

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2439 Session of  
2008

INTRODUCED BY MARSICO, M. KELLER, BEAR, BENNINGHOFF, BOYD,  
CAUSER, CLYMER, CREIGHTON, CUTLER, EVERETT, FAIRCHILD, FLECK,  
GABIG, GINGRICH, HELM, HERSHEY, HESS, HICKERNELL, KAUFFMAN,  
METCALFE, R. MILLER, MILNE, MOUL, NAILOR, PICKETT, RAPP,  
REICHLEY, ROHRER, ROSS, RUBLEY, SCHRODER, R. STEVENSON,  
SWANGER AND TURZAI, APRIL 7, 2008

REFERRED TO COMMITTEE ON LABOR RELATIONS, APRIL 7, 2008

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," raising the threshold for applicability.

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

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 (3) "Maintenance work" means the repair of existing  
6 facilities when the size, type or extent of such facilities is  
7 not thereby changed or increased.

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

12 (5) "Public work" means construction, reconstruction,  
13 demolition, alteration and/or repair work other than maintenance  
14 work, done under contract and paid for in whole or in part out  
15 of the funds of a public body where the estimated cost of the  
16 total project is in excess of [twenty-five thousand dollars  
17 (\$25,000)] two hundred and fifty thousand dollars (\$250,000),  
18 but shall not include work performed under a rehabilitation or  
19 manpower training program.

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

22 (7) "Workman" includes laborer, mechanic, skilled and semi-  
23 skilled laborer and apprentices employed by any contractor or  
24 subcontractor and engaged in the performance of services  
25 directly upon the public work project, regardless of whether  
26 their work becomes a component part thereof, but does not  
27 include material suppliers or their employees who do not perform  
28 services at the job site.

29 (8) "Work performed under a rehabilitation program," means  
30 work arranged by and at a State institution primarily for

1 teaching and upgrading the skills and employment opportunities  
2 of the inmates of such institutions.

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

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

7 Section 2. The amendment of section 2 of the act shall apply  
8 to contracts entered into on or after the effective date of this  
9 section.

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