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Ursinus College v. Prevailing Wage Appeals Board

Commonwealth Court of Pennsylvania - August 4, 2022 - A.3d - 2022 WL 3093121

Private, non-profit college sought review of decision by Pennsylvania Prevailing Wage Appeals Board which reversed the decision of the Department of Labor and Industry, Bureau of Labor Law Compliance, concluding that construction project undertaken by college and financed by bonds issued by public authority was "public work" under the Pennsylvania Prevailing Wage Act, entitling members of labor union to prevailing wages for project work already completed.

The Commonwealth Court held that project was not "public work" under Pennsylvania Prevailing Wage Act.

Construction project undertaken by private, non-profit college and financed by bonds issued by public authority was not "public work" under Pennsylvania Prevailing Wage Act, although authority issued bonds and loaned funds to college under loan agreement, where authority was obligated to transfer funds to trustee, transfer took place before college received any funds for project, authority did not hold such funds, funds college used to pay for project were disbursed by trustee, rather than authority, college purchased bonds with private funds, college bore risk for repaying bonds, and Act required work be paid for out of funds of public body, rather than considering if college would have received funds "but for" acts of authority.

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