
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 779 Session of
2013

INTRODUCED BY GROVE, PICKETT, SACCONI, CUTLER, AUMENT, GRELL,
HICKERNELL, SWANGER, MILLER, TALLMAN, GINGRICH, MUSTIO,
EVANKOVICH, ROSS, GABLER, MOUL, EVERETT, DENLINGER, SAYLOR,
BLOOM, KAUFFMAN AND TOEPEL, FEBRUARY 25, 2013

REFERRED TO COMMITTEE ON EDUCATION, FEBRUARY 25, 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," in professional employees, further
6 providing for causes for suspension and for persons to be
7 suspended.

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

10 Section 1. Section 1124(a) of the act of March 10, 1949
11 (P.L.30, No.14), known as the Public School Code of 1949, is
12 amended by adding a clause to read:

13 Section 1124. Causes for Suspension.--(a) Any board of
14 school directors may suspend the necessary number of
15 professional employes, for any of the causes hereinafter
16 enumerated:

17 * * *

18 (5) Economic reasons that require a reduction in
19 professional employes.

1 * * *

2 Section 2. Section 1125.1 of the act, amended or added
3 November 20, 1979 (P.L.465, No.97) and July 10, 1986 (P.L.1270,
4 No.117), is amended to read:

5 Section 1125.1. Persons to be Suspended.--(a) Professional
6 employes shall be suspended under section 1124 (relating to
7 causes for suspension) [in inverse order of seniority within the
8 school entity of current employment. Approved leaves of absence
9 shall not constitute a break in service for purposes of
10 computing seniority for suspension purposes.] based upon
11 educational program needs, the professional employe's
12 certifications or performance evaluations of employes within the
13 affected program areas. Seniority shall continue to accrue
14 during suspension and all approved leaves of absence.

15 (b) Where there is or has been a consolidation of schools,
16 departments or programs, all professional employes shall retain
17 the seniority rights they had prior to the reorganization or
18 consolidation.

19 [(c) A school entity shall realign its professional staff so
20 as to insure that more senior employes are provided with the
21 opportunity to fill positions for which they are certificated
22 and which are being filled by less senior employes.]

23 (d) (1) No suspended employe shall be prevented from
24 engaging in another occupation during the period of suspension.

25 (2) Suspended professional employes or professional employes
26 demoted for the reasons set forth in section 1124 shall be
27 reinstated on the basis of their [seniority] qualification to
28 teach a particular subject or grade level or to hold a
29 particular position, followed next by their seniority within the
30 school entity. No new appointment shall be made while there is

1 such a suspended or demoted professional employe available who
2 is properly certificated to fill such vacancy. For the purpose
3 of this subsection, positions from which professional employes
4 are on approved leaves of absence shall also be considered
5 temporary vacancies.

6 (3) To be considered available a suspended professional
7 employe must annually report to the governing board in writing
8 his current address and his intent to accept the same or similar
9 position when offered.

10 (4) A suspended employe enrolled in a college program during
11 a period of suspension and who is recalled shall be given the
12 option of delaying his return to service until the end of the
13 current semester.

14 (e) Nothing contained in [section 1125.1(a) through (d)]
15 this section shall be construed to:

16 (1) limit the causes for which a temporary professional
17 employe may be suspended; or

18 (2) supersede or preempt any provisions of a collective
19 bargaining agreement negotiated by a school entity and an
20 exclusive representative of the employes in accordance with the
21 act of July 23, 1970 (P.L.563, No.195), known as the "Public
22 Employe Relations Act"; however, no agreement shall prohibit the
23 right of a professional employe who is not a member of a
24 bargaining unit from retaining seniority rights under the
25 provisions of this act.

26 [(f) A decision to suspend in accordance with this section
27 shall be considered an adjudication within the meaning of the
28 "Local Agency Law."]

29 (g) A collective bargaining agreement for professional
30 employes entered into after the effective date of this

1 subsection shall not include provisions prohibiting suspension
2 of professional employes for economic reasons pursuant to
3 section 1124(a) (5).

4 Section 3. This act shall take effect immediately.