
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 841 Session of
2023

INTRODUCED BY FARRY, TARTAGLIONE, KANE, FONTANA, SCHWANK,
CAPPELLETTI, BREWSTER AND DILLON, JULY 5, 2023

REFERRED TO LABOR AND INDUSTRY, JULY 5, 2023

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, 1961
11 (P.L.987, No.442), known as the Pennsylvania Prevailing Wage
12 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, done under contract and paid for in
19 whole or in part out of the funds of a public body where the
20 estimated cost of the total project is in excess of twenty-five

1 thousand dollars (\$25,000), but shall not include work performed
2 under a rehabilitation or manpower training program.

3 * * *

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

16 * * *

17 (11) "Custom fabrication" means the fabrication, assembly or
18 other production of nonstandard goods or materials, including
19 components, fixtures or parts thereof, that are fabricated or
20 assembled offsite but produced specifically for a public work
21 project. The goods and materials shall include, but not be
22 limited to, those used in the trades or systems, including
23 plumbing or pipe-fitting systems, heating, ventilating, air-
24 conditioning, refrigeration systems, sheet metal or other duct
25 systems, boiler systems, electrical systems, welding work,
26 mechanical insulation work and ornamental iron work. The term
27 shall include the fabrication, assembly or other production of
28 components or structures prefabricated to specifications for a
29 particular public works project or other materials finished into
30 components for use in a public works project.

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

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

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

22 Section 7. Duty of Secretary.--The secretary shall, after
23 consultation with the advisory board, determine the general
24 prevailing minimum wage rate in the locality in which the public
25 work is to be performed for each craft or classification of all
26 workmen needed to perform public work contracts during the
27 anticipated term thereof: Provided, however, That employer and
28 employe contributions for employe benefits pursuant to a bona
29 fide collective bargaining agreement shall be considered an
30 integral part of the wage rate for the purpose of determining

1 the minimum wage rate under this act. For workmen engaged in
2 custom fabrication for a public work project, the applicable
3 prevailing minimum wage rates shall be the prevailing minimum
4 wage rate for the applicable craft or trade in the locality in
5 which the public work project is located. Nothing in this act,
6 however, shall prohibit the payment of more than the general
7 prevailing minimum wage rate to any workman employed on public
8 work. The secretary shall forthwith give notice by mail of all
9 determinations of general prevailing minimum wage rates made
10 pursuant to this section to any representative of any craft, any
11 employer or any representative of any group of employers, who
12 shall in writing request the secretary so to do.

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