

# Wage Rate Laws on Public Works (Book Note)

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## BOOK NOTE

WAGE RATE LAWS ON PUBLIC WORKS. By Esther Ruth Perling and Bertram R. Coen, under direction of Charlie C. McCall. Washington, D. C.: Federal Works Agency, Public Works Administration, 1939, pp. vii, 227.

Sepulchral pyramids are tokens of the public works of an extinct Egyptian civilization. They bear mute testimony to the slavery and peonage by which they were built. Houses for the underprivileged, bridges, tunnels, dams and parkways are the public works of a current American civilization. They teem with life. They were built by free men for their enjoyment of a more complete existence.

During the past few years, the Federal Government has made loans and grants to public bodies in aid of useful public works. An essential prerequisite has been that the wage rate to laborers employed in the construction of such public works shall be not less than the corresponding wage rate established by state law. The loans and grants come within the scope of the Public Works Administration which maintains Regional Offices throughout the United States. The public bodies to which loans and grants are made, submit their proposed contracts for examination to the Regional Offices, where attorneys and engineers determine their conformity to state requirements. To facilitate determination of conformity to *labor* requirements, the Public Works Administration has issued this compilation of federal and state laws on wage rates on public works, together with relevant judicial and administrative decisions. Many states have no such laws.<sup>1</sup>

New York has progressive and comprehensive statutes which provide that payment of wages to laborers on public works shall be not less than at the prevailing rate. This provision applies also to laborers employed in the production of material used on such public works. Wages must be paid in cash, subject to waiver by the Industrial Commissioner.<sup>2</sup> The compilation omits reference to labor's Magna Charta of New York, adopted by the Constitutional Convention in 1938,<sup>3</sup> guaranteeing that: (1) Labor shall not be considered a

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<sup>1</sup> Alabama, Georgia, Iowa, Michigan, Mississippi, New Hampshire, North Dakota, South Carolina, South Dakota, Tennessee, Virginia and Wyoming.

<sup>2</sup> N. Y. Laws 1939, c. 832.

<sup>3</sup> N. Y. CONST. art. I, § 17: "Labor not a commodity; hours and wages in public work; right to organize and bargain collectively. Labor of human beings is not a commodity nor an article of commerce and shall never be so considered or construed.

"No laborer, workman or mechanic, in the employ of a contractor or a subcontractor engaged in the performance of any public work, shall be permitted to work more than eight hours in any day or more than five days in any week, except in cases of extraordinary emergency; nor shall he be paid less than the rate of wages prevailing in the same trade or occupation in the locality within the state where such public work is to be situated, erected or used.

"Employees shall have the right to organize and to bargain collectively through representatives of their own choosing." For debate on this provision, see 3 REVISED RECORD CONSTITUTIONAL CONVENTION OF NEW YORK, 1938, p. 2200 *et seq.*

commodity nor an article of commerce. (2) In the performance of any public work, subject to an extraordinary emergency, no laborer, workman or mechanic shall be permitted to work more than eight hours a day or more than five days a week; wages at less than the prevailing rate shall not be paid. (3) Employees shall have the right to organize and to bargain collectively.

Notwithstanding this omission, the compilation should prove useful to students of government and labor. It clearly reveals that our public works are built by men who give their labor voluntarily for a fair wage. In a democracy, who would have it otherwise?

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