
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 538 Session of
2017

INTRODUCED BY WAGNER, SCARNATI, COSTA, RAFFERTY, ARGALL,
BOSCOLA, WARD, RESCHENTHALER, BARTOLOTTA AND BREWSTER,
APRIL 6, 2017

REFERRED TO LABOR AND INDUSTRY, APRIL 6, 2017

AN ACT

1 Amending Titles 24 (Education) and 71 (State Government) of the
2 Pennsylvania Consolidated Statutes, in retirement for school
3 employees, further providing for definitions; in retirement
4 for State employees and officers, further providing for
5 credited State service; and providing for benefits and rights
6 for State employees.

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

9 Section 1. The definition of "approved leave of absence" in
10 section 8102 of Title 24 of the Pennsylvania Consolidated
11 Statutes is amended and the section is amended by adding a
12 definition to read:

13 § 8102. Definitions.

14 The following words and phrases when used in this part shall
15 have, unless the context clearly indicates otherwise, the
16 meanings given to them in this section:

17 * * *

18 "Approved leave of absence." A leave of absence for
19 activated military service or which has been approved by the

1 employer for sabbatical leave, athletic leave of absence,
2 service as an exchange teacher, service with a collective
3 bargaining organization or professional study.

4 "Athletic leave of absence." Paid leave granted by an
5 employer to an employee chosen as a member of the official
6 United States delegation for athletic competition, as provided
7 for under Subdivision (f.1) of Article XI of the act of March
8 10, 1949 (P.L.30, No.14), known as the Public School Code of
9 1949.

10 * * *

11 Section 2. Section 5302(b) of Title 71 is amended by adding
12 a paragraph to read:

13 § 5302. Credited State service.

14 * * *

15 (b) Creditable leaves of absence.--

16 * * *

17 (3) A member on an athletic leave of absence under
18 section 7101 (relating to athletic leaves of absence) shall
19 be eligible for credit for such service.

20 * * *

21 Section 3. Title 71 is amended by adding a part to read:

22 PART XXX

23 BENEFITS AND RIGHTS FOR

24 STATE EMPLOYEES

25 Chapter

26 71. Leaves of Absence

27 CHAPTER 71

28 LEAVES OF ABSENCE

29 Sec.

30 7101. Athletic leaves of absence.

1 § 7101. Athletic leaves of absence.

2 (a) General rule.--A State employee who qualifies as a
3 member of a United States team shall be entitled to an athletic
4 leave of absence for the purpose of preparing for and engaging
5 in the competition. In no event shall the paid leave under this
6 section exceed the period of the official training and
7 competition combined or 90 calendar days a year, whichever is
8 less.

9 (b) Salary while on leave.--The employee on athletic leave
10 of absence shall receive the employee's regular salary during
11 the period the employee is on leave.

12 (c) Rights retained.--The following shall apply:

13 (1) Every employee, while on athletic leave of absence,
14 shall be considered to be in regular full-time daily
15 attendance in the position from which the leave was taken,
16 during the period of leave, for the purpose of determining
17 the employee's length of service and the right to receive
18 increments, as provided by law.

19 (2) Every employee on leave of absence shall continue
20 membership in the State Employees' Retirement System. The
21 Commonwealth or other State Employees' Retirement System
22 employer shall pay into the State Employees' Retirement Fund
23 on behalf of each employee on leave, in addition to the
24 contributions required by law to be made by the fund, the
25 full amount of the contribution required by law to be paid by
26 the employee, as though the employee were in regular full-
27 time daily attendance in the position from which the leave
28 was taken, so that the employee's retirement rights shall be
29 in no way affected by the leave of absence. The amount of the
30 contribution required to be paid by the employee shall be

1 deducted from any compensation payable to the employee while
2 on leave.

3 (d) Definitions.--As used in this section, the following
4 words and phrases shall have the meanings given to them in this
5 subsection unless the context clearly indicates otherwise:

6 "Member of a United States team." Any group leader, coach,
7 official, referee or athlete who comprises the official
8 delegation of the United States on a world championship team,
9 Pan American team or Olympic team in a sport sanctioned by the
10 International Olympic Committee.

11 Section 4. This act shall take effect in 60 days.