

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL**No. 333** Session of
2007

INTRODUCED BY WAUGH, CORMAN, BRUBAKER, FOLMER, ARMSTRONG,
GORDNER, EARLL, M. WHITE, BAKER AND MADIGAN, MARCH 12, 2007

SENATOR GORDNER, LABOR AND INDUSTRY, AS AMENDED, JUNE 5, 2007

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
19 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 a cement or 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 non-structural 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 work, done under contract and paid for in whole or in part out

1 of the funds of a public body where the estimated cost of the
2 total project is in excess of [twenty-five thousand dollars <—
3 (\$25,000)] ONE HUNDRED SEVENTY-FIVE THOUSAND DOLLARS (\$175,000), <—
4 but shall not include work performed under a rehabilitation or
5 manpower training program. The term includes combination
6 rehabilitation/reconstruction projects where non-maintenance
7 items exceed fifteen percent of the total project cost. FOR THE <—
8 TWELVE-MONTH PERIOD BEGINNING DECEMBER 1, 2007, THROUGH NOVEMBER
9 30, 2008, AND FOR EACH LIKE TWELVE-MONTH PERIOD THEREAFTER, THE
10 ESTIMATED COST THRESHOLD FOR PUBLIC WORK PROJECTS SHALL BE
11 INCREASED BY AN ANNUAL COST ADJUSTMENT CALCULATED BY APPLYING
12 THE PERCENTAGE CHANGE IN THE CONSUMER PRICE INDEX FOR ALL URBAN
13 CONSUMERS (CPI-U) FOR THE PENNSYLVANIA, NEW JERSEY, DELAWARE AND
14 MARYLAND AREA, FOR THE MOST RECENT TWELVE-MONTH PERIOD FOR WHICH
15 FIGURES HAVE BEEN OFFICIALLY REPORTED BY THE UNITED STATES
16 DEPARTMENT OF LABOR, BUREAU OF LABOR STATISTICS, IMMEDIATELY
17 PRIOR TO THE DATE THE ADJUSTMENT IS DUE TO TAKE EFFECT. THE
18 PERCENTAGE INCREASE AND NEW AMOUNT SHALL BE DETERMINED BY THE
19 DEPARTMENT OF LABOR AND INDUSTRY AND SHALL BE PUBLISHED IN THE
20 PENNSYLVANIA BULLETIN WITHIN TEN DAYS OF THE DATE THE
21 DETERMINATION IS MADE.

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

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

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

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

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

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