

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL**No. 870** Session of
2011

INTRODUCED BY EICHELBERGER, PICCOLA, BAKER, BRUBAKER, FOLMER,
ALLOWAY, WAUGH, PILEGGI AND D. WHITE, MARCH 28, 2011

REFERRED TO EDUCATION, MARCH 28, 2011

AN ACT

Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An act relating to the public school system, including certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto," in professional employees, further providing for payment of salaries in cases of sickness, injury or death, for alternative payment plan, for persons entitled to leaves of absence, for salary while on leave and for Distinguished Educators Program.

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

Section 1. Section 1154 of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, amended May 24, 1951 (P.L.368, No.84), December 22, 1965 (P.L.1180, No.467) and August 18, 1971 (P.L.339, No.88), is amended to read:

Section 1154. [Payment of Salaries in Cases of Sickness, Injury or Death] Right to Accumulated Sick Leave.--(a) In any school year whenever a professional or temporary professional employe is prevented by illness or accidental injury from following his or her occupation, the school district shall pay to said employe for each day of absence the full salary to which

the employe may be entitled as if said employe were actually engaged in the performance of duty for a period of ten days. Any such unused leave shall be cumulative from year to year in the school district of current employment or its predecessors without limitation. All or any part of such accumulated unused leave may be taken with full pay in any one or more school years. No employe's salary shall be paid if the accidental injury is incurred while the employe is engaged in remunerative work unrelated to school duties.]

Whenever the boards of school directors of two or more school districts may establish any joint elementary public school, high school or department, or whenever two or more school districts shall merge or form a union school district or administrative unit in accordance with the provisions of sections 291, 292, 293, 294, 295, 296 and 297 of this act, the professional or temporary professional employes employed by the several boards of school directors establishing such joint school or department or merged or union school district or administrative unit shall be entitled to the sick leave accumulated in the individual school districts subsequently establishing such joint school or department or merged or union school district or administrative unit.

[Professional and temporary professional employes who sever their employment with one school district and enter into employment with another school district shall be entitled to all accumulated leave not exceeding a maximum of twenty-five (25) working days acquired during their employment in the school districts of the Commonwealth.

The board of school directors may require the employe to furnish a certificate from a physician or other practitioner

certifying that said employe was unable to perform his or her duties during the period of absence for which compensation is required to be paid under this section.

The board of school directors of each school district shall maintain and supply annually to each professional and temporary professional employe a copy of a cumulative record of sick leave credited to and used by such professional or temporary professional employe. In any case involving a dispute over the amount of accumulated sick leave, a professional or temporary professional employe shall have a right of appeal to the Secretary of Education pursuant to such rules and regulations as he may establish.

(b) Whenever a professional or temporary professional employe shall be absent from duty because of a death in the immediate family of said employe, there shall be no deduction in salary of said employe for an absence not in excess of three school days. The board of school directors may extend the period of absence with pay in its discretion as the exigencies of the case may warrant. Members of the immediate family shall be defined as father, mother, brother, sister, son, daughter, husband, wife, parent-in-law or near relative who resides in the same household, or any person with whom the employe has made his home.

(c) Whenever a professional or temporary professional employe is absent because of the death of a near relative, there shall be no deduction in the salary of said employe for absence on the day of the funeral. The board of school directors may extend the period of absence with pay in its discretion as the exigencies of the case may warrant. A near relative shall be defined as a first cousin, grandfather, grandmother, aunt,

uncle, niece, nephew, son-in-law, daughter-in-law, brother-in-law or sister-in-law.

(d) All compensation required to be paid under the provisions of this act shall be paid to the employe in the same manner and at the same time said employe would have received his salary if actually engaged in the performance of his duties.

(e) Any board of school directors may adopt rules or regulations pertaining to the payment of salaries of employes when absent from duty, extending the period of leave with or without pay in excess of that herein provided, or authorizing leaves with pay for other purposes. This act is not intended to repeal any rule or regulation of any board of school directors now in effect which does provide for such additional compensation or additional period of leave with pay.]

Section 2. Section 1154.1 of the act, reenacted and amended April 4, 1984 (P.L.190, No.38), is repealed:

[Section 1154.1. Alternative Payment Plan.--(a) In any school year whenever a professional, temporary professional or nonprofessional employe is prevented by illness or accidental injury from following his or her occupation, the school district or other school entity by written agreement with the employe may, as an alternative to the payments provided in section 1154(a), establish a plan excluding from wages payments made as provided in section 209(b) of the Social Security Act (49 Statute 629).

(b) The State Treasurer is authorized to recover, on behalf of the Commonwealth and school districts and all other school entities enumerated in this act and on behalf of all officers and employes thereof, Social Security overpayments made to the United States Treasury.

(c) The expenses incurred by the State Treasurer in recovering such overpayments may be paid out of any recoveries of overpayments on behalf of the Commonwealth and school entities.

(d) The State Treasurer may take such actions as he deems reasonable in the recovery of such overpayments.

(e) The full amount of any recoveries of overpayments for employes shall be refunded to such employes. The amount of any recoveries on behalf of school entities, after deducting the expenses of collection, shall be transferred or credited to the school entities. Any expenses previously paid by the State Treasurer shall be refunded from such recoveries. Any unpaid expenses shall be paid from such recoveries.]

Section 3. Section 1166 of the act, amended June 28, 1996 (P.L.430, No.66), is repealed:

[Section 1166. Persons Entitled.--(a) Any person employed in the public school system of this Commonwealth who has completed ten (10) years of satisfactory service as a professional employe or member of the supervisory, instructional or administrative staff, or as a commissioned officer, of any board of school directors, county board of school directors, or any other part of the public school system of the Commonwealth, shall be entitled to a leave of absence for professional development or a sabbatical leave for restoration of health or, at the discretion of the board of school directors, for other purposes. At least five consecutive years of such service shall have been in the school district from which leave of absence for professional development or sabbatical leave for restoration of health is sought, unless the board of school directors shall in its discretion allow a shorter time: Provided, however, That in

the case of professional employes of area vocational-technical schools or technical institutes prior service in the participating school districts shall be credited toward such service requirement. A leave of absence for professional development or sabbatical leave for restoration of health shall be for a half or full school term or for two half school terms during a period of two years, at the option of such person: Provided, however, if a sabbatical leave is requested because of the illness of an employe, a leave shall be granted for a period equivalent to a half or full school term or equivalent to two half school terms during a period of two years: Provided further, That if a sabbatical leave for restoration of health or a leave of absence for professional development for one half school term or its equivalent has been granted and the employe is unable to return to school service because of illness or physical disability, the employe, upon written request prior to the expiration of the original leave, shall be entitled to a further leave for one half school term or its equivalent: Provided further, That if a leave for a full school term or its equivalent has been granted and the employe is unable to return to school service because of illness or physical disability, the board of school directors may extend such leave for such periods as it may determine but not to exceed one full school term or its equivalent. Thereafter, one leave of absence for professional development or a sabbatical leave for restoration of health shall be allowed after each seven years of service.

(b) A sabbatical leave for restoration of health or a leave of absence for professional development granted to a regular employe shall also operate as a leave of absence without pay from all other school activities.]

Section 4. Section 1169 of the act, amended July 10, 1986 (P.L.1270, No.117), is repealed:

[Section 1169. Salary While on Leave.--The person on leave of absence shall receive at least one-half of his or her regular salary during the period he or she is on sabbatical leave.]

Section 5. Section 1195(i) of the act, added July 11, 2006 (P.L.1092, No.114), is amended to read:

Section 1195. Distinguished Educators Program.--* * *

(i) If leave is granted under subsection (h), Distinguished Educators shall maintain the rights and obligations established in sections 1168 and 1170, but the leave shall not be subject to section [1166, 1166.1, 1167 or 1169] 1166.1 or 1167.

* * *

Section 6. Nothing in this act shall be construed to supersede or preempt any provision of a collective bargaining agreement negotiated by a school entity and an exclusive representative of the employees in accordance with the act of July 23, 1970 (P.L.563, No.195), known as the Public Employee Relations Act, and in effect on the effective date of this act.

Section 7. This act shall take effect in 60 days.