

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1861 Session of
1991

INTRODUCED BY VEON, VAN HORNE, KRUSZEWSKI, KOSINSKI, McHALE,
RAYMOND, PISTELLA, BELARDI, DERMODY, ITKIN, JOHNSON, BUSH AND
TRELLO, JULY 2, 1991

REFERRED TO COMMITTEE ON STATE GOVERNMENT, JULY 2, 1991

AN ACT

1 Amending Titles 24 (Education) and 71 (State Government) of the
2 Pennsylvania Consolidated Statutes, providing for exemption
3 to termination of annuities.

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

6 Section 1. Title 24 of the Pennsylvania Consolidated
7 Statutes is amended by adding a section to read:

8 § 8346.1. Exemption to termination of annuities.

9 Section 8346 (relating to termination of annuities) shall not
10 apply in the case of any annuitant who renders services as an
11 instructional or research faculty member for a period of not
12 more than one-half of the instructional hours prescribed by the
13 institution or, in the case of solely research faculty, not more
14 than 20 hours per week, performed by full-time employees in any
15 one month to institutions of higher education affiliated with
16 the Public School Employees' Retirement System:

17 (1) The employees of the hiring institution in which an
18 annuitant renders services who have selected representatives

1 to act in their interests through collective bargaining shall
2 authorize a permissive contract provision under the terms and
3 conditions of the employment clause before annuitants may
4 continue to receive their annuity as well as payment from the
5 institution.

6 (2) When employees of a hiring institution have not
7 selected representatives to bargain collectively in their
8 interests, annuitants may continue to receive their annuity
9 as well as payment from the institution.

10 (3) Annuitants shall be subject to all provisions of
11 labor contracts in effect at the time of their employment by
12 the hiring institution.

13 (4) Annuitants who return to service under this section
14 shall not have the right to elect membership in or to
15 recontribute to the retirement system.

16 (5) When in the judgment of the head of the institution
17 of higher education a manpower shortage creates an increase
18 in the workload resulting in serious impairment of service to
19 the public, an annuitant may, with the approval of the
20 Governor, be returned to State service without loss of
21 annuity and shall receive the pay for a period not to exceed
22 one-half of the instructional hours prescribed by the
23 institution or, in the case of research faculty, not more
24 than 20 hours per week. The head of the institution of higher
25 education shall certify to the Governor, on an annual basis,
26 whether a manpower shortage exists authorizing employment
27 under this option.

28 Section 2. Title 71 is amended by adding a section to read:

29 § 5706.1. Exemption to termination of annuities.

30 Section 5706 (relating to termination of annuities) shall not

1 apply in the case of any annuitant who renders services as an
2 instructional or research faculty member for a period of not
3 more than one-half of the instructional hours prescribed by the
4 institution or, in the case of solely research faculty, not more
5 than 20 hours per week, performed by full-time employees in any
6 one month to institutions of higher education affiliated with
7 the State Employees' Retirement System:

8 (1) The employees of the hiring institution in which an
9 annuitant renders services who have selected representatives
10 to act in their interests through collective bargaining shall
11 authorize a permissive contract provision under the terms and
12 conditions of the employment clause before annuitants may
13 continue to receive their annuity as well as payment from the
14 institution.

15 (2) When employees of a hiring institution have not
16 selected representatives to bargain collectively in their
17 interests, annuitants may continue to receive their annuity
18 as well as payment from the institution.

19 (3) Annuitants shall be subject to all provisions of
20 labor contracts in effect at the time of their employment by
21 the hiring institution.

22 (4) Annuitants who return to service under this section
23 shall not have the right to elect membership in or to
24 recontribute to the retirement system.

25 (5) When in the judgment of the head of the institution
26 of higher education a manpower shortage creates an increase
27 in the workload resulting in serious impairment of service to
28 the public, an annuitant may, with the approval of the
29 Governor, be returned to State service without loss of
30 annuity and shall receive the pay for a period not to exceed

1 one-half of the instructional hours prescribed by the
2 institution or, in the case of research faculty, not more
3 than 20 hours per week. The head of the institution of higher
4 education shall certify to the Governor, on an annual basis,
5 whether a manpower shortage exists authorizing employment
6 under this option.

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