

MCA
Summary of Legislation
July 2011

August is Prevailing Wage Hearing Month

The House Labor and Industry Committee has scheduled multiple hearings on the Pennsylvania Prevailing Wage Act. Earlier this year, the same committee held a one day hearing on the same topic. The first of three additional hearings will occur on August 10th. It will deal with proposals to change the way rates are determined (House Bill 1367) and how classifications of work are determined (House Bill 1685). House Bill 1367 would use occupational wage rate data from the Center for Workforce and Analysis to establish prevailing wages. House Bill 1685 would tie trades classifications to the Federal Occupational Handbook published by the Federal Bureau of Labor Statistics. Both of these bills would dramatically alter how the law is administered and would have an anticompetitive effect on companies that pay good wages and benefits.

A second hearing is scheduled for August 17th. That hearing is focused on House Bill 1271 which redefines “maintenance work” so that specific road construction activities like road milling are not covered by the prevailing wage law. This legislation is a direct reaction to case law of a few years ago where the Pennsylvania courts ruled that road milling was covered by the Prevailing Wage Act.

A just announced third hearing is set for August 24th and will be about House Bill 1409. That legislation creates a mechanism for school districts to be exempt from prevailing wage law and requires a local referendum to bring the district back into coverage of the act.

This committee also has an August 16th hearing scheduled on “right to work” legislation (House Bills 50, 51, 52 and 53). All hearing will take place in Harrisburg. Keep in mind that no votes can occur at a public hearing, so consideration of any of these bills could not occur until after the House’s summer break. The full House will not reconvene for voting session until September 26th.

Legislative Activity

The following bills were acted on by the General Assembly this month.

[SB 263](#) RE: Data for Consideration by IRRC (By Sen. Ted Erickson, et al)

Amends the Regulatory Review Act to require the promulgating agency to submit to the Independent Regulatory Review Commission any data on which the information in the regulation is based and how that data was used. The agency has the burden of proving the acceptability of the data and the commission shall consider whether the regulation is supported by acceptable data in its determination of whether to approve a regulation.

Approved by the Governor 7/7/2011 Act No. 60 of 2011

[SB 552](#) RE: Industry Partnerships (By Sen. Mike Brubaker, et al)

Amends the Workforce Development Act adding a chapter providing for industry partnerships. The bill provides for the identification of industry clusters and targeted industry clusters and requires information to be published online annually by the Department of Labor and Industry along with a list of statewide and regional high-priority occupations which will guide workforce and educational investments by the department and participating agencies. The bill establishes a grant program to provide funding to industry partnerships. The grants could be used by industry partners to organize collaborative structures, identify training needs, facilitate economies of scale, and other such purposes. The bill provides for interdepartmental cooperation with the Departments of Agriculture, Community and Economic Development, Education, Corrections, and Public

Welfare. The Department of Labor shall provide the necessary industry and labor market research to support and further develop the work of industry partnerships.

Approved by the Governor 7/7/2011 Act No. 67 of 2011

New Bills Introduced

The following bills were introduced and referred to committees this month.

No new bills of interest to the construction industry were introduced this past month.

Upcoming meetings of Interest

WEDNESDAY - 8/10/11

House Labor and Industry Committee

9:30 a.m., Room 205, Ryan Office Building

Public hearing on:

[HB 1367](#) (Miller) - Amends Pennsylvania Prevailing Wage Act adding language providing the Secretary of Labor and Industry shall determine the prevailing wage rate for each county, utilizing occupational wage rate data determined by the Center for Workforce and Analysis of the department as the basis of the determination.

[HB 1685](#) (Bear) - Amends the Pennsylvania Prevailing Wage Act stipulating that, unless otherwise authorized by statute, the secretary shall base the scope of a craft or classification of workmen on the most recent version of the Federal occupational classifications, utilizing the description of the craft or classification in the "nature of work" subsection for each rate category.

TUESDAY - 8/16/11

House Labor and Industry Committee

1:00 p.m., Room 205, Ryan Office Building

Public hearing on: [HB 50](#) (Metcalf) - Act providing that employment shall not be conditional upon membership or nonmembership in, nor upon the payment or nonpayment of money to, a labor organization; and providing for bargaining, penalties and remedies.

TUESDAY - 8/23/11

House Republican Policy Committee

9:00 a.m., Room 140 Main Capitol

Public hearing on business tax reform

WEDNESDAY - 8/24/11

House Republican Policy Committee

10:00 a.m., Luzerne County, venue to be determined

Public hearing on job creation

TUESDAY - 9/20/11

House Republican Policy Committee

10:00 a.m., Beaver County, venue to be determined

Public hearing on workforce development

2011 SENATE SESSION SCHEDULE

September	19, 20, 21, 26, 27, 28
October	17, 18, 19, 24, 25, 26, 31
November	1, 14, 15, 16
December	5, 6, 7, 12, 13, 14

2011 HOUSE SESSION SCHEDULE

September	26, 27, and 28
October	3, 4, 5, 17, 18, 19, 24, 25, 26, and 31
November	1, 2, 14, 15, 16, 21, 22, and 23
December	5, 6, 7, 12, 13, and 14

Copies of all bills of interest can be accessed via the Internet at:

<http://www.legis.state.pa.us/WU01/LI/BI/billroom.htm>