



Pennsylvania State Building and Construction Trades Council AFL-CIO

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April 1, 2024

TO: All Affiliates
FROM: Robert S. Bair, President
RE: HB 2153

House Bill 2153 has been introduced in the Pennsylvania House of Representatives. This bill would mandate custom fabrication and pre-fabrication done off site on prevailing wage projects be paid at the appropriate prevailing wage rates and be subject to the Pennsylvania Prevailing Wage Act.

The Pennsylvania State Building Trades is 100% in support of this bill, and I am asking every affiliate to support the bill as well. This bill will require bi-partisan support in the House.

I am asking each local union and its members to generate 20 phone calls to every House member that is in your territory. I want those House members (Republican and Democrat) to hear from all the trades and prove to them that we, as the gold standard for construction in Pennsylvania, are serious about having our issues heard and addressed. There is a companion bill currently in committee in the Senate. After we pass HB 2153 in the House, I will follow up with another letter asking for support and phone calls be made to Senators in your area.

Thank you all for your commitment to our trades movement and to helping to get legislation passed that makes an impact on the lives of our members.

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2153 Session of
2024

INTRODUCED BY DAWKINS, DAVANZO, WEBSTER, KENYATTA, BURGOS,
T. DAVIS, VENKAT, McNEILL, DONAHUE, HARKINS, WAXMAN, SANCHEZ,
D. MILLER, BRENNAN, BOYD, NEILSON, HOHENSTEIN, HILL-EVANS,
DALEY, DELLOSO, SCHLOSSBERG, KINSEY AND MERSKI,
MARCH 25, 2024

REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, MARCH 25, 2024

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 employes 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 or one or more signs in a project, or any other
29 fabrication which is one or more entire modules or structures
30 prefabricated to specifications for a particular project of

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

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

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

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

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

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

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

PREVAILING WAGE BILL

We need you to call the PA. House Members at the numbers listed below and tell them you are **for** House Bill 2153. This Bill would eliminate “**split rates**” which is when a worker is paid two different rates, one high, and one low for the same job on the same day.

House Bill 2153 also ensures that custom **fabrication work done away from a main job site will receive the prevailing wage rate on a public works project**. This will update the Prevailing Wage Act, closing a loophole that currently results in many high-skill tradespeople receiving below prevailing wages.

Please call the following House Members and tell them to vote for HB 2153

Dist 1- Pat Harkins 814-459-1949

Dist 40- Natalie Mihalek 724-942-2045

Dist 2- Rob Merski 814-455-6319

Dist 49- Bud Cook 724-929-2660

Dist 3- Ryan Bizzard 814-835-2880

Dist 39- Andrew Kuzma 412-382-2009

Dist 6- Brad Roae 814-336-1136

Dist 48- Tim O’Neal 724-223-4541

Dist 65- Donna Oberlander- 814-226-9000

Dist 52- Ryan Warner 724-437-1105

Dist 67- Martin Causer 814-362-4400

Dist 28- Robert Mercuri 412-369-2230

Dist 7-Park Wentling 724-734-5980

Dist 44- Valerie Gaydos 412-262-3780

Dist 9- Tim Bonner 724-458-4911

Dist 30- Arvino Venkat 412-348-8028

Dist 11- Marci Mustello 724-283-5852

Dist 20- Emily Kinkead 412-321-5523

Dist 14- Jim Marshall 724-847-1352

Dist 33- Mandy Steele 724-826-5151

Dist 12- Stephanie Scialabba 724-772-3110

Dist 32- Joe McAndrew 412-793-2448

Dist 16- Robert Matzie 724-266-7774

Dist 45- Anita Kulik 412-264-4260

Dist 58- Eric Davanzo 724-929-2655

Dist 19- Abney Aerion 412-471-7760

Dist 57- Eric Nelson 724-834-6400

Dist 27- Dan Deasy 412-928-9514

Dist 56- George Dunbar 724-0305

Dist 23- Dan Frankel 412-422-1774

Dist 15- Josh Kail 724-728-7655

Dist 25- Brandon Markosek 412-856-8284

Dist 34- Abigail Salisbury 412-273-3400

Dist 42 Dan Miller 412-343-2050

Dist 38- Nick Pisciotano 412-466-1940

Dist 46- Jason Ortitay 412-221-3110

PREVAILING WAGE BILL

We need you to call the PA. Senate Members at the numbers listed below and tell them you are **for** Senate Bill SB841. This Bill would eliminate “**split rates**” which is when a worker is paid two different rates, one high, and one low for the same job on the same day.

Senate Bill 841 also ensures that custom **fabrication work done away from a main job site will receive the prevailing wage rate on a public works project**. This will update the Prevailing Wage Act, closing a loophole that currently results in many high-skill tradespeople receiving below prevailing wages.

Please call the following House Members and tell them to vote for HB 2153

- | | |
|------------------------------------------|--------------------------------------------|
| Dist- 6- Ryan Aument 717-787-4420 | Dist 37- Devlin Robinson 717-787-5839 |
| Dist 46- Camera Bartolotta 717-787-1463 | Dist 10- Steven Santarsiero 717-787-7305 |
| Dist-18- Lisa Boscola 717-787-4236 | Dist 1- Nikil Saval 717-787-5662 |
| Dist 45- Jim Brewster 717-787-3380 | Dist 11- Judith Schwank 717-787-8925 |
| Dist 17- Amanda Cappelletti 717-787-5544 | Dist 3- Sharif Street 717-787-6735 |
| Dist 12- Maria Collett 717-787-6599 | Dist 2- Christine Tartaglione 717-787-1141 |
| Dist 19- Carolyn Comitta 717-787-5709 | Dist 47- Elder Vogel Jr. 717-787-3076 |
| Dist 43- Jay Cost 717-787-7683 | Dist 39- Kim Ward 717-787-6063 |
| Dist 5- Jimmy Dillon 717-787-9608 | Dist 8- Anthony Williams 717-787-5970 |
| Dist 6- Frank Farry 717-787-5072 | Dist 38- Lindsay Williams 717-787-6538 |
| Dist 22- Marty Flynn 717-787-6481 | Dist 23- Gene Yaw 717-787-3280 |
| Dist 42- Wayne Fontana 717-787-5300 | |
| Dist 4- Art Haywood 717-787-1427 | |
| Dist 7- Vincent Hughes 717-787-7112 | |
| Dist 9- John Kane 717-787-4712 | |
| Dist 26- Tim Kearney 717-787-1350 | |
| Dist 49- Dan Laughlin 717-787-8927 | |
| Dist 14- Nick Miller 717-787-7105 | |
| Dist 44- Kate Muth 717-787-1398 | |
| Dist 41- Joe Pittman 717-787-8724 | |
| Dist 31- Mike Regan 717-787-8524 | |