

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 144 Session of
2007

INTRODUCED BY BAKER, CLYMER, CAUSER, CAPPELLI, BEYER,
CALTAGIRONE, FABRIZIO, FREEMAN, GEIST, GOODMAN, HALUSKA,
HARPER, HERSHEY, JAMES, M. KELLER, LEVDANSKY, MELIO, MURT,
PHILLIPS, READSHAW, SIPTROTH, STAIRS, STERN, WALKO,
YOUNGBLOOD, PETRARCA AND PEIFER, JANUARY 31, 2007

AS REPORTED FROM COMMITTEE ON STATE GOVERNMENT, HOUSE OF
REPRESENTATIVES, AS AMENDED, MARCH 20, 2007

AN ACT

1 Amending Titles 24 (Education) and 71 (State Government) of the
2 Pennsylvania Consolidated Statutes, further providing for
3 creditable nonschool service ~~and~~, creditable nonstate service <—
4 for service performed as a crewleader with the Pennsylvania
5 Conservation Corps AND MANDATORY AND OPTIONAL MEMBERSHIP. <—

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

8 Section 1. Section 8304(b) of Title 24 of the Pennsylvania
9 Consolidated Statutes is amended by adding a paragraph to read:

10 § 8304. Creditable nonschool service.

11 * * *

12 (b) Limitations on nonschool service.--Creditable nonschool
13 service credit shall be limited to:

14 * * *

15 (9) Service as a crewleader prior to January 1, 2008,
16 with the Pennsylvania Conservation Corps, not to exceed a
17 total of five years. In order to elect to purchase the

1 service credit, an active member must file an application
2 with the board no later than three years after the effective
3 date of this subsection or three years after subsequent entry
4 into school service, whichever occurs last. The Department of
5 Labor and Industry may charge an applicant a fee necessary to
6 cover the administrative costs incurred in verifying the
7 applicant's eligibility for the purchase of service.

8 * * *

9 Section 2. Section 8324 of Title 24 is amended by adding a
10 subsection to read:

11 § 8324. Contributions for purchase of credit for creditable
12 nonschool service.

13 * * *

14 (g) Creditable service as a crewleader with the Pennsylvania
15 Conservation Corps.--Contributions on account of T-C credit for
16 creditable service as a crewleader with the Pennsylvania
17 Conservation Corps pursuant to section 8304(b)(9) shall be the
18 present value of the full actuarial cost of the increase in the
19 projected superannuation annuity caused by the additional
20 service credited on account of the purchase of service as a
21 crewleader with the Pennsylvania Conservation Corps. The amount
22 paid for the purchase of credit for service as a crewleader with
23 the Pennsylvania Conservation Corps shall not be payable as a
24 lump sum under section 8345(a)(4)(iii).

25 ~~Section 3. Section 5304(c) of Title 71 is amended to read:~~ <—

26 SECTION 3. SECTION 5301 OF TITLE 71 IS AMENDED BY ADDING A <—
27 SUBSECTION TO READ:

28 § 5301. MANDATORY AND OPTIONAL MEMBERSHIP.

29 * * *

30 (G) FURTHER ADDITIONAL OPTIONAL MEMBERSHIP.--BEGINNING

1 JANUARY 1, 2008, INDIVIDUALS EMPLOYED AS CREWLEADERS OF THE
2 PENNSYLVANIA CONSERVATION CORPS, PURSUANT TO THE ACT OF JULY 2,
3 1984 (P.L.561, NO.112), KNOWN AS THE PENNSYLVANIA CONSERVATION
4 CORPS ACT, SHALL HAVE THE OPTION TO ELECT MEMBERSHIP IN THE
5 SYSTEM. THE ELECTION OF MEMBERSHIP IN THE SYSTEM SHALL BE
6 IRREVOCABLE AND SHALL BE MADE BY FILING WRITTEN NOTICE WITH THE
7 EMPLOYER NO LATER THAN 90 DAYS FOLLOWING THE EFFECTIVE DATE OF
8 THIS SUBSECTION OR NO LATER THAN 90 DAYS FOLLOWING THE EFFECTIVE
9 DATE OF EMPLOYMENT IN THE CASE OF A NEWLY HIRED EMPLOYEE. UPON
10 RECEIPT OF THE ELECTION, THE EMPLOYER SHALL CERTIFY THE ELECTION
11 TO THE BOARD. EMPLOYEES WHO ELECT MEMBERSHIP IN THE SYSTEM UNDER
12 THIS SUBSECTION SHALL REMAIN MEMBERS OF THE SYSTEM UNTIL THE
13 EFFECTIVE DATE OF TERMINATION AS A CREWLEADER. AN EMPLOYEE
14 DESCRIBED IN THIS SUBSECTION WHO FAILS TO TIMELY ELECT
15 MEMBERSHIP IN THE SYSTEM SHALL BE PROHIBITED FROM ELECTING
16 MEMBERSHIP IN THE SYSTEM FOR THE DURATION OF EMPLOYMENT WITH THE
17 PENNSYLVANIA CONSERVATION CORPS. IF AN EMPLOYEE DESCRIBED IN
18 THIS SUBSECTION TERMINATES SERVICE AND BECOMES A STATE EMPLOYEE
19 WITH AN EMPLOYER OTHER THAN THE PENNSYLVANIA CONSERVATION CORPS,
20 THEN MEMBERSHIP FOR THAT EMPLOYEE SHALL BE DETERMINED AS
21 OTHERWISE PROVIDED FOR IN THIS SECTION.

22 SECTION 4. SECTION 5304(C) OF TITLE 71 IS AMENDED TO READ:

23 § 5304. Creditable nonstate service.

24 * * *

25 (c) Limitations on nonstate service.--Creditable nonstate
26 service credit shall be limited to:

27 (1) [intervening] Intervening military service[;].

28 (2) [military] Military service other than intervening
29 military service and military service purchasable under
30 section 5302(d) (relating to credited State service) not

1 exceeding five years, provided that a member with multiple
2 service may not purchase more than a total of five years of
3 military service in both the system and the Public School
4 Employees' Retirement System[;].

5 (3) [in] In the case of an academic administrator,
6 teacher or instructor employed in the Department of
7 Education, the State System of Higher Education, any State-
8 owned educational institution or The Pennsylvania State
9 University, provided that the total amount of service
10 creditable under this paragraph shall not exceed the lesser
11 of ten years or the number of years of active membership in
12 the system as an academic administrator, teacher or
13 instructor in the Department of Education, State System of
14 Higher Education, any State-owned educational institution or
15 The Pennsylvania State University:

16 (i) nonstudent service as an academic administrator,
17 teacher or instructor in any public school or public
18 educational institution in any state other than this
19 Commonwealth; or

20 (ii) nonstudent service as an academic
21 administrator, teacher or instructor in the field of
22 education for any agency or department of the Federal
23 Government, whether or not such area was under the
24 jurisdiction of the United States[;].

25 (4) [previous] Previous service with a governmental
26 agency other than the Commonwealth which employment with said
27 agency was terminated because of the transfer by statute of
28 the administration of such service or of the entire agency to
29 the Commonwealth[;].

30 (5) [service] Service as a temporary Federal employee

1 assigned to an air quality control complement for the
2 Pennsylvania Department of Environmental Resources at any
3 time during the period of 1970 through 1975. This service
4 time may be purchased only if the member makes an election to
5 purchase within one year of the effective date of this
6 paragraph, and the member shall pay an amount which is equal
7 to the full actuarial cost of the increased benefit obtained
8 by virtue of the purchase as provided in section 5505(f)[;].

9 (6) [service] Service in the Cadet Nurse Corps with
10 respect to any period of training as a student or graduate
11 nurse under a plan approved under section 2 of the act of
12 June 15, 1943 (Public Law 78-73, 57 Stat. 153), if the total
13 period of training under such plan was at least two years,
14 the credit for such service not to exceed three years[;].

15 (7) [service] Service prior to July 1, 1971, at a
16 community college established under the act of August 24,
17 1963 (P.L.1132, No.484), known as the Community College Act
18 of 1963[; or].

19 (8) [service] Service as a justice of the peace prior to
20 January 1970.

21 (9) Service as a crewleader prior to January 1, 2008,
22 with the Pennsylvania Conservation Corps, not to exceed a
23 total of five years. In order to elect to purchase the
24 service credit, an active member must file an application
25 with the board no later than three years after the effective
26 date of this subsection or three years after subsequent entry
27 into State service, whichever occurs last. The Department of
28 Labor and Industry may charge an applicant a fee necessary to
29 cover the administrative costs incurred in verifying the
30 applicant's eligibility for the purchase of service.

1 * * *

2 Section 4 5. Section 5505 of Title 71 is amended by adding a <—
3 subsection to read:

4 § 5505. Contributions for the purchase of credit for creditable
5 nonstate service.

6 * * *

7 (i) Creditable service as a crewleader with the Pennsylvania
8 Conservation Corps.--Contributions on account of Class A credit
9 for creditable service as a crewleader with the Pennsylvania
10 Conservation Corps pursuant to section 5304(g) shall be the
11 present value of the full actuarial cost of the increase in the
12 projected superannuation annuity caused by the additional
13 service credited on account of the purchase of service as a
14 crewleader with the Pennsylvania Conservation Corps. The amount
15 paid for the purchase of credit for service as a crewleader with
16 the Pennsylvania Conservation Corps shall not be payable as a
17 lump sum under section 5705(a)(4)(iii) (relating to member's
18 options).

19 Section 5 6. This act shall take effect in 60 days. <—