

No. 48

AN ACT

Relating to the minimum salaries and annual increments of the teaching and supervisory staffs of the public schools; granting power to the Superintendent of Public Instruction to permit, as to certain school districts, temporary reductions in the salary schedules; authorizing Superintendent of Public Instruction to suspend mandatory provisions of the act, approved the eighteenth day of May, one thousand nine hundred eleven (Pamphlet Laws, three hundred nine), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," and of its amendments and supplements, prohibiting school districts from demanding, requesting or accepting gifts or donations from members of the teaching and supervisory staffs, and empowering the Superintendent of Public Instruction to forfeit certain State subsidies for violations thereof; relating to the effect of payment of salaries which are less than those prescribed by salary schedules; granting certain options to the members of the School Employes' Retirement System; and temporarily superseding any inconsistent acts and parts of acts.

Section 1. Be it enacted, &c., That—Definitions.—The following terms shall be construed in this act to have the following meanings:

1. "Employee." Any teacher, principal, supervisor or supervising principal, county superintendent, district superintendent, assistant superintendent, any member of the staff of the State Teachers' Colleges, of the Cheyney Training School for Teachers, of the staff of the Department of Public Instruction, or of the staff of the State Council of Education, or any clerk, stenographer, janitor, attendance officer, or other person engaged in any work concerning or relating to the public schools of this Commonwealth, or in connection therewith, or under contract or engagement to perform one or more of these functions. No person, however, shall be deemed an employe within the meaning of this act who is not regularly engaged in performing one or more of these functions as a full-time occupation outside of vacation periods. In all cases of doubt, the School Employes' Retirement Board shall determine whether any person is an employe as defined in this act.

2. "Employer." The Commonwealth, school district, State Teachers' Colleges, Cheyney Training School for Teachers, board, or other committee by which the employe is paid.

3. "Teacher or Supervisor." A member of the teaching or supervisory staff or other appointee of any school district to whom any statutory minimum salary schedule shall be applicable.

4. "Salary Schedule." A schedule of minimum basic

Public school system.

Salary reductions.

salaries, plus required increments, prescribed by any act of Assembly for the payment of salaries of teachers or supervisors.

Section 2. Re-employed Teachers and Supervisors.—During the period in which this act shall be in effect, no school district shall be required to pay to any teacher or supervisor, who, during the year preceding the effective date of this act, shall have been in its employ, or who during such year shall have been in the employ of any school district whose territory shall wholly or in part comprise such district, any salary or compensation at a rate greater than ninety per centum of the minimum amount which such teacher or supervisor was entitled to receive under the salary schedule immediately prior to the effective date of this act.

Section 3. New Teachers and Supervisors.—During the period in which this act shall be in effect, no school district shall be required to pay to any teacher or supervisor, who, during the year preceding the effective date of this act, was not employed by such school district or by a district whose territory shall wholly or in part comprise such district, any salary or compensation at a rate greater than ninety per centum of the minimum amount which such teacher or supervisor would have been entitled to receive under the salary schedule if he or she had entered the employ of such district immediately prior to the effective date of this act.

Section 4. Additional Reductions.—When the board of school directors of any school district shall present to the Superintendent of Public Instruction evidence which shall convince him that the district does not and will not have sufficient funds to pay the salaries required by the salary schedule as modified by the foregoing provisions of this act, or that the payment of the salaries of the schedule as thus modified would be unreasonably oppressive upon the school district, the Superintendent of Public Instruction may, for such district and for the period during which this act shall be in effect, reduce the percentage herein provided from ninety to a percentage which he shall deem to be just and reasonable for that district.

In lieu of or in addition to thus reducing the above percentage, the Superintendent of Public Instruction may, as to any such district and for such period, suspend any provisions of the act, approved the eighteenth day of May, one thousand nine hundred eleven (Pamphlet Laws, three hundred nine), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent there-

with," and of its amendments and supplements, when such provisions require and make mandatory any action by the school district or its board of school directors.

Section 5. All reductions of salary or compensation made by any school district under authority of this act should be extended and applied to all employes of the district on an equitable, graduated scale; that is, those receiving the largest compensation or salary to receive the largest reduction and those receiving the smallest salary or compensation, the smallest reduction.

Section 6. Retirement Options.—During the year which shall begin on July first, one thousand nine hundred thirty-three, and close June thirtieth, one thousand nine hundred thirty-four, each employe who is a member of the School Employes' Retirement System shall have the option of contributing to the School Employes' Retirement Fund either on the basis of the total salary which he or she will receive during such year, or on the basis of the salary which he or she received during the year which began July first, one thousand nine hundred thirty-two, and ended June thirtieth, one thousand nine hundred thirty-three. Each such employe shall notify, in writing, his employer, on or before September first, one thousand nine hundred thirty-three, upon which salary he or she elects to contribute.

During the year which shall begin July first, one thousand nine hundred thirty-four, and close June thirtieth, one thousand nine hundred thirty-five, each employe who is a member of the School Employes' Retirement System shall have the option of contributing to the School Employes' Retirement Fund either on the basis of the total salary he or she will receive during such year, or on the basis of the total salary which he or she received during the year which began July first, one thousand nine hundred thirty-two, and closed June thirtieth, one thousand nine hundred thirty-three. Each such employe shall notify, in writing, his employer, on or before September first, one thousand nine hundred thirty-four, upon which salary he or she elects to contribute. Each employer shall notify the School Employes' Retirement Board in writing, on or before September fifteenth, one thousand nine hundred thirty-three, and on or before September fifteenth, one thousand nine hundred thirty-four, of the option elected by each such employe for the then current year.

During each of such years which begin on July first, one thousand nine hundred thirty-three, and July first, one thousand nine hundred thirty-four, the employer shall contribute on the basis of the salary upon which each of such employes shall have thus elected to contribute.

Each new member who comes into the School Employes' Retirement System during the period beginning July first, one thousand nine hundred thirty-three, and

ending on June thirtieth, one thousand nine hundred thirty-five, shall contribute on the basis of the salary actually received. The employer shall contribute upon the same basis.

The salary upon which each such employe elects to contribute for each of the years beginning July first, one thousand nine hundred thirty-three, and July first, one thousand nine hundred thirty-four, shall be used as the salary for each such year in the determination of any final salary upon which a retirement allowance will be computed.

Section 7. Effect of Payment of Salaries Which Are Less Than Those Prescribed by Salary Schedule.—There shall be no deduction from the amount to be paid by the Commonwealth to a school district as a partial reimbursement for the salary or compensation of any teacher or supervisor because the district pays such person any time during the biennium beginning on the first day of June, one thousand nine hundred thirty-three, a smaller salary or compensation than is prescribed for such person by the salary schedule, so long as the amount which the district pays is not less than the amount permitted by the provisions of this act or than that allowed by the Superintendent of Public Instruction in pursuance of the provisions of this act.

Section 8. Prohibition Against Demanding, Requesting or Accepting Gifts or Donations.—During the period in which this act shall be in effect, it shall be unlawful for any board of school directors to demand, request or accept, directly or indirectly, any gift or donation from any teacher or supervisor within its employ.

Section 9. Forfeiture of Subsidies.—When, during the period during which this act shall be in effect, the Superintendent of Public Instruction shall be of the opinion that any school district shall have violated the provisions of this act by demanding, requesting or accepting any gift or donation from one or more teachers or supervisors, he shall, subject to the restrictions herein provided, have the power to declare forfeited, for the then current school year, any State subsidy which is to be paid to the district as a partial reimbursement of the salary of each such teacher or supervisor.

Before declaring any such forfeiture as to any school district, the Superintendent of Public Instruction shall mail to the board of school directors of the district a statement setting forth the alleged violations and the names of the one or more teachers or supervisors from whom the gifts or donations are alleged to have been demanded, requested or accepted. The statement shall be accompanied by a notice stating that, unless a denial of such allegations, verified by the affidavit of the president or secretary of the board, is received by the Superintendent of Public Instruction within fifteen days, he will declare a forfeiture as to such subsidy for each

such teacher or supervisor. If such a denial shall not be received within such fifteen days, the Superintendent of Public Instruction may declare such one or more forfeitures.

If such a denial shall be received, the Superintendent of Public Instruction shall conduct a hearing to determine whether or not there have been any such violations. He shall give reasonable notice of the time and place of the hearing to the board of school directors of the district, and at the hearing shall give the board the right to be heard and to be represented by counsel.

If after the hearing the Superintendent of Public Instruction shall be of the opinion that one or more of the violations set forth in the statement, which he shall have sent to the board as herein provided, did actually occur, he may, as herein provided, forfeit the subsidies to be paid to the district as a partial reimbursement for the salary of each teacher or supervisor, listed in such statement, from whom, in his opinion, the district or its representative shall have demanded, requested or accepted a gift or donation.

Section 10. Impairment of Contracts.—Nothing in this act shall be construed as impairing the obligation of any contract made before the effective date of this act.

Section 11. Constitutional Construction.—The provisions of this act shall be severable, and, if any of its provisions shall be held to be unconstitutional, the decision of the court as to those provisions shall not affect the validity of the remaining provisions of this act. It is hereby declared as a legislative intent that this act would have been adopted by the General Assembly had such unconstitutional provisions not been included herein.

Section 12. Effective Date; Period During Which Act Shall Be Effective.—This act shall become effective immediately upon its passage by the General Assembly and its approval by the Governor, and shall remain in effect as to school districts of the second, third, and fourth classes until the first day of July, one thousand nine hundred thirty-five, and as to school districts of the first class until the first day of January, one thousand nine hundred and thirty-six.

Section 13. Inconsistent Provisions.—All acts and parts of acts inconsistent with the provisions of this act are hereby superseded for the period during which this act shall be in effect.

APPROVED—The 25th day of April, A. D. 1933.

GIFFORD PINCHOT