

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1688 Session of
2007

INTRODUCED BY ROHRER, BEAR, BOYD, CLYMER, CUTLER, DENLINGER,
EVERETT, FAIRCHILD, GRELL, HENNESSEY, HERSHEY, HICKERNELL,
KAUFFMAN, MACKERETH, MARSICO, R. MILLER, MILNE, NAILOR, RAPP,
REICHLEY, ROAE, SCHRODER, SWANGER, TRUE AND TURZAI,
JULY 3, 2007

REFERRED TO COMMITTEE ON LABOR RELATIONS, JULY 3, 2007

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," removing work on roads and bridges from the
6 scope of the act; and further providing for the Advisory
7 Board and the Appeal Board.

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

10 Section 1. Sections 2, 2.1 and 2.2 of the act of August 15,
11 1961 (P.L.987, No.442), known as the Pennsylvania Prevailing
12 Wage Act, amended or added August 9, 1963 (P.L.653, No.342), are
13 amended to read:

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

15 (1) "Department" means Department of Labor and Industry of
16 the Commonwealth of Pennsylvania.

17 (2) "Locality" means any political subdivision, or
18 combination of the same, within the county in which the public
19 work is to be performed. When no workmen for which a prevailing

1 minimum wage is to be determined hereunder are employed in the
2 locality, the locality may be extended to include adjoining
3 political subdivisions where such workmen are employed in those
4 crafts or trades for which there are no workmen employed in the
5 locality as otherwise herein defined.

6 (3) "Maintenance work" means the repair of existing
7 facilities when the size, type or extent of such facilities is
8 not thereby changed or increased.

9 (4) "Public body" means the Commonwealth of Pennsylvania,
10 any of its political subdivisions, any authority created by the
11 General Assembly of the Commonwealth of Pennsylvania and any
12 instrumentality or agency of the Commonwealth of Pennsylvania.

13 (5) "Public work" means construction, reconstruction,
14 demolition, alteration and/or repair work other than maintenance
15 work, done under contract and paid for in whole or in part out
16 of the funds of a public body where the estimated cost of the
17 total project is in excess of twenty-five thousand dollars
18 (\$25,000), but shall not include work performed on a bridge or a
19 road, road shoulder, road berm or sidewalk or work performed
20 under a rehabilitation or manpower training program.

21 (6) "Secretary" means the Secretary of Labor and Industry or
22 his duly authorized deputy or representative.

23 (7) "Workman" includes laborer, mechanic, skilled and semi-
24 skilled laborer and apprentices employed by any contractor or
25 subcontractor and engaged in the performance of services
26 directly upon the public work project, regardless of whether
27 their work becomes a component part thereof, but does not
28 include material suppliers or their employees who do not perform
29 services at the job site.

30 (8) "Work performed under a rehabilitation program," means

1 work arranged by and at a State institution primarily for
2 teaching and upgrading the skills and employment opportunities
3 of the inmates of such institutions.

4 (9) "Advisory Board" means the board created by section 2.1
5 of this act.

6 (10) "Appeals Board" means the board created by section 2.2
7 of this act.

8 Section 2.1. Advisory Board, Powers and Duties.--(a) There
9 is hereby created in the Department of Labor and Industry an
10 Advisory Board [consisting of seven members] for the purpose of
11 assisting the secretary in carrying out his duties under the act
12 to which this is an amendment.

13 (b) Except for the member employed by the secretary, each
14 member of the Advisory Board shall be appointed by the Governor
15 and shall receive a compensation of thirty dollars (\$30) per day
16 for each day actually spent in the performance of his duties
17 plus necessary expenses.

18 (c) Of the [seven] members, one shall be a representative of
19 an association of general contractors engaged full-time in the
20 building construction industry, [one shall be a representative
21 of an association of heavy and highway contractors engaged full
22 time in the heavy and highway construction industry,] one shall
23 be a member of an historically established union representing
24 labor in the building construction industry, [one shall be a
25 member of an historically established union representing labor
26 in the heavy and highway construction industry,] one shall be a
27 member of an association representing a political subdivision,
28 one shall be learned in the law and employed by the secretary,
29 and one shall not be engaged in or employed by the building
30 industry or by a public body but shall represent the general

1 public.

2 (d) At least two weeks' public notice shall be given in the
3 manner prescribed by regulation of the board prior to any
4 meeting of the board. [Four] Three members of the board shall
5 constitute a quorum.

6 (e) The Advisory Board shall have the power and duty to--

7 (1) Consult with the secretary at his request concerning any
8 matter arising under the administration of this act.

9 (2) Advise and assist the secretary in carrying out the
10 duties provided for him by section 7 of this act.

11 (3) Promulgate rules and regulations necessary to carry out
12 the duties placed upon the board by this act.

13 Section 2.2. Appeals Board Powers and Duties.--(a) There is
14 hereby created in the Department of Labor and Industry an
15 Appeals Board [consisting of seven members] for the purpose of
16 hearing and determining grievances arising out of the
17 administration of the act to which this is an amendment.

18 (b) Except for the member employed by the secretary, each
19 member of the Appeals Board shall be appointed by the Governor
20 and shall receive a compensation of thirty dollars (\$30) per day
21 for each day actually spent in the performance of his duties
22 plus necessary expenses.

23 (c) Of the [seven] members, one shall be a representative of
24 an association of general contractors engaged full-time in the
25 building construction industry, [one shall be a representative
26 of an association of heavy and highway contractors engaged full
27 time in the heavy and highway construction industry,] one shall
28 be a member of an historically established union representing
29 labor in the building construction industry, [one shall be a
30 member of an historically established union representing labor

1 in the heavy and highway construction industry,] one shall be a
2 member of an association representing a political subdivision,
3 one shall be learned in the law and employed by the secretary,
4 and one shall not be engaged in or employed by the building
5 industry or by a public body but shall represent the general
6 public. No member of the Advisory Board created by this
7 amendatory act shall be appointed to the Appeals Board.

8 (d) [Four] Three members of the board shall constitute a
9 quorum and the board shall neither sit for purposes of hearing
10 any grievance nor make any determination unless a quorum is
11 present.

12 (e) The Appeals Board shall have the power and duty to--

13 (1) Hear and determine any grievance or appeal arising out
14 of the administration of this act.

15 (2) Promulgate rules and regulations necessary to carry out
16 the duties placed upon the board by this act: Provided, however,
17 That any such rules and regulations shall provide for notice of
18 filing of grievances and appeals, public hearings, right of
19 representation and all other procedures required by due process
20 of law.

21 Section 2. This act shall take effect in 60 days.