
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1285 Session of
2006

INTRODUCED BY WOZNIAK, COSTA, RAFFERTY, MUSTO, LOGAN, CORMAN,
FONTANA, STOUT, TARTAGLIONE, MELLOW, GORDNER, O'PAKE,
RHOADES, REGOLA, ROBBINS AND DINNIMAN, JULY 13, 2006

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
NOVEMBER 15, 2006

AN ACT

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

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

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

9 SECTION 1. SECTIONS 5302(B)(2), 5306(B) AND 5902(A) OF TITLE <—
10 71 OF THE PENNSYLVANIA CONSOLIDATED STATUTES ARE AMENDED TO
11 READ:

12 § 5302. Credited State service.

13 * * *

14 (b) Creditable leaves of absence.--

15 * * *

16 (2) An active member on paid leave granted by an
17 employer for purposes of serving as an elected full-time

1 officer for a Statewide employee organization which is a
2 collective bargaining representative under the act of June
3 24, 1968 (P.L.237, No.111), referred to as the Policemen and
4 Firemen Collective Bargaining Act, or the act of July 23,
5 1970 (P.L.563, No.195), known as the Public Employe Relations
6 Act, and up to 14 full-time business agents appointed by an
7 employee organization that represents correction officers
8 employed at State correctional institutions: Provided, That
9 for elected full-time officers such leave shall not be for
10 more than three consecutive terms of the same office and for
11 up to 14 full-time business agents appointed by an employee
12 organization that represents correction officers employed at
13 State correctional institutions no more than three
14 consecutive terms of the same office; that the employer shall
15 fully compensate the member, including, but not limited to,
16 salary, wages, pension and retirement contributions and
17 benefits, other benefits and seniority, as if he were in
18 full-time active service; and that the Statewide employee
19 organization shall fully reimburse the employer for all
20 expenses and costs of such paid leave, including, but not
21 limited to, contributions and payment in accordance with
22 sections 5501, 5505.1 and 5507, if the employee organization
23 either directly pays, or reimburses the Commonwealth or other
24 employer for, contributions made in accordance with section
25 5507.

26 * * *

27 § 5306. CLASSES OF SERVICE. ←

28 * * *

29 (B) OTHER CLASS MEMBERSHIP.--

30 (1) A STATE EMPLOYEE WHO IS A MEMBER OF A CLASS OF

1 SERVICE OTHER THAN CLASS A ON THE EFFECTIVE DATE OF THIS PART
2 SHALL RETAIN HIS MEMBERSHIP IN THAT CLASS UNTIL SUCH SERVICE
3 IS DISCONTINUED; ANY SERVICE THEREAFTER SHALL BE CREDITED AS
4 CLASS A SERVICE, CLASS AA SERVICE OR CLASS D-4 SERVICE AS
5 PROVIDED FOR IN THIS SECTION.

6 (2) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION,
7 A STATE EMPLOYEE WHO IS APPOINTED BAIL COMMISSIONER OF THE
8 PHILADELPHIA MUNICIPAL COURT UNDER 42 PA.C.S. § 1123(A)(5)
9 (RELATING TO JURISDICTION AND VENUE) MAY, WITHIN 30 DAYS OF
10 THE EFFECTIVE DATE OF THIS SENTENCE OR WITHIN 30 DAYS OF HIS
11 INITIAL APPOINTMENT AS A BAIL COMMISSIONER, WHICHEVER IS
12 LATER, ELECT CLASS E-2 SERVICE CREDIT FOR SERVICE PERFORMED
13 AS A BAIL COMMISSIONER [AFTER THE EFFECTIVE DATE OF THIS
14 SENTENCE]. THIS CLASS OF SERVICE MULTIPLIER FOR E-2 SERVICE
15 AS A BAIL COMMISSIONER SHALL BE 1.5.

16 * * *

17 § 5902. ADMINISTRATIVE DUTIES OF THE BOARD.

18 (A) EMPLOYEES.--

19 (1) [EFFECTIVE 30 DAYS AFTER THE EFFECTIVE DATE OF THIS
20 PARAGRAPH, THE] THE POSITIONS OF THE SECRETARY, ASSISTANT
21 [SECRETARY] SECRETARIES AND INVESTMENT [PROFESSIONAL]
22 PROFESSIONALS SHALL BE PLACED UNDER THE UNCLASSIFIED SERVICE
23 PROVISIONS OF THE ACT OF AUGUST 5, 1941 (P.L.752, NO.286),
24 KNOWN AS THE CIVIL SERVICE ACT, AS THOSE POSITIONS ARE
25 VACATED OR CREATED. ALL OTHER POSITIONS OF THE BOARD SHALL BE
26 PLACED IN EITHER THE CLASSIFIED OR UNCLASSIFIED SERVICE
27 ACCORDING TO THE DEFINITION OF THE TERMS UNDER THE CIVIL
28 SERVICE ACT.

29 (2) NOTWITHSTANDING ANY OTHER PROVISIONS OF LAW, THE
30 COMPENSATION OF THE SECRETARY, ASSISTANT SECRETARIES AND

1 INVESTMENT PROFESSIONALS SHALL BE ESTABLISHED BY THE BOARD.
2 THE COMPENSATION OF ALL OTHER OFFICERS AND EMPLOYEES OF THE
3 BOARD WHO ARE NOT COVERED BY A COLLECTIVE BARGAINING
4 AGREEMENT SHALL BE ESTABLISHED BY THE BOARD CONSISTENT WITH
5 THE STANDARDS OF COMPENSATION ESTABLISHED BY THE EXECUTIVE
6 BOARD OF THE COMMONWEALTH.

7 * * *

8 ~~Section 2. The amendment of 71 Pa.C.S. § 5302(b)(2),~~ <—

9 SECTION 2. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE <—
10 LIABILITY FOR ANY ADDITIONAL BENEFITS ESTABLISHED BY THE
11 AMENDMENT OF 71 PA.C.S. § 5306(B) SHALL BE FUNDED IN EQUAL
12 DOLLAR ANNUAL PAYMENTS OVER A PERIOD OF TEN YEARS COMMENCING
13 JULY 1, 2007.

14 SECTION 3. THIS ACT SHALL APPLY AS FOLLOWS:

15 (1) THE AMENDMENT OF 71 PA.C.S. § 5302(B)(2), insofar as
16 it relates to business agents appointed by an employee
17 organization representing correction officers at State
18 correctional institutions, shall apply only to leaves of
19 absence approved after December 31, 2006, for active members
20 who are appointed as the business agents identified in
21 section 5302(b)(2).

22 (2) THE AMENDMENT OF 71 PA.C.S. § 5306(B) SHALL APPLY <—
23 RETROACTIVELY TO JANUARY 26, 2004.

24 ~~Section 3. This act shall take effect January 1, 2007.~~ <—

25 SECTION 4. THIS ACT SHALL TAKE EFFECT AS FOLLOWS: <—

26 (1) THE AMENDMENT OF 71 PA.C.S. § 5902(A) SHALL TAKE
27 EFFECT IN 30 DAYS.

28 (2) THE FOLLOWING PROVISIONS SHALL TAKE EFFECT JANUARY
29 1, 2007:

30 (I) THE AMENDMENT OF 71 PA.C.S. § 5302(B)(2).

1 (II) SECTION 3(2) OF THIS ACT.

2 (3) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT

3 IMMEDIATELY.