38 U.S.C. Ch. 43, known as the Uniformed Services Employment and Reemployment Rights Act.

(ii) 24 Pa.C.S. Pt. IV or any rules or regulations adopted under 24 Pa.C.S. Pt. IV.

Section 4. This act shall take effect July 1, 2013, or immediately, whichever is later.

APPROVED--The 1st day of July, A.D. 2013.

TOM CORBETT