

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2897

 Session of 2006

INTRODUCED BY BENNINGHOFF, ARGALL, BEYER, CALTAGIRONE, CAPPELLI, CIVERA, CLYMER, CRAHALLA, DALEY, DALLY, DENLINGER, FLAHERTY, GEIST, GOODMAN, HANNA, KOTIK, MARKOSEK, TIGUE, VEON, WILT, YOUNGBLOOD, HUTCHINSON, GINGRICH, HARPER, JAMES, HARRIS, FAIRCHILD AND MELIO, AUGUST 21, 2006

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES, OCTOBER 23, 2006

AN ACT

1 Amending Title 71 (State Government) of the Pennsylvania
2 Consolidated Statutes, further providing for credited State
3 service AND FOR CLASSES OF SERVICE. <—

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

6 ~~Section 1. Section 5302(b)(2) of Title 71 of the~~ <—
7 ~~Pennsylvania Consolidated Statutes is amended to read:~~

8 SECTION 1. SECTIONS 5302(B)(2) AND 5306(B) OF TITLE 71 OF <—
9 THE PENNSYLVANIA CONSOLIDATED STATUTES ARE AMENDED TO READ:

10 § 5302. Credited State service.

11 * * *

12 (b) Creditable leaves of absence.--

13 * * *

14 ~~(2) An active member on paid leave granted by an~~ <—
15 ~~employer for purposes of serving as an [elected full time]~~
16 ~~appointed or elected full time official or officer for a~~

1 ~~Statewide employee organization which is a collective~~
2 ~~bargaining representative under the act of June 24, 1968~~
3 ~~(P.L.237, No.111), referred to as the Policemen and Firemen~~
4 ~~Collective Bargaining Act, or the act of July 23, 1970~~
5 ~~(P.L.563, No.195), known as the Public Employe Relations Act:~~
6 ~~Provided, That such leave shall not be for more than three~~
7 ~~consecutive terms of the same office; that the employer shall~~
8 ~~fully compensate the member, including, but not limited to,~~
9 ~~salary, wages, pension and retirement contributions and~~
10 ~~benefits, other benefits and seniority, as if he were in~~
11 ~~full time active service; and that the Statewide employee~~
12 ~~organization shall fully reimburse the employer for all~~
13 ~~expenses and costs of such paid leave, including, but not~~
14 ~~limited to, contributions and payment in accordance with~~
15 ~~sections 5501, 5505.1 and 5507, if the employee organization~~
16 ~~either directly pays, or reimburses the Commonwealth or other~~
17 ~~employer for, contributions made in accordance with section~~
18 ~~5507.~~

19 ~~* * *~~

20 ~~Section 2. This act shall take effect in 60 days.~~

21 (2) AN ACTIVE MEMBER ON PAID LEAVE GRANTED BY AN
22 EMPLOYER FOR PURPOSES OF SERVING AS AN ELECTED FULL-TIME
23 OFFICER FOR A STATEWIDE EMPLOYEE ORGANIZATION WHICH IS A
24 COLLECTIVE BARGAINING REPRESENTATIVE UNDER THE ACT OF JUNE
25 24, 1968 (P.L.237, NO.111), REFERRED TO AS THE POLICEMEN AND
26 FIREMEN COLLECTIVE BARGAINING ACT, OR THE ACT OF JULY 23,
27 1970 (P.L.563, NO.195), KNOWN AS THE PUBLIC EMPLOYE RELATIONS
28 ACT, AND UP TO 14 FULL-TIME BUSINESS AGENTS APPOINTED BY AN
29 EMPLOYEE ORGANIZATION THAT REPRESENTS CORRECTION OFFICERS
30 EMPLOYED AT STATE CORRECTIONAL INSTITUTIONS: PROVIDED, THAT

<—

1 FOR ELECTED FULL-TIME OFFICERS SUCH LEAVE SHALL NOT BE FOR
2 MORE THAN THREE CONSECUTIVE TERMS OF THE SAME OFFICE AND FOR
3 UP TO 14 FULL-TIME BUSINESS AGENTS APPOINTED BY AN EMPLOYEE
4 ORGANIZATION THAT REPRESENTS CORRECTION OFFICERS EMPLOYED AT
5 STATE CORRECTIONAL INSTITUTIONS NO MORE THAN THREE
6 CONSECUTIVE TERMS OF THE SAME OFFICE; THAT THE EMPLOYER SHALL
7 FULLY COMPENSATE THE MEMBER, INCLUDING, BUT NOT LIMITED TO,
8 SALARY, WAGES, PENSION AND RETIREMENT CONTRIBUTIONS AND
9 BENEFITS, OTHER BENEFITS AND SENIORITY, AS IF HE WERE IN
10 FULL-TIME ACTIVE SERVICE; AND THAT THE STATEWIDE EMPLOYEE
11 ORGANIZATION SHALL FULLY REIMBURSE THE EMPLOYER FOR ALL
12 EXPENSES AND COSTS OF SUCH PAID LEAVE, INCLUDING, BUT NOT
13 LIMITED TO, CONTRIBUTIONS AND PAYMENT IN ACCORDANCE WITH
14 SECTIONS 5501, 5505.1 AND 5507, IF THE EMPLOYEE ORGANIZATION
15 EITHER DIRECTLY PAYS, OR REIMBURSES THE COMMONWEALTH OR OTHER
16 EMPLOYER FOR, CONTRIBUTIONS MADE IN ACCORDANCE WITH SECTION
17 5507.

18 * * *

19 § 5306. CLASSES OF SERVICE.

20 * * *

21 (B) OTHER CLASS MEMBERSHIP.--

22 (1) A STATE EMPLOYEE WHO IS A MEMBER OF A CLASS OF
23 SERVICE OTHER THAN CLASS A ON THE EFFECTIVE DATE OF THIS PART
24 SHALL RETAIN HIS MEMBERSHIP IN THAT CLASS UNTIL SUCH SERVICE
25 IS DISCONTINUED; ANY SERVICE THEREAFTER SHALL BE CREDITED AS
26 CLASS A SERVICE, CLASS AA SERVICE OR CLASS D-4 SERVICE AS
27 PROVIDED FOR IN THIS SECTION.

28 (2) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION,
29 A STATE EMPLOYEE WHO IS APPOINTED BAIL COMMISSIONER OF THE
30 PHILADELPHIA MUNICIPAL COURT UNDER 42 PA.C.S. § 1123(A)(5)

1 (RELATING TO JURISDICTION AND VENUE) MAY, WITHIN 30 DAYS OF
2 THE EFFECTIVE DATE OF THIS SENTENCE OR WITHIN 30 DAYS OF HIS
3 INITIAL APPOINTMENT AS A BAIL COMMISSIONER, WHICHEVER IS
4 LATER, ELECT CLASS E-2 SERVICE CREDIT FOR SERVICE PERFORMED
5 AS A BAIL COMMISSIONER [AFTER THE EFFECTIVE DATE OF THIS
6 SENTENCE]. THIS CLASS OF SERVICE MULTIPLIER FOR E-2 SERVICE
7 AS A BAIL COMMISSIONER SHALL BE 1.5.

8 * * *

9 SECTION 2. THE AMENDMENT OF 71 PA.C.S. § 5302(B)(2), INsofar
10 AS IT RELATES TO BUSINESS AGENTS APPOINTED BY AN EMPLOYEE
11 ORGANIZATION REPRESENTING CORRECTION OFFICERS AT STATE
12 CORRECTIONAL INSTITUTIONS, SHALL APPLY ONLY TO LEAVES OF ABSENCE
13 APPROVED AFTER DECEMBER 31, 2006, FOR ACTIVE MEMBERS WHO ARE
14 APPOINTED AS THE BUSINESS AGENTS IDENTIFIED IN SECTION
15 5302(B)(2).

16 SECTION 3. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE
17 LIABILITY FOR ANY ADDITIONAL BENEFITS ESTABLISHED BY THE
18 AMENDMENT OF 71 PA.C.S. § 5306(B) SHALL BE FUNDED IN EQUAL
19 DOLLAR ANNUAL PAYMENTS OVER A PERIOD OF TEN YEARS COMMENCING
20 JULY 1, 2007.

21 SECTION 4. THE AMENDMENT OF 71 PA.C.S. § 5306(B) SHALL APPLY
22 RETROACTIVELY TO JANUARY 26, 2004.

23 SECTION 5. THIS ACT SHALL TAKE EFFECT JANUARY 1, 2007.