

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1937



ENROLLED

HOUSE BILL No. 108

(By Mr. Dovinger)



PASSED Feb - 12 - 1937

In Effect from Passage

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House Bill No. 108

(BY MR. DORINGER)

[Passed February 12, 1937; in effect from passage.]

AN ACT to amend and reenact chapter ninety-five, acts of the
Legislature of West Virginia, regular session, one thousand
nine hundred thirty-five, relating to the rate of wages to be
paid to workmen and mechanics employed in construction of
public improvements.

Be it enacted by the Legislature of West Virginia:

That chapter ninety-five, acts of the Legislature of West Virginia, regular session, one thousand nine hundred thirty-five, be amended and reenacted to read as follows:

Section 1. *Definitions of Words and Phrases.* The term
2 “public authority,” as used in this act, shall mean any officer,
3 board or commission of the state of West Virginia, or any
4 political subdivision thereof, authorized by law to enter into

5 a contract for the construction of a public improvement.
6 The term "construction," as used in this act, shall mean any
7 construction, reconstruction, improvement, enlargement or
8 repair of any public improvement. The term "public im-
9 provement," as used in this act, shall include all buildings,
10 roads, streets, alleys, sewers, ditches, sewage disposal plants,
11 waterworks, and all other structures or works constructed by
12 the state of West Virginia or any political subdivision thereof.
13 The term "locality," as used in this act, shall mean the
14 county wherein the physical work upon any public improve-
15 ment is being performed.

Sec. 2. *Fair Minimum Rate of Wages to Be Paid Workmen*
2 *on Public Improvements.* Any public authority authorized to
3 contract for a public improvement, shall, before advertising
4 for bids for the construction thereof, fix and determine a fair
5 minimum rate of wages to be paid by the successful bidder
6 to the employees in the various branches or classes of the
7 work, to be performed. The "fair minimum rate of wages,"
8 for the intents and purposes of this act, shall be the rate of
9 wage paid in the locality as hereinbefore defined to the
10 majority of workmen, laborers or mechanics in the same trade

11 or occupation. In the event that it be determined that there
12 is not a majority in the same trade or occupation paid at the
13 same rate, then the rate paid to the greater number in such
14 trade or occupation shall be the minimum rate, provided such
15 greater number constitutes at least forty per cent of the
16 laborers, workmen or mechanics engaged in such trade or
17 occupation; in the event that there is less than forty per cent
18 of the laborers, workmen or mechanics engaged in the same
19 trade or occupation in the same locality paid the same rate,
20 then the average rate paid such laborers, workmen or me-
21 chanics in the same trade or occupation shall be the minimum
22 rate. The minimum rate of wages so fixed shall be printed on
23 the bidding blanks.

Sec. 3. *Contract Between Public Authority and Contractor*
2 *to Provide for Wage Rate Not Less Than Minimum.* In all
3 cases where any public authority shall fix a fair minimum
4 rate or rates of wages as herein provided, the contract exe-
5 cuted between the public authority and the successful bidder
6 shall contain a provision requiring the successful bidder and
7 all his subcontractors to pay a rate or rates of wages which
8 shall not be less than the minimum rate or rates of wages so

9 fixed. It shall be the duty of the successful bidder and all his
10 subcontractors to strictly comply with such provisions of the
11 contract.

Sec. 4. *Wage Rates of Classes of Labor to Be Kept Posted*
2 *at Site of Work.* A clearly legible statement of all minimum
3 wage rates to be paid the several classes of labor employed
4 on the work shall be kept posted in a prominent and easily
5 accessible place at the site of the work.

Sec. 5. *Penalty for Violation of Act by Contractor; Action*
2 *by Employee Against Contractor When Paid Less Than*
3 *Minimum Wage.* Any contractor or subcontractor who shall
4 violate the wage provisions of such contract, or who shall
5 suffer, permit or require any employee to work for less than
6 the minimum rate of wages so fixed, shall be fined not less
7 than fifty dollars nor more than five hundred dollars. Any
8 employee upon any public improvement who is paid less than
9 the fixed minimum rate of wages applicable thereto may
10 recover from the contractor or subcontractor the difference
11 between the fixed minimum rate of wages and the amount
12 paid to him, and in addition thereto a penalty equal in
13 amount to such difference.

Sec. 6. *Provisions of Act Severable; Inconsistent Acts*

2 *Repealed.* Each section of this act and every part thereof is
3 hereby declared to be an independent section or part of a
4 section, and if any section, subsection, sentence, clause or
5 phrase of this act shall for any reason be held unconstitu-
6 tional, the validity of the remaining phrases, clauses, sen-
7 tences, subsections, and sections of this act shall not be
8 affected thereby.

9 All acts and parts of acts in conflict with the provisions
10 of this act are hereby repealed.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Paul B. Galt
Chairman Senate Committee

Frank Baker
Chairman House Committee

Originated in the

House

Takes effect

From

passage.

Chauncey Miller
Clerk of the Senate

Geo. S. Hall
Clerk of the House of Delegates

Chas. E. Hodge
President of the Senate

James Ray Thomas
Speaker House of Delegates

The within

Approved

this the

23rd

day of

February

, 1937.

James A. H. H.
Governor.

FEB 23 1937
Filed in the office of the Secretary of State
of West Virginia.

Wm. S. O'BRIEN,
Secretary of State

FEB 23 1937