

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 99 Session of 2021

INTRODUCED BY D. MILLER, GALLOWAY, SANCHEZ, HOHENSTEIN AND NEILSON, JANUARY 11, 2021

REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, JANUARY 11, 2021

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 professional employes, further
 6 providing for transferred programs and classes.

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

9 Section 1. Section 1113 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 subsections to read:

12 Section 1113. Transferred Programs and Classes.--* * *

13 (b.3) (1) The following shall apply to professional
 14 employes and temporary professional employes of a school
 15 district in which the students assigned to a building or
 16 buildings have been reassigned to another school district due to
 17 the closing of a building or buildings:

18 (i) The school district in which a building is closing shall
 19 create a pool comprised of the professional employes and
 20 temporary professional employes who have received formal notice

1 of suspension as a result of the closure.

2 (ii) Employees in the pool created under subclause (i) shall
3 be offered employment by a school district that receives
4 students reassigned to it due to the closing of a building or
5 buildings in the sending school district whenever the receiving
6 school district has a vacancy for a position that an employe in
7 the pool is certified to fill, if no employe of the school
8 district in which the vacancy exists, including a suspended or
9 demoted employe, has a right to the vacancy under this act or
10 the collective bargaining unit of that school district.

11 (iii) No new employe shall be hired by a receiving school
12 district under this subsection until the position has been
13 offered, in order of seniority, to all properly certified
14 members of the pool created under subclause (i). Section 2110(b)
15 of this act shall not apply when there is a properly certified
16 member of the pool created under this subsection available for
17 appointment to the vacant position.

18 (2) Employes hired from the pool as provided under this
19 subsection shall be credited by the hiring school district for
20 all sick leave accumulated in the sending school district and
21 shall be credited for years of service in the sending school
22 district for purposes of salary scale placement, sabbatical
23 leave eligibility, suspension and realignment rights and
24 eligibility for retirement incentives or severance payments in
25 the hiring school district.

26 (b.4) (1) The following shall apply to school district
27 employes other than professional employes and temporary
28 professional employes and administrators of a school district in
29 which the students assigned to a building or buildings have been
30 reassigned to another school district due to the closing of a

1 building or buildings:

2 (i) The school district in which a building is closing shall
3 create a pool comprised of the employes who have received formal
4 notice of suspension as a result of the closure.

5 (ii) Employes in the pool created under subclause (i) shall
6 be offered employment by a school district that receives
7 students reassigned to it due to the closing of a building or
8 buildings in the sending school district whenever the receiving
9 school district has a vacancy for a position that an employe in
10 the pool is qualified to fill, if no employe of the school
11 district in which the vacancy exists, including a suspended or
12 demoted employe, has a right to the vacancy under this act or
13 the collective bargaining unit of that school district. A
14 qualified employe is one who has held the same position in
15 another school district or who reasonably demonstrates that the
16 employe satisfies the minimum requirements to perform the job.

17 (iii) No new employe shall be hired by a receiving school
18 district under this subsection until the position has been
19 offered, in order of seniority, to all qualified members of the
20 pool created under subclause (i).

21 (2) Employes hired from the pool as provided under this
22 subsection shall be credited by the hiring school district for
23 all leave accumulated in the sending school district and shall
24 be credited for years of service in the receiving school
25 district for purposes of wages and eligibility for retirement
26 incentives or severance payments in the hiring school district.

27 * * *

28 Section 2. This act shall take effect in 60 days.