



SPONSOR: Sen. Townsend & Sen. Walsh & Rep. Osienski &
Rep. K. Williams

DELAWARE STATE SENATE
152nd GENERAL ASSEMBLY

SENATE BILL NO. 102

AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO PREVAILING WAGE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend Chapter 69, Title 29 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows and by redesignating accordingly:

3 § 6902. Definitions [For application of this section, see 82 Del. Laws, c. 36, § 3].

4 For purposes of this chapter:

5 (~~)~~ “Custom fabrication” applies to any construction or fabrication related to any of the following trades and
6 pursuant to § 8503(7) of this title and the rules and regulations and provisions of § 6960 of this title:

7 1. Plumbing, pipefitting, steamfitting.

8 2. Electrical work.

9 3. Heating, cooling, ventilation, and exhaust duct systems.

10 4. Mechanical insulation.

11 5. Ornamental Ironwork.

12 6. Mechanical Insulation.

13 7. One or more signs.

14 § 6960. Prevailing wage requirements.

15 (b) Every contract based upon these specifications ~~shall~~ must contain a stipulation that the employer ~~shall~~ must pay
16 all mechanics and laborers employed directly upon the site of the work or employed for purposes of any custom fabrication
17 work, regardless of where the work is performed, unconditionally and not less often than once a week and without
18 subsequent deduction or rebate on any account, the full amounts accrued at time of payment, computed at wage rates not
19 less than those stated in the specifications, regardless of any contractual relationship which may be alleged to exist between
20 the employer and such laborers and mechanics. The specifications ~~shall~~ must further stipulate that the scale of wages to be
21 paid ~~shall~~ must be posted by the employer in a prominent and easily accessible place at the site of the work, and that there
22 may be withheld from the employer so much of accrued payments as may be considered necessary by the Department of

23 Labor to pay to laborers and mechanics employed by the employer the difference between the rates of wages required by
24 the contract to be paid laborers and mechanics on the work and rates of wages received by such laborers and mechanics to
25 be remitted to the Department of Labor for distribution upon resolution of any claims.

SYNOPSIS

This Act closes a loophole in the prevailing wage statute that was being used to pay workers below the prevailing wage by performing work offsite instead of onsite, regardless of whether it was necessary to do so.

This bill also makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual.

Author: Senator Townsend