

Section 23. This act shall take effect immediately.

Act effective immediately.

APPROVED—The 9th day of August, A. D. 1963.

WILLIAM W. SCRANTON

No. 342

AN ACT

Amending the act of August 15, 1961 (P. L. 987), entitled "An act relating to public works contracts; providing for prevailing wages; imposing duties upon the Secretary of Labor and Industry; providing remedies, penalties and repealing existing laws," further defining the localities for which prevailing minimum wage rates are to be determined, further specifying the nature and monetary amount of contracts which shall be subject to the act, further specifying how prevailing minimum wage rates shall be determined, imposing duties upon public bodies in relation to the determination of prevailing minimum wage rates and the inclusion of such rates in bid notices and contracts, creating an Advisory Board and an Appeals Board and providing for each board's powers and duties.

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

Pennsylvania Prevailing Wage Act.

Section 1. Clauses (2) and (5) of section 2, act of August 15, 1961 (P. L. 987), known as the "Pennsylvania Prevailing Wage Act," are amended to read:

Clauses (2) and (5), section 2, act of August 15, 1961, P. L. 987, amended.

Section 2. Definitions.—As used in this act—

* * * * *

(2) "Locality" means any political subdivision, or combination of the same, [or parts thereof, or any area or areas classified, designated and fixed by the secretary from time to time] *within the county in which the public work is to be performed. When no workmen for which a prevailing minimum wage is to be determined hereunder are employed in the locality, the locality may be extended to include adjoining 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.*

* * * * *

(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 of the funds of a public body [, except]. *where the estimated cost of the total project is in excess of twenty-five thousand dollars (\$25,000), but shall not include work performed under a rehabilitation or manpower training program.*

* * * * *

Section 2 of act amended by adding two new clauses (9) and (10).

Section 2. Section 2 of the act is amended by adding, after clause (8), two new clauses to read:

Section 2. Definitions.—As used in this act—

* * * * *

(9) “Advisory Board” means the board created by section 2.1 of this act.

(10) “Appeals Board” means the board created by section 2.2 of this act.

Act amended by adding two new sections 2.1 and 2.2.

Section 3. The act is amended by adding, after section 2, two new sections to read:

Section 2.1. Advisory Board, Powers and Duties.—
 (a) *There is hereby created in the Department of Labor and Industry an Advisory Board consisting of seven members for the purpose of assisting the secretary in carrying out his duties under the act to which this is an amendment.*

(b) *Except for the member employed by the secretary, each member of the Advisory Board shall be appointed by the Governor and shall receive a compensation of thirty dollars (\$30) per day for each day actually spent in the performance of his duties plus necessary expenses.*

(c) *Of the seven members, one shall be a representative of an association of general contractors engaged full-time in the building construction industry, one shall be a representative of an association of heavy and highway contractors engaged full time in the heavy and highway construction industry, one shall be a member of an historically established union representing labor in the building construction industry, one shall be a member of an historically established union representing labor in the heavy and highway construction industry, one shall be a member of an association representing a political subdivision, one shall be learned in the law and employed by the secretary, and one shall not be engaged in or employed by the building industry or by a public body but shall represent the general public.*

(d) *At least two weeks’ public notice shall be given in the manner prescribed by regulation of the board prior to any meeting of the board. Four members of the board shall constitute a quorum.*

(e) *The Advisory Board shall have the power and duty to—*

(1) *Consult with the secretary at his request concerning any matter arising under the administration of this act.*

(2) *Advise and assist the secretary in carrying out the duties provided for him by section 7 of this act.*

(3) *Promulgate rules and regulations necessary to carry out the duties placed upon the board by this act.*

Section 2.2. Appeals Board Powers and Duties.—(a) There is hereby created in the Department of Labor and Industry an Appeals Board consisting of seven members for the purpose of hearing and determining grievances arising out of the administration of the act to which this is an amendment.

(b) Except for the member employed by the secretary, each member of the Appeals Board shall be appointed by the Governor and shall receive a compensation of thirty dollars (\$30) per day for each day actually spent in the performance of his duties plus necessary expenses.

(c) Of the seven members, one shall be a representative of an association of general contractors engaged full-time in the building construction industry, one shall be a representative of an association of heavy and highway contractors engaged full time in the heavy and highway construction industry, one shall be a member of an historically established union representing labor in the building construction industry, one shall be a member of an historically established union representing labor in the heavy and highway construction industry, one shall be a member of an association representing a political subdivision, one shall be learned in the law and employed by the secretary, and one shall not be engaged in or employed by the building industry or by a public body but shall represent the general public. No member of the Advisory Board created by this amendatory act shall be appointed to the Appeals Board.

(d) Four members of the board shall constitute a quorum and the board shall neither sit for purposes of hearing any grievance nor make any determination unless a quorum is present.

(e) The Appeals Board shall have the power and duty to—

(1) Hear and determine any grievance or appeal arising out of the administration of this act.

(2) Promulgate rules and regulations necessary to carry out the duties placed upon the board by this act: Provided, however, That any such rules and regulations shall provide for notice of filing of grievances and appeals, public hearings, right of representation and all other procedures required by due process of law.

Section 4. Sections 3, 4, 5, 7 and 8 of the act are amended to read:

Sections 3, 4, 5,
7 and 8 of act
amended.

Section 3. Specifications.—The specifications for every contract [in excess of two thousand dollars (\$2,000)] for any public work to which any public body is a party, shall contain a provision stating the minimum wage rate [which can] *that must* be paid [(as shall be designated by the secretary)] to the work-

men employed in the performance of the contract [and the contract shall contain a stipulation that such workmen shall be paid not less than such minimum wage rate].

Section 4. Duty of Public Body.—[The public body awarding any contract for public work, or otherwise undertaking any public work, shall ascertain from the secretary the general prevailing minimum wage rate in the locality in which the public work is to be performed for each craft needed to perform the contract, and to the extent it may be ascertainable under subsection (b) of section 7 of this act, shall specify in the contract itself what the general prevailing minimum wage rate in the locality is for each craft or classification of all workmen needed to perform the contract during the anticipated term thereof.] *It shall be the duty of every public body which proposes the making of a contract for any project of public work to determine from the secretary the prevailing minimum wage rates which shall be paid by the contractor to the workmen upon such project. Reference to such prevailing minimum rates shall be published in the notice issued for the purpose of securing bids for such project of public work. Whenever any contract for a project of public work is entered into, the prevailing minimum wages as determined by the secretary shall be incorporated into and made a part of such contract and shall not be altered during the period such contract is in force.*

Section 5. Prevailing Wage.—Not less than the [general] prevailing minimum [wage rate] *wages* as determined [under section 7 below for work of a similar character in the locality in which the public work is performed] *hereunder* shall be paid to all workmen employed on public work.

Section 7. Duty of Secretary.—[(a)] The secretary shall, *after consultation with the advisory board*, determine the general prevailing minimum wage rate in the locality in which the public work is to be performed for each craft or classification of all workmen needed to perform public work contracts during the anticipated term thereof: Provided, however, That employer *and employe* contributions for employe benefits pursuant to a bona fide collective bargaining agreement shall be considered an integral part of the wage rate for the purpose of determining the minimum wage rate under this act. Nothing in this act, however, shall prohibit the payment of more than the general prevailing minimum wage rate to any workman employed on public work. The secretary shall forthwith give notice by mail of all determinations of general prevailing minimum wage rates made pursuant to this section to any representative of any craft,

any employer or any representative of any group of employers, who shall in writing request the secretary so to do.

[(b) In determining the minimum wage rates, the secretary shall ascertain and consider the applicable wage rates, including employer contributions for employe benefits established by bona fide collective bargaining agreements negotiated on an industry wide basis for and during the anticipated term of the construction contract between the historically established and recognized bargaining representatives of the workmen in the particular crafts or classifications of all workmen involved and their employers, or the bargaining representatives of the employers employing workmen in such crafts and classifications and the effective date of any change thereof.]

Section 8. Review of Rates, Petition and Hearing.— Any prospective bidder or his representative, any representative of any group of employers engaged in the particular type of construction, reconstruction, alteration and demolition or repair work involved, any representative of any craft or classification of workmen or the public body may, within ten days after the publication and issue of the specifications covering the particular contract for public work involved, file with the secretary a verified petition to review the determination of any such rate or rates. Within two days thereafter a copy of such petition shall be filed with the public body authorizing the public work. The petition shall set forth the facts upon which it is based. The secretary shall, upon notice to the petitioner, the public body authorizing the public work and the recognized collective bargaining representatives for the particular crafts and classifications involved, and also to all persons entitled to receive notice pursuant to subsection (a) of section 7 hereof, institute an investigation and hold a public hearing within twenty days after the filing of such petition. Within ten days thereafter, the secretary shall make a determination and transmit it, in writing, to the public body and to the interested parties. Such determination shall be final *unless within ten days an appeal is filed with the Appeals Board.*

Upon receipt by the public body of the notice of the filing of such petition, the public body awarding the contract or authorizing the public work shall extend the closing date for the submission of bids until five days after the *final* determination of the general prevailing minimum wage rates pursuant to this section and the publication of such findings.

Upon the filing of any such petition, notice thereof and of the extension of the closing date for submission

of bids, shall be given forthwith by the awarding public body in a special bulletin to all interested parties as defined herein, notice shall also be given to the bidders by the awarding body of the final determination of the secretary or Appeals Board which shall also be included in the contract. The determination of the secretary or Appeals Board shall be included in the contract.

APPROVED—The 9th day of August, A. D. 1963.

WILLIAM W. SCRANTON

No. 343

AN ACT

Providing for the acquisition by the Department of Forests and Waters of the Kinzua Bridge and certain adjoining grounds for a State park, and making an appropriation.

Bridges.

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

Department of Forests and Waters authorized to acquire land and Kinzua Bridge, in McKean County.

Section 1. The Department of Forests and Waters is hereby authorized to acquire by gift, purchase or condemnation proceedings, the Kinzua Bridge and such adjoining grounds in McKean County, Pennsylvania, as the Secretary of Forests and Waters may deem necessary.

The bridge and grounds shall be preserved and maintained as a State park and be known as the *Kinzua Bridge State Park.

Title approval by Department of Justice before acquisition.

Section 2. The title of the real estate shall be taken in the name of the Commonwealth of Pennsylvania and shall, before its acquisition, be approved by the Department of Justice.

Appropriation.

Section 3. The sum of fifty thousand dollars (\$50,000), or as much thereof as is necessary, is hereby appropriated for the purpose of carrying out the provisions of this act.

APPROVED—The 12th day of August, A. D. 1963.

WILLIAM W. SCRANTON

No. 344

AN ACT

Amending the act of May 31, 1957 (P. L. 212), entitled "An act authorizing the Pennsylvania Fish Commission, with the approval of the Governor, to convey 78.841 acres of land, con-

* "Kunzua" in original.