

ploye's salary the amount of such employe's contribution to the pension or retirement fund of the pension or retirement system joined by the employe and pay the amount thereof to the pension or retirement fund. In counties of the second class, the employe's contribution as paid into the retirement fund shall be made in the manner authorized by the act of July twenty-eight, one thousand nine hundred fifty-three (Pamphlet Laws 723), known as the "Second Class County Code," and its amendments.

APPROVED—The 24th day of May, A. D. 1956.

GEORGE M. LEADER

No. 568

AN ACT

Amending the act of June twenty-seven, one thousand nine hundred twenty-three (Pamphlet Laws 858), entitled "An act establishing a State employes' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing State employes, defining the uses and purposes thereof and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon the heads of departments in which State employes serve; excepting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties," further regulating the rights of employes of county health departments.

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

State employes' retirement system.

Clause 6, section 1, act of June 27, 1923, P. L. 858, amended January 14, 1952, P. L. 1911, further amended.

Section 1. Clause 6 of section one, act of June twenty-seven, one thousand nine hundred twenty-three (Pamphlet Laws 858), entitled "An act establishing a State employes' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing State employes, defining the uses and purposes thereof and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon the heads of departments in which State employes serve; excepting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties," amended January fourteen, one thousand nine hundred fifty-two (Pamphlet Laws 1911), is amended to read:

Section 1. Be it enacted, &c., That the following words and phrases as used in this act, unless a different

meaning is plainly required by the context, shall have the following meanings:

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6. "State employe" shall mean any person holding a State office or position under the Commonwealth of Pennsylvania, employed and paid on a yearly or monthly basis by the State Government of the Commonwealth of Pennsylvania, in any capacity whatsoever; and shall include also any attorney, solicitor, investigator, appraiser, and clerk employed by the year or by the month in the office of any register of wills, howsoever appointed, whose compensation is actually paid from Commonwealth moneys; and shall also include all judges of the several courts of this Commonwealth whose salaries are paid by the Commonwealth, and also all clerks and secretaries employed by judges and paid on a yearly or monthly basis by such judges from moneys appropriated by the Commonwealth for such purposes; and also all persons employed by the State Board of Law Examiners of the Supreme Court of Pennsylvania; and also all present, future, or former members of the General Assembly, who receive, or have received, their salaries for regular and special sessions of the Legislature as fixed by law, and also all officers and employes of the Pennsylvania State [College] *University* paid on a yearly or monthly basis, other than those paid wholly from Federal funds; also all employes of any single county department of health or any joint county department of health created under the Local Health Administration Law, being Act No. 315, approved August 24, 1951, paid on a yearly or monthly basis, *except employes of such county departments of health who shall choose to retain membership in the retirement system of the political subdivision by which they were employed prior to becoming employes of any such county department of health or who choose to join the retirement system of the county by which they are employed*; and also all officers and employes of the Interstate *Commission on the Delaware River Basin, and of the Pennsylvania Turnpike Commission, as of the date of entering the service of such commissions, and of the Delaware River Joint Commission and the Delaware River Joint Toll Bridge Commission, The State Public School Building Authority, The General State Authority and of The State Highway and Bridge Authority paid on a yearly or monthly basis, if the Interstate Commission on the Delaware River Basin and the Delaware River Joint Commission, the Delaware River Joint Toll Bridge **Commission, the Penn-

* "Commisltson" in original.

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sylvania Turnpike Commission, The State Public School Building Authority, The General State Authority and The State Highway and Bridge Authority shall agree to contribute and contributes to the State Employees' Retirement Fund, from time to time, the moneys required to build up the reserves necessary for the payment of the State annuities of such officers and employes without any liability on the part of the Commonwealth to make appropriations for such purposes, and also, but only for the purposes of this act, all officers and employes of any separate independent public corporation created by act of Assembly (not including, however, any municipal or quasi-municipal corporation) who, immediately prior to their employment by such public corporation, were employes of the Commonwealth, so long as they remain officers or employes of such public corporation, if such public corporation shall agree to contribute and contributes to the State Employees' Retirement Fund, from time to time, the moneys required to build up the reserve necessary for the payment of the State annuities of such officers *and employes without any liability on the part of the Commonwealth to make appropriations for such purposes. But the term "State employe" shall not include those persons defined as employes in section one, paragraph seven of the act, approved the eighteenth day of July, one thousand nine hundred and seventeen (Pamphlet Laws 1043), entitled "An act establishing a public school employes' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing employes, defining the uses and purposes thereof and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon boards having the employment of public school employes; exempting annuities, allowances, returns, benefits, and rights from taxation and judicial process, and providing penalties," as amended by section one, paragraph seven of the act, approved the twenty-first day of April, one thousand nine hundred and twenty-one (Pamphlet Laws 245), excepting such officers and employes of the Department of Public Instruction, State Teachers' Colleges, Thaddeus Stevens Trade School, Pennsylvania State Oral School for the Deaf and Pennsylvania Soldiers' Orphan School as are not members of or who may withdraw from the public school employes' retirement association provided by said act; and no member shall be deprived of credit for prior service as a State employe because of the fact that

* "nad" in original.

such service was rendered while he or she was a member of the public school employes' retirement association and that all service credited as a member of the public school employes' retirement system will be considered as having been rendered as a State employe. The rates of deduction from salaries of such officers and employes to the State Employes' Retirement Fund shall be determined by the age at which the employe began to contribute to the Public School Employes' Retirement Fund.

The term "State employe" shall also include all State officers and employes regularly employed by the year or by the month at a fixed annual or monthly compensation when the General Assembly is not in session, but, who during a legislative session, instead of a fixed annual or monthly salary or compensation are paid upon a per diem basis or by a fixed salary or compensation from the legislative session, or who receive no fixed annual or monthly salary but are paid only upon a per diem basis during legislative sessions and subsequent thereto.

Employes of the respective institutions acquired by the Commonwealth from counties, cities, wards, boroughs, townships, institution districts and other political subdivisions, that are actually used as State mental hospitals under the provisions of the act, approved the twenty-ninth day of September, one thousand nine hundred thirty-eight (Pamphlet Laws 53), or its amendments, who, as of the effective date of this act, are contributors or who, on or before the thirty-first day of May, one thousand nine hundred fifty-two, become contributors to this fund shall for the purposes of this act be deemed to have been "State employes" from the time they first entered the employ of such institution, even though the same may have been prior to the acquisition of the institution by the Commonwealth, if such employe shall pay to the retirement association a sum equal to all the back payments which such employe would have made had he or she become a member of the retirement association at the time he or she was first employed by such institution. Such back payments may be spread over a period of years by having the regular payroll deduction of such employe increased by not less than one-third of the amount thereof, which deduction increase, shall be credited to such back payments owing, and shall be continued until the amount thereof shall be paid in full, unless such member is retired under the provisions of this act before such back payments have been completed. Any such deduction increase may be anticipated in full by the member at any time, and shall be anticipated in full at the time of retirement be-

fore a retirement allowance is granted. If not so anticipated, then the member's annuity shall be calculated on the total accumulated deductions standing to his credit and his State annuity shall be reduced by an amount equivalent to the reduction which occurs in the member's annuity due to the amount of the back payments not so anticipated.

An employe of a political subdivision, who becomes an employe of any single county department of health or any joint county department of health created under the act of August 24, 1951 (P. L. 1304), known as the "Local Health Administration Law," and who becomes a contributor to this fund, shall, for the purposes of this act, be deemed to have been a State employe from the time he first entered the employ of the political subdivision if he shall pay to the retirement association a sum equal to all the back payments which he would have made had he become a member of the retirement association at the time he was first employed by a political subdivision. The back payments may be spread over a period of years by having the regular payroll deduction of the employe increased by not less than one-third of the amount thereof, which deduction increase shall be credited to the back payments owing and shall be continued until the amount thereof shall be paid in full, unless the member is retired under the provisions of this act before the back payments have been completed. Any deduction increase may be anticipated in full by the member at any time, and shall be anticipated in full at the time of retirement before a retirement allowance is granted. If not so anticipated, then the members' annuity shall be calculated on the total accumulated deductions standing to his credit and his State annuity shall be reduced by an amount equivalent to the reduction which occurs in the members' annuity due to the amount of the back payment not so anticipated.

The term "State employe" shall also include officers and employes regularly employed on a per diem or hourly basis, or partly at a fixed annual or monthly salary and partly on a per diem or hourly basis. Regular employment shall not be construed to include employment of less than one hundred days or seven hundred fifty hours in any year. In all cases of doubt the retirement board shall determine whether any person is a State employe as defined in this paragraph, and its decision shall be final.

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APPROVED—The 24th day of May, A. D. 1956.

GEORGE M. LEADER