

No. 189

AN ACT

HB 2446

Amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, further providing for optional membership in the system.

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

Section 1. Section 8301 of Title 24, act of November 25, 1970 (P.L.707, No.230), known as the Pennsylvania Consolidated Statutes, added October 2, 1975 (No.96), is amended to read:

§ 8301. Mandatory and optional membership.

(a) Mandatory membership.—Membership in the system shall be mandatory as of the effective date of employment for all school employees except the following:

(1) Any officer or employee of the Department of Education, State-owned educational institutions, community colleges, area vocational-technical schools, technical institutes, or the Pennsylvania State University and who is a member of the State Employees' Retirement System or a member of another retirement program approved by the employer.

(2) Any school employee who is employed on a per diem or hourly basis for less than 80 full-day sessions or 500 hours in any fiscal year.

(3) Any officer or employee of a governmental entity who subsequent to December 22, 1965 and prior to July 1, 1975 administers, supervises, or teaches classes financed wholly or in part by the Federal Government so long as he continues in such service.

(4) Any part-time school employee who has an individual retirement account pursuant to the Federal act of September 2, 1974 (Public Law 93-406, 88 Stat. 829), known as the "Employee Retirement Income Security Act of 1974."

(b) Prohibited membership.—The school employees categorized in subsection (a)(1) and (2) shall not have the right to elect membership in the system.

(c) Optional membership.—The school employees categorized in subsection (a)(3) **and, if otherwise eligible, subsection (a)(4)** shall have the right to elect membership in the system. Once such election is exercised, membership shall commence from the original date of eligibility and shall continue until the termination of such service.

Section 2. This act shall take effect immediately and apply to persons having an individual retirement account as provided in 24 Pa.C.S. § 8301(a)(4) on or after September 2, 1974.

APPROVED—The 9th day of July, A. D. 1976.

MILTON J. SHAPP