

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1685 Session of 2011

INTRODUCED BY BEAR, TURZAI, SAYLOR, MILLER, AUMENT, BLOOM, BOYD, CAUSER, COX, CREIGHTON, CUTLER, DELOZIER, DENLINGER, EVERETT, GILLESPIE, GINGRICH, GRELL, GROVE, HELM, HENNESSEY, HICKERNELL, KAUFFMAN, MARSICO, METCALFE, MILNE, MOUL, PERRY, PICKETT, RAPP, ROAE, ROCK, ROSS, SCHRODER, SWANGER, TALLMAN, TOEPEL AND VULAKOVICH, JUNE 17, 2011

REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, JUNE 17, 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," further providing for definitions and for
6 administration.

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

9 Section 1. Sections 2 and 7 of the act of August 15, 1961
10 (P.L.987, No.442), known as the Pennsylvania Prevailing Wage
11 Act, amended August 9, 1963 (P.L.653, No.342), are amended to
12 read:

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

14 "Advisory Board" means the board created by section 2.1 of
15 this act.

16 "Appeals Board" means the board created by section 2.2 of
17 this act.

18 [(1)] "Department" means Department of Labor and Industry of

1 the Commonwealth of Pennsylvania.

2 "Federal occupational classifications" means the Occupational
3 Outlook Handbook of the Federal Bureau of Labor Statistics,
4 published under 40 U.S.C § 3142(b) (relating to rate of wages
5 for laborers and mechanics).

6 [(2)] "Locality" means any political subdivision, or
7 combination of the same, within the county in which the public
8 work is to be performed. When no workmen for which a prevailing
9 minimum wage is to be determined hereunder are employed in the
10 locality, the locality may be extended to include adjoining
11 political subdivisions where such workmen are employed in those
12 crafts or trades for which there are no workmen employed in the
13 locality as otherwise herein defined.

14 [(3)] "Maintenance work" means the repair of existing
15 facilities when the size, type or extent of such facilities is
16 not thereby changed or increased.

17 [(4)] "Public body" means the Commonwealth of Pennsylvania,
18 any of its political subdivisions, any authority created by the
19 General Assembly of the Commonwealth of Pennsylvania and any
20 instrumentality or agency of the Commonwealth of Pennsylvania.

21 [(5)] "Public work" means construction, reconstruction,
22 demolition, alteration and/or repair work other than maintenance
23 work, done under contract and paid for in whole or in part out
24 of the funds of a public body where the estimated cost of the
25 total project is in excess of twenty-five thousand dollars
26 (\$25,000), but shall not include work performed under a
27 rehabilitation or manpower training program.

28 [(6)] "Secretary" means the Secretary of Labor and Industry
29 or his duly authorized deputy or representative.

30 [(7)] "Workman" includes laborer, mechanic, skilled and

1 semi-skilled laborer and apprentices employed by any contractor
2 or subcontractor and engaged in the performance of services
3 directly upon the public work project, regardless of whether
4 their work becomes a component part thereof, but does not
5 include material suppliers or their employees who do not perform
6 services at the job site.

7 [(8)] "Work performed under a rehabilitation program," means
8 work arranged by and at a State institution primarily for
9 teaching and upgrading the skills and employment opportunities
10 of the inmates of such institutions.

11 [(9)] "Advisory Board" means the board created by section 2.1
12 of this act.

13 (10) "Appeals Board" means the board created by section 2.2
14 of this act.]

15 Section 7. Duty of Secretary.--The secretary shall, after
16 consultation with the advisory board, determine the general
17 prevailing minimum wage rate in the locality in which the public
18 work is to be performed for each craft or classification of all
19 workmen needed to perform public work contracts during the
20 anticipated term thereof: Provided, however, That employer and
21 employe contributions for employe benefits pursuant to a bona
22 fide collective bargaining agreement shall be considered an
23 integral part of the wage rate for the purpose of determining
24 the minimum wage rate under this act. Nothing in this act,
25 however, shall prohibit the payment of more than the general
26 prevailing minimum wage rate to any workman employed on public
27 work. The secretary shall forthwith give notice by mail of all
28 determinations of general prevailing minimum wage rates made
29 pursuant to this section to any representative of any craft, any
30 employer or any representative of any group of employers, who

1 shall in writing request the secretary so to do. Unless
2 otherwise authorized by statute, the secretary shall base the
3 scope of a craft or classification of workmen under this section
4 on the most recent version of the Federal occupational
5 classifications, utilizing the description of the craft or
6 classification in the "nature of work" subsection for each rate
7 category.

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