

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

**SENATE BILL**No. **1147** Session of  
2022

INTRODUCED BY ROBINSON, GEBHARD, BAKER, PITTMAN, MENSCH,  
YUDICHAK, J. WARD, STEFANO AND BARTOLOTTA, MARCH 17, 2022

SENATOR BARTOLOTTA, LABOR AND INDUSTRY, AS AMENDED, MAY 24, 2022

## AN ACT

1 Amending the act of July 5, 2012 (P.L.1086, No.127), entitled  
2 "An act requiring public works contractors and subcontractors  
3 to verify employment eligibility; providing for the powers  
4 and duties of the Department of General Services; prescribing  
5 sanctions; and establishing good faith immunity under certain  
6 circumstances," further providing for verification form and  
7 for enforcement and sanctions; and establishing the Public  
8 Works Employment Verification Account.

9 The General Assembly of the Commonwealth of Pennsylvania

10 hereby enacts as follows:

11 Section 1. Section 4(a) and (b) of the act of July 5, 2012  
12 (P.L.1086, No.127), known as the Public Works Employment  
13 Verification Act, are amended to read:

14 Section 4. Verification form.

15 (a) General rule for public works contractors.--As a  
16 precondition of being awarded a contract for a public work, or  
17 with respect to a contract that was awarded prior to the  
18 effective date of this subsection but has not yet been executed,  
19 prior to the execution of the contract, a public works  
20 contractor shall provide the public body with a verification  
21 form described in subsection (c), acknowledging its

1 responsibilities under and its compliance with section 3 and  
2 stating that the contractor is enrolled in EVP. Contracts  
3 between a public works contractor and its subcontractors shall  
4 contain information about the requirements of this act.

5 (b) General rule for subcontractors.--Prior to commencing  
6 work on a public works project, a subcontractor shall provide  
7 the public body with a verification form described in subsection

8 (c) acknowledging its responsibilities and its compliance with  
9 section 3 and stating that the ~~contractor~~ SUBCONTRACTOR is <--  
10 enrolled in EVP. Contracts between a subcontractor and its  
11 subcontractors shall contain information about the requirements  
12 of this act.

13 \* \* \*

14 Section 2. Section 6(d) and (e) of the act are amended and  
15 the section is amended by adding a subsection to read:

16 Section 6. Enforcement and sanctions.

17 \* \* \*

18 (c.1) Reimbursement of department.--The department may  
19 require a public works contractor or subcontractor to reimburse  
20 the department for the cost of an audit, if the public works  
21 contractor or subcontractor:

22 (1) is debarred from public work under subsection (d);

23 or

24 (2) is subject to a civil penalty under subsection (e).

25 (d) Sanctions.--The following sanctions shall apply only to  
26 a violation under section 5(1):

27 (1) For a first violation, a public works contractor or  
28 subcontractor shall receive a warning letter from the  
29 department detailing the violation. The letter shall be  
30 posted on the department's Internet website.

1 (2) For a second violation, a public works contractor or  
2 subcontractor shall be debarred from public work for [30] 60  
3 days.

4 (3) For a third violation and subsequent violations, a  
5 public works contractor or subcontractor shall be debarred  
6 from public work for not less than [180 days] one year and  
7 not more than [one year] two years.

8 (4) In the case of an alleged willful violation, the  
9 secretary shall file a petition in Commonwealth Court seeking  
10 to have the court issue a rule to show cause why a public  
11 works contractor or subcontractor did not engage in the  
12 willful violation. If the court finds that the public works  
13 contractor or subcontractor engaged in a willful violation,  
14 the court shall order that the public works contractor or  
15 subcontractor be debarred from public work for a period of  
16 ~~three~~ five years. <--

17 (5) Notwithstanding the provisions of paragraph (1), (2)  
18 or (3), a violation by a public works contractor or  
19 subcontractor that occurs ten years or more after a prior  
20 violation shall be deemed to be a first violation.

21 (6) For the purposes of assessing sanctions, violations  
22 committed by a contractor or subcontractor subject to this  
23 act involving a single public works contract shall be  
24 considered a single violation despite the number of employees  
25 that are the subject of the violations.

26 (e) Civil penalty and sanctions.--The following sanctions  
27 shall apply only to a violation of section 5(2):

28 (1) A public works contractor or subcontractor that  
29 violates section 5(2) shall be subject to a civil penalty of  
30 not less than [~~\$250~~] \$2,500 and not more than [~~\$1,000~~]

1     \$25,000 for each violation, to be imposed by the  
2     department[.] based on the duration and severity of the  
3     violation.

4           (2) In addition to the penalty under paragraph (1), in  
5     the event of a willful violation of section 5(2), a public  
6     works contractor or subcontractor shall be subject to  
7     debarment for not less than 60 days nor more than ~~five~~ THREE <--  
8     years, depending on the duration and severity of the  
9     violation.

10     \* \* \*

11     Section 3. The act is amended by adding a section to read:

12     Section 6.1. Public Works Employment Verification Account.

13           (a) Establishment.--The Public Works Employment Verification  
14     Account is established as a restricted revenue, interest-bearing  
15     account in the General Fund.

16           (b) Deposits.--The department shall deposit penalties  
17     collected under section 6(e) into the account.

18           (c) Use of account.--Money in the account and interest  
19     earned on the account is appropriated on a continuing basis to  
20     the department for the purposes of administering and enforcing  
21     the provisions of this act.

22     Section 4. This act shall take effect in 60 days.