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PREVAILING WAGE LAW - PENNSYLVANIA

PSP NE, LLC v. Pennsylvania Prevailing Wage Appeals Board

Supreme Court of Pennsylvania - May 19, 2026 - A.3d - 2026 WL 1406719

Developer of build-to-suit lease for benefit of Pennsylvania State Police sought review of decision of Prevailing Wage Appeals Board (PWAB), finding that project was a “public work” subject to Prevailing Wage Act (PWA).

The Commonwealth Court reversed. Bureau of Labor Law Compliance petitioned for review.

The Supreme Court held that:

- Totality of circumstances demonstrated that economic reality of lease was not a bona fide lease, but instead contained requirements for developer to construct a facility specifically designed for state police’s use, and
- Developer did not bear all of the risk of developing training facility.

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