

1 S.34

2 Introduced by Senators Sirotkin and Baruth

3 Referred to Committee on

4 Date:

5 Subject: Labor; employment practices; prevailing wage for State-funded
6 projects

7 Statement of purpose of bill as introduced: This bill proposes to require that
8 construction employees working on any construction project receiving State
9 funds be paid the prevailing wage and to increase the wages and benefits for
10 the construction employees.

11 An act relating to prevailing wages

12 It is hereby enacted by the General Assembly of the State of Vermont:

13 Sec. 1. 21 V.S.A. § 398 is added to read:

14 § 398. EMPLOYMENT ON STATE-FUNDED CONSTRUCTION

15 PROJECTS; PREVAILING WAGE

16 (a) As used in this section:

17 (1) "Construction project" means:

18 (A) any construction, renovation, maintenance, or repair of a public

19 building, school, road, highway, bridge, sewer, airport, or other publically

1 owned structure pursuant to a contract with any political subdivision of the
2 State; or

3 (B) any construction, renovation, maintenance, or repair of a
4 building, road, highway, bridge, sewer, or other structure, which is not
5 otherwise subject to the requirements of 29 V.S.A. § 161(b), pursuant to a
6 contract with the University of Vermont and State Agricultural College or the
7 Vermont State Colleges.

8 (2) "Political subdivision" means any county; city; town; village; gore
9 or other municipality; school district; fire district; water, sewer or utility
10 district; and any consolidation of such entities authorized under the laws of
11 this State.

12 (b) Each contract awarded for a construction project with a construction
13 cost in excess of \$100,000.00 that is funded in whole or in part by State funds
14 shall provide that all construction employees working on the project shall be
15 paid no less than the prevailing wage determinations as have been made by the
16 Secretary of the U.S. Department of Labor in accordance with the Davis-Bacon
17 Act, 40 U.S.C. § 276a, as may be amended. The Commissioner of Labor may
18 adopt rules as necessary, pursuant to 3 V.S.A. chapter 25, to implement this
19 section. This section does not require that the federal Davis-Bacon Act
20 reporting requirements be applied to all construction projects that are funded in
21 whole or in part by State funds.

1 Sec. 2. 29 V.S.A. § 161 is amended to read:

2 § 161. REQUIREMENTS ON STATE CONSTRUCTION PROJECTS

3 * * *

4 (b) Each contract awarded under this section for a State construction
5 project with a construction cost exceeding \$100,000.00 ~~and which that~~ is
6 authorized or funded in whole or in part by a capital construction act pursuant
7 to 32 V.S.A. § 701a, including such a project of the University of Vermont and
8 State Agricultural College and of the Vermont State Colleges, shall provide
9 that all construction employees working on the project shall be paid no less
10 than the ~~mean~~ prevailing wage ~~published periodically by the Department of~~
11 Labor in its occupational employment and wage survey required pursuant to
12 21 V.S.A. § 398. The Commissioner of Labor, in consultation with the
13 Commissioner of Buildings and General Services, may adopt rules as
14 necessary, pursuant to 3 V.S.A. chapter 25, to implement this subsection. This
15 subsection does not require that the federal Davis-Bacon Act reporting
16 requirements be applied to State construction projects.

17 * * *

18 (g) As used in this section, “State construction project” means the
19 construction, renovation, maintenance, or repair of any State building, road,
20 highway, bridge, sewer, airport, or other State-owned structure.

1 Sec. 3. STATE CONSTRUCTION PROJECTS; CONTRACTS SUBJECT
2 TO STATE PREVAILING WAGE

3 Notwithstanding Sec. 2 of this act, the following contracts shall remain
4 subject to the mean prevailing wage published periodically by the Vermont
5 Department of Labor in its occupational employment and wage survey:

6 (1) contracts for State construction projects executed prior to July 1,
7 2016;

8 (2) any change orders or amendments to contracts for State construction
9 projects executed prior to July 1, 2016; and

10 (3) contracts for State construction projects that result from instructions
11 to bidders posted prior to July 1, 2015.

12 Sec. 4. STATE-FUNDED CONSTRUCTION PROJECTS; CONTRACTS
13 NOT SUBJECT TO PREVAILING WAGE

14 Notwithstanding Sec. 1 of this act, the following contracts shall not be
15 required to pay all construction employees working on the project no less than
16 the prevailing wage determinations as have been made by the Secretary of the
17 U.S. Department of Labor in accordance with the Davis-Bacon Act, 40 U.S.C.
18 § 276a, as may be amended:

19 (1) contracts for construction projects funded in whole or in part by
20 State funds executed prior to July 1, 2016;

1 (2) any change orders or amendments to contracts for construction
2 projects funded in whole or in part by State funds executed prior to July 1,
3 2016; and

4 (3) contracts for construction projects funded in whole or in part by
5 State funds that result from instructions to bidders posted prior to July 1, 2015.

6 Sec. 5. PREVAILING WAGE STUDY

7 (a) The Commissioner of Labor, in consultation with the Commissioner of
8 Buildings and General Services, shall evaluate:

9 (1) the effectiveness and costs of Vermont's prevailing wage statutes,
10 21 V.S.A. § 398 and 29 V.S.A. § 161, following the effective date of this act;

11 (2) the effectiveness and costs of other northeastern states' prevailing
12 wage statutes in comparison with Vermont's prevailing wage statutes; and

13 (3) the effect on Vermont's prevailing wage statutes, workers, and
14 economy of using the prevailing rate of wages and benefits then payable
15 pursuant to a collective bargaining agreement for labor in the locality where
16 the public work is being performed, or in the nearest locality where such a
17 collective bargaining agreement exists, in place of the prevailing wage
18 determinations made by the Secretary of the U.S. Department of Labor in
19 accordance with the Davis-Bacon Act, 40 U.S.C. § 276a.

20 (b) The Commissioner of Labor shall report to the House Committee on
21 Corrections and Institutions and the Senate Committee on Institutions on or

1 before January 15, 2017. The Commissioner's report shall include the study's
2 findings and the Commissioner's recommendation for legislation to improve
3 Vermont's prevailing wage statutes based on those findings.

4 Sec. 6. EFFECTIVE DATE

5 This act shall take effect on July 1, 2015.