

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 120 Session of 2019

INTRODUCED BY D. MILLER, MURT, NEILSON, HILL-EVANS AND KORTZ,
JANUARY 28, 2019

REFERRED TO COMMITTEE ON EDUCATION, JANUARY 28, 2019

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 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 and
14 temporary professional employes of any school district in which
15 the students assigned to a building or buildings have been
16 reassigned to another school district due to the closing of a
17 building or buildings:

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

1 result of the closure.

2 (ii) Employees in the pool created under subclause (i) shall
3 be offered employment by any 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, provided that no employe of the
8 school district in which the vacancy exists, including a
9 suspended or demoted employe, has a right to such vacancy under
10 this act or the collective bargaining unit of that school
11 district.

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

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

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

1 reassigned to another school district due to the closing of a
2 building or buildings:

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

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

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

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

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