

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 948 Session of
2005

INTRODUCED BY BENNINGHOFF, ARMSTRONG, BALDWIN, BOYD, CLYMER,
CREIGHTON, DENLINGER, FAIRCHILD, FORCIER, GINGRICH, HARRIS,
HENNESSEY, M. KELLER, LEH, MARSICO, S. MILLER, PICKETT, RAPP,
ROHRER, ROSS, SCAVELLO, SCHRODER AND YOUNGBLOOD,
MARCH 14, 2005

REFERRED TO COMMITTEE ON LABOR RELATIONS, MARCH 14, 2005

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 duties of the Secretary of Labor and Industry.

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

9 Section 1. Sections 2(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 * * *

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

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

5 * * *

6 Section 7. Duty of Secretary.--[The secretary shall, after
7 consultation with the advisory board, determine the general
8 prevailing minimum wage rate in the locality in which the public
9 work is to be performed for each craft or classification of all
10 workmen needed to perform public work contracts during the
11 anticipated term thereof: Provided, however, That employer and
12 employe contributions for employe benefits pursuant to a bona
13 fide collective bargaining agreement shall be considered an
14 integral part of the wage rate for the purpose of determining
15 the minimum wage rate under this act. Nothing in this act,
16 however, shall prohibit the payment of more than the general
17 prevailing minimum wage rate to any workman employed on public
18 work. The secretary shall forthwith give notice by mail of all
19 determinations of general prevailing minimum wage rates made
20 pursuant to this section to any representative of any craft, any
21 employer or any representative of any group of employers, who
22 shall in writing request the secretary so to do.] (a) The
23 secretary shall, after consultation with the advisory board,
24 determine the general prevailing minimum wage rate for all
25 public works and shall establish the rates for each craft or
26 classification of all workmen needed to perform the public work
27 contract. The secretary shall base such rates directly upon the
28 county rates established pursuant to subsection (b).

29 (b) The secretary shall establish prevailing minimum wage
30 rates for each county, and the rates shall represent the

prevailing wages paid in that county to workmen. The secretary shall set the rates as follows:

(1) By conducting, at a minimum, biennial wage surveys which shall maximize participation from all contractors who perform work in a specific county. The wage survey shall only solicit wage data that represents the wages paid by contractors for work in that county that is conducted on reasonably comparable private sector projects. The secretary shall consider as an integral part of wage rates determined under this clause employer and employee contributions for employee benefits pursuant to collective bargaining agreements representing jurisdiction over that county.

(2) If there is no reasonably comparable private sector project, such as a bridge, by determining the rate on the basis of the work done.

(c) This act shall not be construed to prohibit the payment of wage rates that are higher than those required by this act.

(d) The secretary shall give notice by mail of all determinations of general prevailing minimum wage rates made pursuant to this section to a representative of a craft, an employer or a representative of any group of employers who makes a written request.

(e) If there are no workmen in a specific craft or classification employed in a county for which a survey is performed, the secretary shall utilize the average of the rates established for the craft or classification in adjoining counties.

(f) Data submitted by contractors pursuant to surveys conducted under subsection (b) shall be kept confidential to the maximum extent permitted by law.

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