

THE GOVERNOR

Title 4—ADMINISTRATION

PART I. GOVERNOR'S OFFICE

[4 PA. CODE CH. 1]

[EXECUTIVE ORDER 2016-02 AS AMENDED]

Minimum Wage for Employees of the Commonwealth and of Organizations Receiving State Contracts

January 25, 2022

Whereas, the inflation-adjusted hourly earnings of the bottom fifth of Pennsylvania workers are lower today than they were in 1968; and

Whereas, the shifts in the labor market, economy, and public health have led workers to seek out quality jobs to meet their needs; and

Whereas, quality jobs require wages that keep up with rising costs so individuals can maintain or grow their purchasing power; and

Whereas, studies have consistently shown that an increase in the minimum wage will result in increased consumer spending at Pennsylvania businesses; and

Whereas, studies have consistently shown that increases in the minimum wage have not reduced the employment of low-wage workers; and

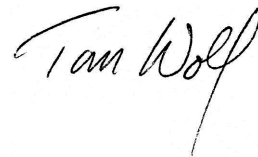
Whereas, an increase in the minimum wage will lead to increases in employee morale, productivity, and quality of work and decreases in turnover and training costs; and

Whereas, it is the policy of this administration to increase efficiency and achieve cost savings in state government; and

Whereas, the minimum wage increases since 2016 under this Executive Order have raised the standards to better align with current cost of living for Commonwealth employees and applicable contractor employees; and

Whereas, accelerating the increase in the minimum wage will achieve even greater efficiency and cost savings for state government and reduce state expenditures on income support programs.

Now, Therefore, I, Tom Wolf, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws do hereby order and direct the following:



Governor

Fiscal Note: GOV-2016-02 (Amended). (1) Multiple Funds;

(7) State Stores Fund; (2) Implementing Year 2021-22 is \$3,899,000; (3) 1st Succeeding Year 2022-23 through 5th Succeeding Year 2026-27 are \$3,899,000;

(7) General Fund; (2) Implementing Year 2021-22 is \$199,000; (3) 1st Succeeding Year 2022-23 through 5th Succeeding Year 2026-27 are \$199,000;

(7) Motor License Fund; (2) Implementing Year 2021-22 is \$162,000; (3) 1st Succeeding Year 2022-23 through 5th Succeeding Year 2026-27 are \$162,000;

(7) Game Fund; (2) Implementing Year 2021-22 is \$36,000; (3) 1st Succeeding Year 2022-23 through 5th Succeeding Year 2026-27 are \$36,000;

(7) All Other Funds; (2) Implementing Year 2021-22 is \$26,000; (3) 1st Succeeding Year 2022-23 through 5th Succeeding Year 2026-27 are \$26,000;

(4) 2020-21 Program—\$N/A; 2019-20 Program—\$N/A; 2018-19 Program—\$N/A;

(8) recommends adoption. Funds have been included in the budget to cover this increase.

Annex A

TITLE 4. ADMINISTRATION

PART I. GOVERNOR'S OFFICE

CHAPTER 1. AGENCY OPERATION AND ORGANIZATION

Subchapter EEE. MINIMUM WAGE FOR EMPLOYEES OF THE COMMONWEALTH AND OF ORGANIZATIONS RECEIVING STATE CONTRACTS

§ 1.841. Minimum wage.

All employees covered by this subchapter, other than tipped employees, shall be paid no less than:

(1) \$15.00 per hour after the effective date of this subchapter.

(2) Beginning 2023 and thereafter, the minimum wage rate will be increased by an annual cost-of-living adjustment using the percentage change in the Consumer Price Index for All Urban Consumers (CPI-U) for Pennsylvania, New Jersey, Delaware and Maryland. The application amount shall be published in the *Pennsylvania Bulletin* by March 1 of each year to be effective the following July 1.

(3) Employees of contractors and lessors covered by § 1.842(2) (relating to coverage) with contracts or leases that were executed prior to the issuance of this amended subchapter and contain requirements for an enhanced minimum wage shall continue to operate under the contract or lease requirements unless a bilateral modification is negotiated and executed.

§ 1.842. Coverage.

The employees covered by this subchapter are:

(1) Employees of Commonwealth agencies under the jurisdiction of the Governor.

(2) Employees, as defined in section 3 of the Minimum Wage Act of 1968 (43 P.S. § 333.103), who, as set forth in a new lease of property or contract for services or construction executed after the effective date of this subchapter that exceeds the applicable small purchase threshold and is entered into with a Commonwealth agency under the jurisdiction of the Governor, including bilateral modifications to existing leases or contracts:

(i) directly perform services or construction; or

(ii) directly perform services for the Commonwealth and are employed by a lessor of property to the Commonwealth; or

(iii) spend at least 20% of their working time in a given work week performing an ancillary service.

§ 1.843. Implementation.

All Commonwealth agencies under the jurisdiction of the Governor shall take all steps necessary to implement this subchapter. Independent agencies, State-affiliated entities and State-related institutions are also strongly encouraged to implement this subchapter.

§ 1.844. Sanctions.

Failure of a covered contractor or lessor to comply with the provisions of this subchapter may result in the imposition of sanctions, which may include, but shall not be limited to, termination of the contract or lease, nonpayment, debarment or referral to the Office of General Counsel for appropriate civil or criminal referral.

§ 1.845. Application.

(a) Nothing in this subchapter shall be construed to contravene or supersede:

- (1) any State or Federal law or collective bargaining agreement; or
- (2) any State or local policy requiring a covered employee to be paid more than the minimum wage required by this subchapter.

(b) The provisions of this subchapter shall not be applicable when the provisions may jeopardize the receipt of Federal funds.

(c) This subchapter is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the Commonwealth, its departments, agencies or entities, its officers, employees or agents, or any other person.

§ 1.846. Effective dates.

This subchapter shall take effect on the following dates and shall remain in effect until modified or rescinded:

- (1) For employees described in § 1.842(1) (relating to coverage), on January 31, 2022.
- (2) For employees described in § 1.842(2), on the effective date of the applicable contract or lease solicited or bilaterally modified on or after July 1, 2022.

[Pa.B. Doc. No. 22-221. Filed for public inspection February 11, 2022, 9:00 a.m.]

GOVERNOR'S OFFICE

Proclamation of Disaster Emergency

January 28, 2022

Whereas, on January 28, 2022, the Forbes Avenue Bridge collapsed in the City of Pittsburgh, Allegheny County; and

Whereas, multiple vehicles were driving on the bridge at the time of the collapse;

Whereas, vehicles, motorists and passengers fell approximately 100 feet during the collapse;

Whereas, motorists and first responders sustained injuries as a result of the collapse; and

Whereas, the City of Pittsburgh and surrounding political subdivisions are experiencing adverse effects to include ongoing traffic disruptions in and around the scene of the incident; and

Whereas, these adverse impacts are of such magnitude or severity as to render essential the Commonwealth's supplementation of county and municipal efforts and resources and the activation of all applicable state, county, and municipal emergency response plans.

Now Therefore, pursuant to Article IV, Section 20 of the Pennsylvania Constitution, I do hereby proclaim the existence of a general disaster emergency in Allegheny County and authorize and direct that the Pennsylvania Emergency Management Agency Director, or designee, assume command and control of all statewide emergency operations and that all

Commonwealth departments and agencies, under the direction of the Pennsylvania Emergency Management Agency Director, or designee, utilize all available powers, resources and personnel as is deemed necessary to cope with the magnitude and severity of this emergency event pursuant to the provisions of the Emergency Management Services Code, Title 35, Part V of *Pennsylvania's Consolidated Statutes*. 35 Pa.C.S. § 7101, et seq.

Further, I hereby transfer \$1,000,000 in unused appropriated funds to the Pennsylvania Emergency Management Agency for Emergency Management Assistance Compact expenses related to this emergency, to be increased or decreased as conditions require pursuant to the provisions of section 7604(a) of the Emergency Management Services Code, 35 Pa.C.S. § 7604(a). In addition, I hereby transfer \$2,000,000 in unused appropriated funds, to be increased or decreased as conditions require, to the Pennsylvania Emergency Management Agency pursuant to section 1508 of the Act of April 9, 1929, P.L. 343, No. 176 (the Fiscal Code), 72 P.S. § 1508. The aforementioned funds shall be used for expenses authorized and incurred related to this emergency. These funds shall be credited to a special account established by the Office of the Budget. I hereby direct that any funds transferred herein that remain unused after all costs related to this emergency have been satisfied shall be returned to the General Fund.

Further, all Commonwealth agencies purchasing supplies or services in response to this emergency are authorized to utilize the emergency procurement procedures set forth in section 516 of the Commonwealth Procurement Code, 62 Pa.C.S. § 516. This Proclamation shall serve as the written determination of the basis for the emergency under 62 Pa.C.S. § 516; and

Further, I hereby direct the Pennsylvania Emergency Management Agency to staff the Commonwealth Response Coordination Center for the duration of this emergency event, and to augment it with personnel from other Commonwealth agencies and departments. I also authorize the Pennsylvania Emergency Management Agency to direct and coordinate the emergency response, recovery, and mitigation activities of other Commonwealth agencies and departments as deemed necessary to deal with the exigencies of this disaster emergency through implementation of the State Emergency Operations Plan; and

Further, I hereby authorize the Secretary of Transportation to use all available equipment, resources, and personnel of the Department of Transportation, in whatever manner that she deems necessary, to ensure that all property, roads and highways in the areas that may be affected by the emergency event are cleared of debris or any other obstructions resulting from this event and to ensure that highways, bridges, roadbeds, and related facilities and structures that may sustain damage in the disaster affected areas are immediately repaired, maintained, reconstructed, or replaced, or that new construction is undertaken where necessary. In addition, I hereby waive any laws or regulations that would restrict the application and use of the Department's equipment, resources, and personnel to assist local jurisdictions in the repairs, maintenance, reconstruction, construction and clearing and removal of debris or obstructions from non-state-owned property, roads or highways. This assistance to local jurisdictions may be provided solely at the discretion of the Secretary of Transportation. I hereby authorize the Secretary of Transportation, in her sole discretion, to waive any provision of the Vehicle Code or any other law or regulation which she is authorized by law to administer or enforce as may be necessary to respond to this emergency event; and

Further, I hereby authorize the Commissioner of the Pennsylvania State Police to use all available resources and personnel of the Pennsylvania State Police, in whatever manner he deems necessary, to aid in the recovery aspects related to all interstate and other federal and state highways in the Commonwealth to address this emergency event; and

Further, I hereby direct that the emergency response, recovery, and mitigation aspects of the Commonwealth and all applicable county, municipal, and other emergency response plans be activated and that all state,

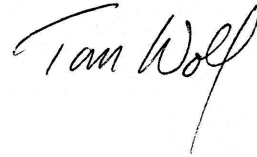
THE GOVERNOR

county, and municipal actions taken to implement those plans be coordinated through the Pennsylvania Emergency Management Agency; and

Further, I hereby suspend the provisions of any other regulatory statute prescribing the procedures for conduct of Commonwealth business, or the orders, rules or regulations of any Commonwealth agency, if strict compliance with the provisions of any statute, order, rule or regulation would in any way prevent, hinder, or delay necessary action in coping with this emergency event. All Commonwealth agencies may implement their emergency assignments without regard to procedures required by other laws, except mandatory constitutional requirements, pertaining to the performance of public work, entering into contracts, incurring of obligations, employment of temporary workers, rental of equipment, purchase of supplies and materials, and expenditures of public funds; and

Still Further, I hereby urge the governing bodies and executive officers of all political subdivisions that may be affected by this emergency event to act as necessary to meet the current exigencies as legally authorized under this proclamation, including by the employment of temporary workers; by the rental of equipment; and by entering into such contracts and agreements as may be required to meet the emergency, all without regard to those time-consuming procedures and formalities normally prescribed by law, mandatory constitutional requirements excepted.

Given under my hand and the Seal of the Governor, at the city of Harrisburg, on this twenty-eighth day of January two thousand twenty-two, the year of the commonwealth the two hundred and forty-sixth.



Governor

[Pa.B. Doc. No. 22-222. Filed for public inspection February 11, 2022, 9:00 a.m.]