
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 164 Session of
2017

INTRODUCED BY SACCONI, PHILLIPS-HILL, CHRISTIANA, TALLMAN,
JAMES, BLOOM, RYAN, KAUFFMAN, GROVE, ORTITAY, BARRAR,
A. HARRIS, MENTZER, B. MILLER, WARD, SAYLOR, FEE, STAATS,
METCALFE, DOWLING, IRVIN, GABLER AND MCGINNIS,
JANUARY 23, 2017

REFERRED TO COMMITTEE ON EDUCATION, JANUARY 23, 2017

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," in collective bargaining, further
6 providing for definitions and providing for union leave.

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

9 Section 1. Section 1101-A 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 definitions to read:

12 Section 1101-A. Definitions.--When used in this article, the
13 following words and phrases shall have the following meanings:

14 * * *

15 "Statewide employe organization" shall mean the Statewide
16 affiliated parent organization of an employe organization.

17 * * *

18 "Substitute" shall have the meaning given to it in section

1 1101.

2 "Union leave" shall mean any arrangement under which an
3 employe takes leave from employment with an employer for the
4 purpose of service with a Statewide employe organization or an
5 employe organization.

6 Section 2. The act is amended by adding a section to read:

7 Section 1173-A. Union Leave.--(a) Subject to subsection
8 (b), notwithstanding 24 Pa.C.S. § 8302 (relating to credited
9 school service) or any other provision of law, no collective
10 bargaining agreement or contract between an employe organization
11 and school district entered into, renewed or extended on or
12 after the effective date of this section may allow an employe to
13 take union leave from an employer.

14 (b) Notwithstanding subsection (a), the following shall
15 apply:

16 (1) Each Statewide employe organization may designate not
17 more than three (3) individuals throughout the Commonwealth at
18 any time who may take union leave, provided that each designated
19 individual may take union leave for a cumulative period of no
20 more than six (6) school years, subject to subsection (c).

21 (2) An employe who is not designated under paragraph (1) may
22 take union leave for no more than three (3) consecutive days
23 within any week and for a cumulative period of no more than
24 fifteen (15) days each school year, subject to subsection (c).

25 (c) When an employe is permitted to take union leave from an
26 employer pursuant to subsection (b) or pursuant to a collective
27 bargaining agreement or contract entered into prior to the
28 effective date of this section and remaining in effect on the
29 effective date of this section, the following shall apply,
30 except as prohibited by a collective bargaining agreement or

1 contract entered into prior to the effective date of this
2 section and remaining in effect on the effective date of this
3 section:

4 (1) The Statewide employe organization or employe
5 organization shall reimburse the employer for:

6 (i) Any monetary compensation or benefits accrued by an
7 employe during the period of union leave.

8 (ii) The services of any substitute engaged by the employer
9 to perform the duties of the employe during the period of union
10 leave.

11 (iii) Any contribution made by the employer on behalf of the
12 employe under 24 Pa.C.S. § 8327 (relating to payments by
13 employers) for the period of union leave with valuation
14 interest.

15 (iv) Any contribution made by the employer on behalf of the
16 employe under the Social Security Act (49 Stat. 620, 42 U.S.C. §
17 301 et seq.) for the period of union leave.

18 (2) No payments shall be made to the employer from funds
19 appropriated for payment of required contributions for public
20 school employes' retirement on behalf of the employe with
21 respect to the period of union leave, notwithstanding 24 Pa.C.S.
22 §§ 8326 (relating to contributions by the Commonwealth) and 8535
23 (relating to payments to school entities by Commonwealth).

24 (3) No payments shall be made to the employer from funds
25 appropriated for school employes' Social Security with respect
26 to the employe for the period of union leave, notwithstanding 24
27 Pa.C.S. § 8329 (relating to payments on account of social
28 security deductions from appropriations).

29 (d) No collective bargaining agreement or contract between
30 an employe organization and a school district entered into,

1 renewed or extended on or after the effective date of this
2 section shall contain provisions contrary to subsection (a), (b)
3 or (c).

4 Section 3. This act shall take effect immediately.