

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2153 Session of 2024

INTRODUCED BY DAWKINS, DAVANZO, WEBSTER, KENYATTA, BURGOS, T. DAVIS, VENKAT, McNEILL, DONAHUE, HARKINS, WAXMAN, SANCHEZ, D. MILLER, BRENNAN, BOYD, NEILSON, HOHENSTEIN, HILL-EVANS, DALEY, DELLOSO, SCHLOSSBERG, KINSEY, MERSKI, KHAN, GREEN, PISCIOTTANO, DEASY, ROZZI, KUZMA, MEHAFFIE, MARSHALL, TOMLINSON, FIEDLER, E. NELSON, MIHALEK, MARCELL, LABS, HOGAN, GERGELY, KIM, KAUFER, CONKLIN, HADDOCK, SCHWEYER, McANDREW, WHITE, GIRAL AND MADSEN, MARCH 25, 2024

AS REPORTED FROM COMMITTEE ON LABOR AND INDUSTRY, HOUSE OF REPRESENTATIVES, AS AMENDED, APRIL 17, 2024

AN ACT

1 Amending the act of August 15, 1961 (P.L.987, No.442), entitled
2 "An act relating to public works contracts; providing for
3 prevailing wages; imposing duties upon the Secretary of Labor
4 and Industry; providing remedies, penalties and repealing
5 existing laws," further providing for definitions, for
6 specifications, for prevailing wage and for duty of
7 secretary.

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

10 Section 1. Section 2(5) and (7) of the act of August 15,
11 1961 (P.L.987, No.442), known as the Pennsylvania Prevailing
12 Wage Act, are amended and the section is amended by adding a
13 paragraph to read:

14 Section 2. Definitions.--As used in this act--

15 * * *

16 (5) "Public work" means construction, reconstruction,
17 demolition, alteration, custom fabrication and/or repair work

1 other than maintenance work, with the exception reserved for
2 HVAC duct cleaning, done under contract and paid for in whole or
3 in part out of the funds of a public body where the estimated
4 cost of the total project is in excess of twenty-five thousand
5 dollars (\$25,000), but shall not include work performed under a
6 rehabilitation or manpower training program.

7 * * *

8 (7) "Workman" includes laborer, mechanic, skilled and semi-
9 skilled laborer and apprentices employed by any contractor or
10 subcontractor and engaged in the performance of services
11 directly upon or for the public work project, regardless of
12 whether their work becomes a component part thereof, and
13 includes laborers, mechanics, skilled and semi-skilled laborers,
14 apprentices and other persons employed by any contractor or
15 subcontractor to perform custom fabrication of nonstandard goods
16 or materials for the public work project, but does not include
17 material suppliers or their employes who do not perform services
18 at the job site unless the work involves custom fabrication.

19 * * *

20 (11) "Custom fabrication" means the fabrication, assembly or
21 other production of nonstandard goods or materials, including
22 components, fixtures or parts thereof, that are fabricated or
23 assembled offsite but produced specifically for a public work
24 project. The following apply:

25 (i) The goods and materials shall include those used in the
26 trades or systems, including plumbing or pipe-fitting systems,
27 heating, ventilating, air conditioning, refrigeration systems,
28 sheet metal or other duct systems, boiler systems, electrical
29 systems, welding work, mechanical insulation work, ornamental
30 iron work, REBAR SYSTEM ASSEMBLY or one or more signs in a

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1 project, or any other fabrication which is one or more entire
2 modules or structures prefabricated to specifications for a
3 particular project of public work with minimal construction work
4 remaining other than installation, regardless of whether
5 unforeseen construction work is required on the public work site
6 to modify the custom fabricated item for the purpose of
7 installation, for use in a project of public work or for use in
8 a type or classification of a project of public work.

9 (ii) The term does not include components or materials, such
10 as structural steel members or precast concrete ~~or smaller~~ <--
11 prefabricated components.

12 Section 2. Sections 3, 5 and 7 of the act are amended to
13 read:

14 Section 3. Specifications.--The specifications for every
15 contract for any public work to which any public body is a
16 party, shall contain a provision stating the minimum wage rate
17 that must be paid to the workmen employed in the performance of
18 the contract[.], including workmen engaged in custom
19 fabrication. The minimum wage for custom fabrication work shall
20 be the same as the wage paid for project work in accordance with
21 each applicable trade or classification. A firm, business or
22 employer which contracts or subcontracts to perform custom
23 fabrication for a public work shall be subject to the same
24 compliance and reporting requirements and penalties and
25 enforcement procedures and has the same obligations as any other
26 contractor or subcontractor under this chapter or regulations
27 promulgated under this act by the department.

28 Section 5. Prevailing Wage.--Not less than the prevailing
29 minimum wages as determined hereunder shall be paid to all
30 workmen employed on public work. Workmen must be paid the

1 appropriate rate for their craft and may not be paid multiple
2 rates on the same project.

3 Section 7. Duty of Secretary.--The secretary shall, after
4 consultation with the advisory board, determine the general
5 prevailing minimum wage rate in the locality in which the public
6 work is to be performed for each craft or classification of all
7 workmen needed to perform public work contracts during the
8 anticipated term thereof: Provided, however, That employer and
9 employe contributions for employe benefits pursuant to a bona
10 fide collective bargaining agreement shall be considered an
11 integral part of the wage rate for the purpose of determining
12 the minimum wage rate under this act. For workmen engaged in
13 custom fabrication for a public work project, the applicable
14 prevailing minimum wage rates shall be the prevailing minimum
15 wage rate for the applicable craft or trade in the locality in
16 which the public work project is located. Nothing in this act,
17 however, shall prohibit the payment of more than the general
18 prevailing minimum wage rate to any workman employed on public
19 work. The secretary shall forthwith give notice by mail of all
20 determinations of general prevailing minimum wage rates made
21 pursuant to this section to any representative of any craft, any
22 employer or any representative of any group of employers, who
23 shall in writing request the secretary so to do.

24 Section 3. This act shall take effect in 60 days.