

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 798 Session of 2013

INTRODUCED BY BROWNE, FARNESE, TEPLITZ, STACK, FONTANA,
WASHINGTON, YUDICHAK, ERICKSON, MENSCH, VANCE, WHITE, FERLO,
RAFFERTY, TARTAGLIONE AND WOZNIAK, APRIL 1, 2013

REFERRED TO FINANCE, APRIL 1, 2013

AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An
2 act relating to the public school system, including certain
3 provisions applicable as well to private and parochial
4 schools; amending, revising, consolidating and changing the
5 laws relating thereto," further providing for rights
6 preserved during leave of absence.

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

9 Section 1. Section 1178 of the act of March 10, 1949
10 (P.L.30, No.14), known as the Public School Code of 1949, is
11 amended by adding a subsection to read:

12 Section 1178. Rights Preserved During Leave of Absence.--* *

13 *

14 (e) Notwithstanding this section, for military service for
15 leaves granted on or after July 1, 2013, an employe who is an
16 active or inactive member of the Public School Employees'
17 Retirement System at the time he is granted a military leave
18 shall be entitled to receive credit in the Public School
19 Employees' Retirement System for the leave as provided in 24

1 Pa.C.S. Pt. IV (relating to retirement for school employees).

2 Section 2. The addition of section 1178(e) of the act shall
3 apply to leaves of absence or military leaves of absence that
4 are granted on or after the effective date of this section.

5 Section 3. The addition of section 1178(e) shall not:

6 (1) Create in any member of the Public School Employees'
7 Retirement System or in any other person claiming an interest
8 in the account of any member a contractual right, either
9 expressed or implied, in relation to requirements for
10 qualification of the Public School Employees' Retirement
11 System as a qualified pension plan under the Internal Revenue
12 Code of 1986 (Public Law 99-514, 26 U.S.C. § 1 et seq.).

13 (2) Establish compliance with or affect any construction
14 of:

15 (i) 38 U.S.C. Ch. 43, known as the Uniformed
16 Services Employment and Reemployment Rights Act.

17 (ii) 24 Pa.C.S. Pt. IV or any rules or regulations
18 adopted under 24 Pa.C.S. Pt. IV.

19 Section 4. This act shall take effect July 1, 2013, or
20 immediately, whichever is later.