

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2043 Session of
2001

INTRODUCED BY NICKOL, COY AND GABIG, OCTOBER 17, 2001

REFERRED TO COMMITTEE ON STATE GOVERNMENT, OCTOBER 17, 2001

AN ACT

1 Amending Title 71 (State Government) of the Pennsylvania
2 Consolidated Statutes, further providing for membership and
3 credits in the State Employees' Retirement System.

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

6 Section 1. Section 5301(a) of Title 71 of the Pennsylvania
7 Consolidated Statutes is amended by adding a paragraph and the
8 section is amended by adding a subsection to read:

9 § 5301. Mandatory and optional membership.

10 (a) Mandatory membership.--Membership in the system shall be
11 mandatory as of the effective date of employment for all State
12 employees except the following:

13 * * *

14 (16) Employees of Shippensburg University of
15 Pennsylvania of the State System of Higher Education who are
16 transferred to the Juvenile Court Judges' Commission as a
17 result of an interagency transfer of staff approved by the
18 Office of Administration and who, while employees of

1 Shippensburg University of Pennsylvania, had elected
2 membership in an independent retirement program approved by
3 the employer. If an employee described in this paragraph
4 becomes a State employee with an employer other than the
5 Juvenile Court Judges' Commission, membership for that
6 employee shall be determined as otherwise provided for in
7 this part.

8 * * *

9 (f) Additional optional membership.--The State employees
10 listed in subsection (a)(16) shall have the right to elect
11 membership in the system. Once such election is exercised,
12 membership in the system shall continue until the termination of
13 State service. The election of membership in the system must be
14 made by the transferred employee filing written notice with the
15 board while a State employee no later than 90 days after the
16 transfer to Juvenile Court Judges' Commission employment. An
17 election of membership shall be effective when filed with the
18 board but shall not be effective before the date of transfer to
19 Juvenile Court Judges' Commission employment. If a State
20 employee does not elect membership in the system, then the State
21 employee shall remain a member of the independent retirement
22 program that the State employee was a member of while an
23 employee of Shippensburg University of Pennsylvania of the State
24 System of Higher Education until the State employee terminates
25 employment with the Juvenile Court Judges' Commission.

26 Section 2. Section 5303 of Title 71 is amended by adding a
27 subsection to read:

28 § 5303. Retention and reinstatement of service credits.

29 * * *

30 (g) Credit for employees of Juvenile Court Judges'

1 Commission.--An employee of the Juvenile Court Judges'
2 Commission who elects membership in the system under section
3 5301(f) shall receive credited service under section 5302(a)
4 (relating to credited State service) for State service performed
5 on or after the effective date of the election, but shall be
6 prohibited from receiving credited service for State service
7 before the election of membership in the system and while a
8 member of an alternate retirement system approved by an
9 employer. The failure of an employee to elect membership in the
10 system within the election period set forth in section 5301(f)
11 shall result in the employee's State service while a member of
12 an alternate retirement system as an employee of the Juvenile
13 Court Judges' Commission not being creditable State service
14 should the employee obtain other State employment eligible for
15 membership in the system or employment eligible for membership
16 in the Public School Employees' Retirement System.

17 Section 3. The provisions of 71 Pa.C.S. Pt. XXV (relating to
18 section 415(b) of the Internal Revenue Code of 1986 (Public Law
19 99-514, 26 U.S.C. § 415(b)) shall be applicable to employees of
20 Shippensburg University of Pennsylvania of the State System of
21 Higher Education who are transferred to the Juvenile Court
22 Judges' Commission as a result of an interagency transfer to
23 staff approved by the Office of Administration and who while
24 employees of Shippensburg University had elected membership in
25 an independent retirement program approved by the employer
26 notwithstanding the fact that such employees may have been
27 employees of Shippensburg University before May 17, 2001.

28 Section 4. This act shall take effect immediately.