



LEGISLATIVE POSITION

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HOUSE STATE GOVERNMENT COMMITTEE Subcommittee on Public Pensions, Benefits, and Risk Management

PSEA Comments on House Bill 967

On behalf of PSEA's 178,000 members, we urge the Subcommittee on Public Pensions, Benefits and Risk Management to carefully consider House Bill 967. The legislation, while well-intentioned would weaken the current ability of retirees to return-to-service as day-to-substitute in schools for an entire school year.

Retirees already can return to service as a day-to-day substitute without jeopardizing their pension. In fact, retirees can be a day-to-day substitute teacher for a full school year. Title 24 Pa. C.S. Section 8346(b) authorizes annuitants to return to service under a personnel emergency:

Return to school service during emergency.--When, in the judgment of the employer, an emergency creates an increase in the work load such that there is serious impairment of service to the public or in the event of a shortage of appropriate subject certified teachers or other personnel, an annuitant or participant receiving distributions may be returned to school service for a period not to extend beyond the school year during which the emergency or shortage occurs, without loss of his annuity or distributions, provided that the annuitant meets the conditions set forth in subsection (b.2). The annuitant or participant receiving distributions shall not be entitled to earn any credited service, and no contributions may be made to the fund or the trust by the annuitant or participant receiving distributions, the employer or the Commonwealth on account of such employment. Such service shall not be subject to member or participant contributions or be eligible for qualification as creditable school service or for participation in the plan, mandatory pickup participant contributions, voluntary contributions or employer defined contributions.

Public school entities need only work through PSERS personnel emergency declaration process in order to be able to hire retirees as day-to-day substitute teachers. Usually this occurs prior to the beginning of a school year. Districts submit a letter to PSERS declaring their day-to-day substitute teacher emergency and PSERS provides school year approval. This process was implemented in 2018 after PSERS and the PA Association of School Business Officials (PASBO) worked together to create a less cumbersome process for school administrators. As of November 9, 2021, PSERS had issued 149 school year approval requests from public school entities this year to be able to hire retirees for the entire school year. If a school entity has an emergency the following school year, then it simply submits the letter/information to PSERS again for approval. PSERS recognized the significance of the substitute teacher shortage years ago and that is why it actively worked with PASBO to improve its personnel emergency process to make things easier for districts.

There are many links on PSERS' website that explain the "return to service" guidelines – including the personnel emergency provision. In addition, PASBO has information on its website regarding the emergency process:



- PSERS presentation on return to service guidelines and the exception. See slides 6-9:
[https://www.psers.pa.gov/Employers/Documents/Return%20to%20Service/RTS%20PASBO%20\(2017\).pdf](https://www.psers.pa.gov/Employers/Documents/Return%20to%20Service/RTS%20PASBO%20(2017).pdf)
- PSERS “Return to Service” Guideline Booklet:
<https://www.psers.pa.gov/FPP/Publications/Retired/Documents/RTS%20Exceptions%20Booklet%2007-2020.pdf>
- Employer form/guidelines reinforce the exception for substitute teachers:
<https://www.psers.pa.gov/FPP/Forms/Documents/1299-PSERS-Retirees-Rtng-to-Svc-10-15-fill-in2.pdf>
- PASBO link: [https://www.pasbo.org/files/RTS%20Chart%20Final\(2\).pdf](https://www.pasbo.org/files/RTS%20Chart%20Final(2).pdf);

We would be remiss if we didn’t recognize the important work the General Assembly accomplished last month with Act 91 of 2021. The substitute teacher shortage has been exacerbated into a full-blown crisis as educators work to keep schools open for in-person learning. This school year has been chaotic for many. Teachers have been covering classes during prep periods. There are large study halls of students in cafeterias and auditoriums because there aren’t enough adults to cover classes. Administrators are doing double duty, jumping from supervising the operation of schools to providing instruction in classes so learning can continue. The legislature responded by swiftly passing Act 91 in December, which provided some additional tools for schools to have classroom coverage. PSEA was proud to work with Rep. Gleim and the Senate on the development of this legislation and strongly supported its passage.

Act 91 includes a temporary provision to make it easier for school administrators to call retirees for substitute teacher assignments. PSERS’ rules historically have required school administrators to call everyone from their *non-annuitant* substitute list before they can call retirees. Act 91 provides temporary flexibility from that rule allowing administrators to call in whatever order they see fit. This is a small but important change. Every school has that former teacher who can be called on to do anything to help the students and the school. Allowing administrators to reach out to retirees more efficiently –without an administrative hurdle – especially those they know are willing and able to fill-in, is a step in the right direction. This provision is temporary and is available for the 21-22 and 22-23 school years.

Thank you for your consideration of our comments. Again, PSEA urges the subcommittee to not recommend any action around HB 967 that would weaken the existing schools have to hire retirees as day-to-day substitute teachers for an entire school year.

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