

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1540 Session of
2011

INTRODUCED BY PERRY, AUMENT, BLOOM, BOYD, CAUSER, CREIGHTON,
EVERETT, FLECK, GILLESPIE, GINGRICH, GROVE, KAUFFMAN,
MARSICO, METCALFE, MILLARD, MILLER, MILNE, MOUL, RAPP,
REICHLEY, ROAE, SAYLOR, SWANGER, TALLMAN, SACCONI AND COX,
MAY 12, 2011

REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, MAY 12, 2011

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," raising the threshold for applicability.

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

8 Section 1. Section 2 of the act of August 15, 1961 (P.L.987,
9 No.442), known as the Pennsylvania Prevailing Wage Act, amended
10 August 9, 1963 (P.L.653, No.342), is amended to read:

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

12 (1) "Department" means Department of Labor and Industry of
13 the Commonwealth of Pennsylvania.

14 (2) "Locality" means any political subdivision, or
15 combination of the same, within the county in which the public
16 work is to be performed. When no workmen for which a prevailing
17 minimum wage is to be determined hereunder are employed in the
18 locality, the locality may be extended to include adjoining

1 political subdivisions where such workmen are employed in those
2 crafts or trades for which there are no workmen employed in the
3 locality as otherwise herein defined.

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

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

11 (5) "Public work" means construction, reconstruction,
12 demolition, alteration and/or repair work other than maintenance
13 work, done under contract and paid for in whole or in part out
14 of the funds of a public body where the estimated cost of the
15 total project is in excess of [twenty-five thousand dollars
16 (\$25,000)] five hundred thousand dollars (\$500,000) as adjusted
17 on March 1 of each year to conform to increases or decreases in
18 the Consumer Price Index for the previous calendar year for
19 urban wage earners in the Pennsylvania, New Jersey, Delaware and
20 Maryland area combined, but shall not include work performed
21 under a rehabilitation or manpower training program.

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

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

1 (8) "Work performed under a rehabilitation program," means
2 work arranged by and at a State institution primarily for
3 teaching and upgrading the skills and employment opportunities
4 of the inmates of such institutions.

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

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

9 Section 2. The amendment of section 2 of the act shall apply
10 to contracts entered into on or after the effective date of this
11 section.

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