

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1479 Session of
2009

INTRODUCED BY MANN, BISHOP, BRADFORD, DONATUCCI, FRANKEL,
GEORGE, GRUCELA, HARHAI, HESS, HUTCHINSON, KAUFFMAN,
KIRKLAND, KOTIK, KULA, LONGIETTI, MAHONEY, MILLER, MURPHY,
MURT, PHILLIPS, PYLE, READSHAW, SCAVELLO, SEIP, SIPTROTH,
SWANGER, TALLMAN, WHEATLEY, CONKLIN, RAPP AND YOUNGBLOOD,
MAY 12, 2009

REFERRED TO COMMITTEE ON FINANCE, MAY 12, 2009

AN ACT

1 Amending Titles 24 (Education) and 71 (State Government) of the
2 Pennsylvania Consolidated Statutes, further providing for
3 creditable nonschool service, for contributions for purchase
4 of credit for creditable nonschool service, for creditable
5 nonstate service and for contributions for the purchase of
6 credit for creditable nonstate service.

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

9 Section 1. Sections 8304(a) and 8324(b) of Title 24 of the
10 Pennsylvania Consolidated Statutes are amended to read:

11 § 8304. Creditable nonschool service.

12 (a) Eligibility.--An active member or a multiple service
13 member who is an active member of the State Employees'
14 Retirement System shall be eligible to receive Class T-C service
15 credit for creditable nonschool service [and], Class T-D service
16 for intervening military service and military service described
17 in subsection(b)(2), provided the member becomes a Class T-D
18 member pursuant to section 8305.1 (relating to election to

1 become a Class T-D member) or 8305 (relating to classes of
2 service), as set forth in subsection (b) provided that he is not
3 entitled to receive, eligible to receive now or in the future,
4 or is receiving retirement benefits for such service under a
5 retirement system administered and wholly or partially paid for
6 by any other governmental agency or by any private employer, or
7 a retirement program approved by the employer in accordance with
8 section 8301(a)(1) (relating to mandatory and optional
9 membership), and further provided that such service is certified
10 by the previous employer and the manner of payment of the amount
11 due is agreed upon by the member, the employer, and the board.

12 * * *

13 § 8324. Contributions for purchase of credit for creditable
14 nonschool service.

15 * * *

16 (b) Nonintervening military service.--The amount due for the
17 purchase of credit for military service other than intervening
18 military service shall be determined by applying the member's
19 basic contribution rate plus the normal contribution rate as
20 provided in section 8328 (relating to actuarial cost method) at
21 the time of entry of the member into school service subsequent
22 to such military service to one-third of his total compensation
23 received during the first three years of such subsequent
24 credited school service and multiplying the product by the
25 number of years and fractional part of a year of creditable
26 nonintervening military service being purchased together with
27 statutory interest during all periods of subsequent school and
28 State service to date of purchase. Upon certification of the
29 amount due, payment may be made in a lump sum within 90 days or
30 in the case of an active member or an eligible State employee

1 who is an active member of the State Employees' Retirement
2 System it may be amortized with statutory interest through
3 salary deductions in amounts agreed upon by the member and the
4 board. The salary deduction amortization plans agreed to by
5 members and the board may include a deferral of payment amounts
6 and statutory interest until the termination of school service
7 or State service as the board in its sole discretion decides to
8 allow. The board may limit salary deduction amortization plans
9 to such terms as the board in its sole discretion determines. In
10 the case of an eligible State employee who is an active member
11 of the State Employees' Retirement System, the agreed upon
12 salary deductions shall be remitted to the State Employees'
13 Retirement Board, which shall certify and transfer to the board
14 the amounts paid. Application may be filed for all such military
15 service credit upon completion of three years of subsequent
16 credited school service and shall be credited as Class [T-C] T-D
17 service.

18 * * *

19 Section 2. Sections 5304(a) and 5505(b)(1) of Title 71 are
20 amended to read:

21 § 5304. Creditable nonstate service.

22 (a) Eligibility.--An active member or a multiple service
23 member who is a school employee and an active member of the
24 Public School Employees' Retirement System shall be eligible for
25 Class A service credit for creditable nonstate service as set
26 forth in subsections (b) and (c) except that intervening
27 military service and military service as set forth in subsection
28 (c)(2) shall be credited [in the class of service for which the
29 member was eligible at the time of entering into military
30 service and for which he] as Class AA service, provided that the

1 member makes the required contributions and except that a
2 multiple service member who is a school employee and an active
3 member of the Public School Employees' Retirement System shall
4 not be eligible to purchase service credit for creditable
5 nonstate service set forth in subsection (c) (5).

6 * * *

7 § 5505. Contributions for the purchase of credit for creditable
8 nonstate service.

9 * * *

10 (b) Nonintervening military service.--

11 (1) The amount due for the purchase of credit for
12 military service other than intervening military service
13 shall be determined by applying the member's basic
14 contribution rate, the additional contribution rate plus the
15 Commonwealth normal contribution rate for active members at
16 the time of entry, subsequent to such military service, of
17 the member into State service to his average annual rate of
18 compensation over the first three years of such subsequent
19 State service and multiplying the result by the number of
20 years and fractional part of a year of creditable
21 nonintervening military service being purchased together with
22 statutory interest during all periods of subsequent State and
23 school service to date of purchase. Upon application for
24 credit for such service, payment shall be made in a lump sum
25 within 30 days or in the case of an active member or eligible
26 school employee who is an active member of the Public School
27 Employees' Retirement System it may be amortized with
28 statutory interest through salary deductions in amounts
29 agreed upon by the member and the board. The salary deduction
30 amortization plans agreed to by members and the board may

1 include a deferral of payment amounts and statutory interest
2 until the termination of school service or State service as
3 the board in its sole discretion decides to allow. The board
4 may limit salary deduction amortization plans to such terms
5 as the board in its sole discretion determines. In the case
6 of an eligible school employee who is an active member of the
7 Public School Employees' Retirement System, the agreed upon
8 salary deductions shall be remitted to the Public School
9 Employees' Retirement Board, which shall certify and transfer
10 to the board the amounts paid. Application may be filed for
11 all such military service credit upon completion of three
12 years of subsequent State service and shall be credited as
13 Class [A] AA service.

14 * * *

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