
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2153 Session of
2024

INTRODUCED BY DAWKINS, DAVANZO, WEBSTER, KENYATTA, BURGOS,
T. DAVIS, VENKAT, McNEILL, DONAHUE, HARKINS, WAXMAN, SANCHEZ,
D. MILLER, BRENNAN, BOYD, NEILSON, HOHENSTEIN, HILL-EVANS,
DALEY, DELLOSO, SCHLOSSBERG, KINSEY AND MERSKI,
MARCH 25, 2024

REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, MARCH 25, 2024

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, for
6 specifications, for prevailing wage and for duty of
7 secretary.

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

10 Section 1. Section 2(5) and (7) of the act of August 15,
11 1961 (P.L.987, No.442), known as the Pennsylvania Prevailing
12 Wage Act, are amended and the section is amended by adding a
13 paragraph to read:

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

15 * * *

16 (5) "Public work" means construction, reconstruction,
17 demolition, alteration, custom fabrication and/or repair work
18 other than maintenance work, with the exception reserved for
19 HVAC duct cleaning, done under contract and paid for in whole or

1 in part out of the funds of a public body where the estimated
2 cost of the total project is in excess of twenty-five thousand
3 dollars (\$25,000), but shall not include work performed under a
4 rehabilitation or manpower training program.

5 * * *

6 (7) "Workman" includes laborer, mechanic, skilled and semi-
7 skilled laborer and apprentices employed by any contractor or
8 subcontractor and engaged in the performance of services
9 directly upon or for the public work project, regardless of
10 whether their work becomes a component part thereof, and
11 includes laborers, mechanics, skilled and semi-skilled laborers,
12 apprentices and other persons employed by any contractor or
13 subcontractor to perform custom fabrication of nonstandard goods
14 or materials for the public work project, but does not include
15 material suppliers or their employes who do not perform services
16 at the job site unless the work involves custom fabrication.

17 * * *

18 (11) "Custom fabrication" means the fabrication, assembly or
19 other production of nonstandard goods or materials, including
20 components, fixtures or parts thereof, that are fabricated or
21 assembled offsite but produced specifically for a public work
22 project. The following apply:

23 (i) The goods and materials shall include those used in the
24 trades or systems, including plumbing or pipe-fitting systems,
25 heating, ventilating, air conditioning, refrigeration systems,
26 sheet metal or other duct systems, boiler systems, electrical
27 systems, welding work, mechanical insulation work, ornamental
28 iron work or one or more signs in a project, or any other
29 fabrication which is one or more entire modules or structures
30 prefabricated to specifications for a particular project of

1 public work with minimal construction work remaining other than
2 installation, regardless of whether unforeseen construction work
3 is required on the public work site to modify the custom
4 fabricated item for the purpose of installation, for use in a
5 project of public work or for use in a type or classification of
6 a project of public work.

7 (ii) The term does not include components or materials, such
8 as structural steel members or precast concrete or smaller
9 prefabricated components.

10 Section 2. Sections 3, 5 and 7 of the act are amended to
11 read:

12 Section 3. Specifications.--The specifications for every
13 contract for any public work to which any public body is a
14 party, shall contain a provision stating the minimum wage rate
15 that must be paid to the workmen employed in the performance of
16 the contract[.], including workmen engaged in custom
17 fabrication. The minimum wage for custom fabrication work shall
18 be the same as the wage paid for project work in accordance with
19 each applicable trade or classification. A firm, business or
20 employer which contracts or subcontracts to perform custom
21 fabrication for a public work shall be subject to the same
22 compliance and reporting requirements and penalties and
23 enforcement procedures and has the same obligations as any other
24 contractor or subcontractor under this chapter or regulations
25 promulgated under this act by the department.

26 Section 5. Prevailing Wage.--Not less than the prevailing
27 minimum wages as determined hereunder shall be paid to all
28 workmen employed on public work. Workmen must be paid the
29 appropriate rate for their craft and may not be paid multiple
30 rates on the same project.

1 Section 7. Duty of Secretary.--The secretary shall, after
2 consultation with the advisory board, determine the general
3 prevailing minimum wage rate in the locality in which the public
4 work is to be performed for each craft or classification of all
5 workmen needed to perform public work contracts during the
6 anticipated term thereof: Provided, however, That employer and
7 employe contributions for employe benefits pursuant to a bona
8 fide collective bargaining agreement shall be considered an
9 integral part of the wage rate for the purpose of determining
10 the minimum wage rate under this act. For workmen engaged in
11 custom fabrication for a public work project, the applicable
12 prevailing minimum wage rates shall be the prevailing minimum
13 wage rate for the applicable craft or trade in the locality in
14 which the public work project is located. Nothing in this act,
15 however, shall prohibit the payment of more than the general
16 prevailing minimum wage rate to any workman employed on public
17 work. The secretary shall forthwith give notice by mail of all
18 determinations of general prevailing minimum wage rates made
19 pursuant to this section to any representative of any craft, any
20 employer or any representative of any group of employers, who
21 shall in writing request the secretary so to do.

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