
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1147 Session of
2022

INTRODUCED BY ROBINSON, GEBHARD, BAKER, PITTMAN, MENSCH,
YUDICHAK AND J. WARD, MARCH 17, 2022

REFERRED TO LABOR AND INDUSTRY, MARCH 17, 2022

AN ACT

1 Amending the act of July 5, 2012 (P.L.1086, No.127), entitled
2 "An act requiring public works contractors and subcontractors
3 to verify employment eligibility; providing for the powers
4 and duties of the Department of General Services; prescribing
5 sanctions; and establishing good faith immunity under certain
6 circumstances," further providing for verification form and
7 for enforcement and sanctions; and establishing the Public
8 Works Employment Verification Account.

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

11 Section 1. Section 4(a) and (b) of the act of July 5, 2012
12 (P.L.1086, No.127), known as the Public Works Employment
13 Verification Act, are amended to read:

14 Section 4. Verification form.

15 (a) General rule for public works contractors.--As a
16 precondition of being awarded a contract for a public work, or
17 with respect to a contract that was awarded prior to the
18 effective date of this subsection but has not yet been executed,
19 prior to the execution of the contract, a public works
20 contractor shall provide the public body with a verification
21 form described in subsection (c), acknowledging its

1 responsibilities under and its compliance with section 3 and
2 stating that the contractor is enrolled in EVP. Contracts
3 between a public works contractor and its subcontractors shall
4 contain information about the requirements of this act.

5 (b) General rule for subcontractors.--Prior to commencing
6 work on a public works project, a subcontractor shall provide
7 the public body with a verification form described in subsection
8 (c) acknowledging its responsibilities and its compliance with
9 section 3 and stating that the contractor is enrolled in EVP.

10 Contracts between a subcontractor and its subcontractors shall
11 contain information about the requirements of this act.

12 * * *

13 Section 2. Section 6(d) and (e) of the act are amended and
14 the section is amended by adding a subsection to read:

15 Section 6. Enforcement and sanctions.

16 * * *

17 (c.1) Reimbursement of department.--The department may
18 require a public works contractor or subcontractor to reimburse
19 the department for the cost of an audit, if the public works
20 contractor or subcontractor:

21 (1) is debarred from public work under subsection (d);

22 or

23 (2) is subject to a civil penalty under subsection (e).

24 (d) Sanctions.--The following sanctions shall apply only to
25 a violation under section 5(1):

26 (1) For a first violation, a public works contractor or
27 subcontractor shall receive a warning letter from the
28 department detailing the violation. The letter shall be
29 posted on the department's Internet website.

30 (2) For a second violation, a public works contractor or

1 subcontractor shall be debarred from public work for [30] 60
2 days.

3 (3) For a third violation and subsequent violations, a
4 public works contractor or subcontractor shall be debarred
5 from public work for not less than [180 days] one year and
6 not more than [one year] two years.

7 (4) In the case of an alleged willful violation, the
8 secretary shall file a petition in Commonwealth Court seeking
9 to have the court issue a rule to show cause why a public
10 works contractor or subcontractor did not engage in the
11 willful violation. If the court finds that the public works
12 contractor or subcontractor engaged in a willful violation,
13 the court shall order that the public works contractor or
14 subcontractor be debarred from public work for a period of
15 [three] five years.

16 (5) Notwithstanding the provisions of paragraph (1), (2)
17 or (3), a violation by a public works contractor or
18 subcontractor that occurs ten years or more after a prior
19 violation shall be deemed to be a first violation.

20 (6) For the purposes of assessing sanctions, violations
21 committed by a contractor or subcontractor subject to this
22 act involving a single public works contract shall be
23 considered a single violation despite the number of employees
24 that are the subject of the violations.

25 (e) Civil penalty and sanctions.--The following sanctions
26 shall apply only to a violation of section 5(2):

27 (1) A public works contractor or subcontractor that
28 violates section 5(2) shall be subject to a civil penalty of
29 not less than [\$250] \$2,500 and not more than [\$1,000]
30 \$25,000 for each violation, to be imposed by the

1 department[.] based on the duration and severity of the
2 violation.

3 (2) In addition to the penalty under paragraph (1), in
4 the event of a willful violation of section 5(2), a public
5 works contractor or subcontractor shall be subject to
6 debarment for not less than 60 days nor more than five years,
7 depending on the duration and severity of the violation.

8 * * *

9 Section 3. The act is amended by adding a section to read:

10 Section 6.1. Public Works Employment Verification Account.

11 (a) Establishment.--The Public Works Employment Verification
12 Account is established as a restricted revenue, interest-bearing
13 account in the General Fund.

14 (b) Deposits.--The department shall deposit penalties
15 collected under section 6(e) into the account.

16 (c) Use of account.--Money in the account and interest
17 earned on the account is appropriated on a continuing basis to
18 the department for the purposes of administering and enforcing
19 the provisions of this act.

20 Section 4. This act shall take effect in 60 days.