

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 787 Session of 2009

INTRODUCED BY MARSICO, BEAR, BOYD, BROOKS, CAUSER, CREIGHTON, CUTLER, FAIRCHILD, GINGRICH, GRELL, GROVE, HARPER, HARRIS, KAUFFMAN, M. KELLER, MAHONEY, MENSCH, MILLARD, MILLER, PICKETT, QUINN, RAPP, REICHLEY, ROAE, ROHRER, SAYLOR, STEVENSON, TRUE, TURZAI AND WATSON, MARCH 6, 2009

REFERRED TO COMMITTEE ON LABOR RELATIONS, MARCH 6, 2009

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.

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

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

(3) "Maintenance work" means the repair of existing facilities when the size, type or extent of such facilities is not thereby changed or increased. The term includes the following actions taken on roads:

(i) Replacement in kind, or compliance with current Department of Transportation design criteria and standards, of guide rails, curbs, pipes, line painting and other related road equipment.

(ii) Repair of pavement service by:

(A) laying bituminous material up to three and a half inches thick or up to four hundred twenty pounds per square yard on asphalt pavement, cement concrete or other hard surface, including associated milling, and related work raising existing paved shoulders to new grade; or

(B) patching of cement concrete surface to include joint spalling and repair work.

(iii) Widening of existing alignment which does not result in additional lanes or new shoulders.

(iv) Bridge cleaning, washing, resurfacing with blacktop, minor nonstructural repairs or improvements and painting, except when combined with complete bridge rehabilitation.

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

(5) "Public work" means construction, reconstruction, demolition, alteration and/or repair work other than maintenance

1 work, done under contract and paid for in whole or in part out
2 of the funds of a public body where the estimated cost of the
3 total project is in excess of twenty-five thousand dollars
4 (\$25,000), but shall not include work performed under a
5 rehabilitation or manpower training program. The term includes
6 combination rehabilitation/reconstruction projects in which non-
7 maintenance items exceed fifteen percent of the total project
8 cost.

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

11 (7) "Workman" includes laborer, mechanic, skilled and semi-
12 skilled laborer and apprentices employed by any contractor or
13 subcontractor and engaged in the performance of services
14 directly upon the public work project, regardless of whether
15 their work becomes a component part thereof, but does not
16 include material suppliers or their employees who do not perform
17 services at the job site.

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

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

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

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