



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

DELAWARE STATE SENATE
152nd GENERAL ASSEMBLY

SENATE SUBSTITUTE NO. 1
FOR
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" means the offsite fabrication, assembly, or other production of non-standard goods or~~
6 ~~materials, including components, fixtures or parts thereof, specifically for a public works project. Such goods and materials~~
7 ~~shall include those used in the following trades or systems:~~

8 1. ~~Plumbing or pipe fitting systems, including heating, ventilating, air-conditioning, refrigeration systems,~~
9 ~~sheet metal or other duct systems.~~

10 2. ~~Electrical systems.~~

11 3. ~~Mechanical insulation work.~~

12 4. ~~Ornamental iron work.~~

13 5. ~~Commercial signage that does not attempt or appear to direct the movement of traffic on highways or~~
14 ~~roadways or interfere with, imitate, or resemble any official traffic sign, signal or device.~~

15 § 6960. Prevailing wage requirements.

16 (b) Every contract based upon these specifications ~~shall~~ must contain a stipulation that the employer ~~shall~~ must pay
17 all mechanics and laborers employed directly upon the site of the work or engaged in any custom fabrication work,
18 regardless of where the work is performed, unconditionally and not less often than once a week and without subsequent
19 deduction or rebate on any account, the full amounts accrued at time of payment, computed at wage rates not less than those
20 stated in the specifications, regardless of any contractual relationship which may be alleged to exist between the employer

21 and such laborers and mechanics. The specifications ~~shall~~ must further stipulate that the scale of wages to be paid ~~shall~~
22 must be posted by the employer in a prominent and easily accessible place at the site of the work, and that there may be
23 withheld from the employer so much of accrued payments as may be considered necessary by the Department of Labor to
24 pay to laborers and mechanics employed by the employer the difference between the rates of wages required by the contract
25 to be paid laborers and mechanics on the work and rates of wages received by such laborers and mechanics to be remitted
26 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