

**DUTIES OF CONTRACTOR
UNDER PENNSYLVANIA
PREVAILING WAGE ACT**

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DUTIES OF CONTRACTOR UNDER PENNSYLVANIA PREVAILING WAGE ACT

1. The provisions of the Pennsylvania Prevailing Wage Act (the Act), approved August 15, 1961 (Act No. 442), as amended August 9, 1963 (Act No. 342), and the regulations issued pursuant thereto, are hereby incorporated into and made a part of the Contract Documents. The Act and its regulations can be found at www.dli.pa.gov.
2. Incorporated into the Contract Documents are the following requirements. These requirements shall apply to all Work performed by the Contractor and to all Work performed by all Subcontractors.
 - 2.1 The general prevailing minimum wage rates, including contributions for employee benefits as they have been determined by the Secretary of Labor and Industry (the “Secretary”), must be paid to the workmen employed in the performance of the Contract. The Contractor shall comply with the conditions of the Act and the regulations issued pursuant thereto, to assure the full and proper payment of said rates.
 - 2.2 These provisions shall apply to all work performed on the Contract by the Contractor and to all work performed on the Contract by all Subcontractors.
 - 2.3 The Contractor shall insert in each of his Subcontracts all of the stipulations contained herein and such other provisions as may be required under applicable law.
 - 2.4 No workmen may be employed on the public work except in accordance with the classifications set in the decision of the Secretary. In the event that additional or different classifications are necessary the procedure set in 34 PA Code § 9.107 shall be followed.
 - 2.5 All workmen employed or working on the public work shall be paid unconditionally, regardless of whether a contractual relationship exists, or the nature of a contractual relationship which may be alleged to exist between a Contractor, Subcontractor and workmen, not less than once a week, without deduction, or rebate, on any account, either directly, or indirectly, except authorized deductions, the full amounts due at the time of payment, computed at the rates applicable to the time worked in the appropriate classification. Nothing in the Contract, the Act, or these regulations will prohibit the payment of more than the general prevailing minimum wage rates, as determined by the Secretary, to any workman on public work.

- 2.6 The Contractor and each Subcontractor shall post for the entire period of construction the wage determination decisions of the Secretary, including the effective date of any changes thereof, in a prominent and easily accessible place, or places at the site of the work and at such place or places used by them to pay workmen their wages. The posted notice of wage rates must contain the following information:
- 2.6.1 Name of project.
 - 2.6.2 Name of public body for which it is being constructed.
 - 2.6.3 The crafts and classifications of workmen listed in the Secretary's general prevailing minimum wage rate determinations for the particular project.
 - 2.6.4 The general prevailing minimum wage rates determined for each craft and classification and the effective date of any changes.
 - 2.6.5 A statement advising workmen that if they have been paid less than the general prevailing minimum wage rate for their job classification, or that the Contractor or Subcontractor are not complying with the Act, or these regulations, they may file a protest with the Secretary within (3) months of the date of the occurrence. Any workmen paid less than the rate specified in the Contract shall have a civil right of action for the difference between the wage paid and the wages stipulated in the Contract, which right of action must be exercised within (6) months from the occurrence of the event creating such right.
- 2.7 The Contractor and all Subcontractors shall keep an accurate record showing the name, craft and classification, number of hours worked per day and the actual hourly rate of wage paid, including employee benefits, to each workman employed by him in connection with the public work and such record must include any deductions from each workman. The record shall be preserved for (2) years from the date of payment and shall be open at reasonable hours to the inspection of the public body awarding the Contract and to the Secretary, or his duly authorized representative.
- 2.8 Apprentices shall be limited to such numbers as shall be in accordance with a bona fide apprenticeship program registered with and approved by the Pennsylvania Apprenticeship and Training Council and only apprentices whose training and employment are in full compliance with the provisions of the Apprenticeship and Training Act approved July 14, 1961 (Act No. 304) and its rules shall be employed on the public work project. Any workman using the tools of a craft who does not qualify as

an apprentice within the provisions of this subsection shall be paid the rate predetermined for journeymen in that particular craft or classification.

- 2.9 Wages shall be paid without any deductions except authorized deductions. Employers not parties to a contract requiring contributions for employee benefits, which the Secretary has determined to be included in the general prevailing minimum wage rate, shall pay the monetary equivalent thereof directly to the workman.
 - 2.10 Payment of compensation to workmen for work performed on public work on a lump sum basis, or a piece work system, or a price certain for the completion of a certain amount of work, or the production of a certain result shall be deemed a violation of the Act and the regulations, regardless of the average hourly earnings resulting therefrom.
 - 2.11 Contractor and each Subcontractor shall file a statement each week and a final statement at the conclusion of the work on the Contract with the contracting agency (the "Owner"), under oath and in form satisfactory to the Secretary, certifying that all workmen have been paid wages in strict conformity with the provisions of the contract as prescribed by the Act and the regulations, or if any wages remain unpaid to set forth the amount of wages due and owing to each workman, respectively.
- 3. Contractor and all Subcontractors are required to file weekly wage certifications with the Owner. Copies of approved forms are attached to this Project Manual.
 - 4. Before final payment is made, Contractor and all Subcontractors are required to submit final wage certifications.

END OF SECTION