

## No. 2004-63

## AN ACT

## SB 200

Amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, further providing for termination of annuities.

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

Section 1. Section 8346(b) and (b.1) of Title 24 of the Pennsylvania Consolidated Statutes are amended to read:

§ 8346. Termination of annuities.

\* \* \*

(b) Return to school service during emergency.—When, in the judgment of the employer, an emergency creates an increase in the work load such that there is serious impairment of service to the public or in the event of a shortage of appropriate subject certified teachers *or other personnel*, an annuitant may be returned to school service for a period not to [exceed 95 full-day sessions in any] *extend beyond the school year during which the emergency or shortage occurs*, without loss of his annuity. [In computing the number of days an annuitant has returned to school service, any amount of time less than one-half of a day shall be counted as one-half of a day.] *The annuitant shall not be entitled to earn any credited service, and no contributions may be made by the annuitant, the employer or the Commonwealth on account of such employment.*

(b.1) Return to school service in an extracurricular position.—

(1) An annuitant may be employed under separate contract by a [school entity] *public school* or charter school in an extracurricular position *performed primarily* outside regular instructional hours and not part of mandated curriculum without loss of annuity. Neither the annuitant nor the employer shall make contributions to the member's savings account or State accumulation account respectively for such service. Further, such contract shall contain a waiver whereby the annuitant waives any potential retirement benefits that could arise from the contract and releases the employer and the board from any liability for such benefits.

(2) *Nothing in this subsection shall be construed to abridge or limit any rights provided under a collective bargaining agreement or any rights provided under the act of July 23, 1970 (P.L.563, No.195), known as the Public Employee Relations Act.*

(3) *For purposes of this subsection, the term "extracurricular position" means a contract position filled by an annuitant that is separate from the established academic course structure, including the position of athletic director.*

\* \* \*

Section 2. This act shall take effect immediately.

APPROVED—The 4th day of July, A.D. 2004.

EDWARD G. RENDELL