

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 846 Session of 2025

INTRODUCED BY DAWKINS, DAVANZO, WEBSTER, KENYATTA, ISAACSON,
WAXMAN, PROKOPIAK, SOLOMON, GIRAL, VENKAT, BOYD, McNEILL,
HARKINS, NEILSON, D. MILLER, SANCHEZ, PROBST, INGLIS,
DONAHUE, MERSKI AND D. WILLIAMS, MARCH 10, 2025

REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, MARCH 10, 2025

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,
11 1961 (P.L.987, No.442), known as the Pennsylvania Prevailing
12 Wage 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, with the exception reserved for
19 HVAC duct cleaning, done under contract and paid for in whole or

1 in part out of the funds of a public body where the estimated
2 cost of the total project is in excess of twenty-five thousand
3 dollars (\$25,000), but shall not include work performed under a
4 rehabilitation or manpower training program.

5 * * *

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

17 * * *

18 (11) "Custom fabrication" means the fabrication, assembly or
19 other production of nonstandard goods or materials, including
20 components, fixtures or parts thereof, that are fabricated or
21 assembled offsite but produced specifically for a public work
22 project. The following apply:

23 (i) The goods and materials shall include those used in the
24 trades or systems, including plumbing or pipe-fitting systems,
25 heating, ventilating, air conditioning, refrigeration systems,
26 sheet metal or other duct systems, boiler systems, electrical
27 systems, welding work, mechanical insulation work, ornamental
28 iron work, rebar system assembly or one or more signs in a
29 project, or any other fabrication which is one or more entire
30 modules or structures prefabricated to specifications for a

particular project of public work with minimal construction work
remaining other than installation, regardless of whether
unforeseen construction work is required on the public work site
to modify the custom fabricated item for the purpose of
installation, for use in a project of public work or for use in
a type or classification of a project of public work.

(ii) The term does not include components or materials, such
as structural steel members or precast concrete.

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

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

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

Section 7. Duty of Secretary.--The secretary shall, after

1 consultation with the advisory board, determine the general
2 prevailing minimum wage rate in the locality in which the public
3 work is to be performed for each craft or classification of all
4 workmen needed to perform public work contracts during the
5 anticipated term thereof: Provided, however, That employer and
6 employe contributions for employe benefits pursuant to a bona
7 fide collective bargaining agreement shall be considered an
8 integral part of the wage rate for the purpose of determining
9 the minimum wage rate under this act. For workmen engaged in
10 custom fabrication for a public work project, the applicable
11 prevailing minimum wage rates shall be the prevailing minimum
12 wage rate for the applicable craft or trade in the locality in
13 which the public work project is located. Nothing in this act,
14 however, shall prohibit the payment of more than the general
15 prevailing minimum wage rate to any workman employed on public
16 work. The secretary shall forthwith give notice by mail of all
17 determinations of general prevailing minimum wage rates made
18 pursuant to this section to any representative of any craft, any
19 employer or any representative of any group of employers, who
20 shall in writing request the secretary so to do.

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