

## 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  
6 providing for duties of department.

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

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

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

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

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

17 [(1)] "Department" means Department of Labor and Industry of  
18 the Commonwealth of Pennsylvania.

19 "Federal occupational classifications" means the Occupational

1 Outlook Handbook of the Federal Bureau of Labor Statistics,  
2 published under 40 U.S.C § 3142(b) (relating to rate of wages  
3 for laborers and mechanics).

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

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

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

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

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

28 [(7)] "Workman" includes laborer, mechanic, skilled and  
29 semi-skilled laborer and apprentices employed by any contractor  
30 or subcontractor and engaged in the performance of services

1 directly upon the public work project, regardless of whether  
2 their work becomes a component part thereof, but does not  
3 include material suppliers or their employes who do not perform  
4 services at the job site.

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

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

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

13 Section 2. The act is amended by adding a section to read:

14 Section 7.1. Duties of Department.--(a) The department  
15 shall develop or adopt a complete listing of worker  
16 classifications and their respective definitions, and shall make  
17 the listings available to the public in a conspicuous location  
18 on the department's Internet website. The listing shall, at all  
19 times, be available for public viewing, and shall be maintained  
20 on a Statewide basis for each worker classification. In  
21 developing the list, the department may consider the following  
22 sources:

23 (1) collective bargaining agreements;

24 (2) Federal occupational classifications;

25 (3) input from the advisory board;

26 (4) opinions of representatives from organized labor and the  
27 opinions of contractors and contractor associations as they  
28 relate to the custom and usage applicable to the construction  
29 industry in this Commonwealth; and

30 (5) any other information that the department deems

1 pertinent.

2 The definitions for each classification in this subsection shall  
3 be uniform throughout this Commonwealth.

4 (b) Worker classifications as defined by the department at  
5 the time of the beginning of a project shall be used throughout  
6 completion of that project, and shall be controlling for  
7 purposes of any dispute. For purposes of this subsection, the  
8 beginning of a project shall be deemed to be the earlier of the  
9 acceptance of bids or offers or the execution of a contract.

10 (c) The department shall publish the complete listing of  
11 worker classifications and their respective definitions, as  
12 required in subsection (a) within one hundred eighty days after  
13 the effective date of this section, provided that after the  
14 initial work descriptions are published, the department may  
15 change the descriptions from time to time in accordance with the  
16 criteria in subsection (a).

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