WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1937

ENROLLED

HOUSE BILL No. 108

(By Mr. Dovinger)

PASSED February 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 "public authority," as used in this act, shall mean any officer, board or commission of the state of West Virginia, or any political subdivision thereof, authorized by law to enter into
a contract for the construction of a public improvement. The term "construction," as used in this act, shall mean any construction, reconstruction, improvement, enlargement or repair of any public improvement. The term "public improvement," as used in this act, shall include all buildings, roads, streets, alleys, sewers, ditches, sewage disposal plants, waterworks, and all other structures or works constructed by the state of West Virginia or any political subdivision thereof. The term "locality," as used in this act, shall mean the county wherein the physical work upon any public improvement is being performed.

Sec. 2. Fair Minimum Rate of Wages to Be Paid Workmen on Public Improvements. Any public authority authorized to contract for a public improvement, shall, before advertising for bids for the construction thereof, fix and determine a fair minimum rate of wages to be paid by the successful bidder to the employees in the various branches or classes of the work, to be performed. The "fair minimum rate of wages," for the intents and purposes of this act, shall be the rate of wage paid in the locality as hereinbefore defined to the majority of workmen, laborers or mechanics in the same trade
or occupation. In the event that it be determined that there
is not a majority in the same trade or occupation paid at the
same rate, then the rate paid to the greater number in such
trade or occupation shall be the minimum rate, provided such
greater number constitutes at least forty per cent of the
laborers, workmen or mechanics engaged in such trade or
occupation; in the event that there is less than forty per cent
of the laborers, workmen or mechanics engaged in the same
trade or occupation in the same locality paid the same rate,
then the average rate paid such laborers, workmen or me-
chanics in the same trade or occupation shall be the minimum
rate. The minimum rate of wages so fixed shall be printed on
the bidding blanks.

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

Each section of this act and every part thereof is hereby declared to be an independent section or part of a section, and if any section, subsection, sentence, clause or phrase of this act shall for any reason be held unconstitutional, the validity of the remaining phrases, clauses, sentences, subsections, and sections of this act shall not be affected thereby.

All acts and parts of acts in conflict with the provisions of this act are hereby repealed.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the House.

Takes effect from __________ passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within was accepted this the 23rd day of __________, 1937.

Governor.