

The Honorable John Carney
Governor, State of Delaware
Carvel State Office Building
820 N. French Street
12th Floor
Wilmington, DE 19801

Dear Governor Carney:

It has recently come to our attention that the Department of Labor has promulgated new regulations to expand the prevailing wage program, less than a week after a legislative session in which prevailing wage was a major topic of contention. As you surely recall, many hours were spent discussing the future of prevailing wage. At no point during our many discussions were these new regulations mentioned.

On behalf of the Senate and House Minority Caucus, we write to strongly urge the Department of Labor to cancel all current efforts to expand the prevailing wage program. It is our understanding that these concerns have reached you, and that you have agreed to halt these proceedings.

Though we will not list the many details in these proposals that would be harmful to Delaware, we believe that these regulations are in some cases unconstitutional and represent a breach of our system of checks and balances. In addition, many of the proposed regulations would overwrite existing legislative language and legislative intent.

While we appreciate your decision to not go forward with the public hearing on July 21, we cannot fully and politely express our disappointment that the Department of Labor would come out with these proposed regulations one week after the session ended and then schedule a public hearing at 4:00 p.m. on Friday in July.

Additionally, it is our understanding that at a minimum you and your senior staff were apparently completely unaware of this initiative. Given our knowledge of the DOL's activities and enforcement around prevailing wage issues, we do not believe that these actions or activities were an accident of timing. We believe that DOL is a rogue agency whose enforcement of this program raises many questions, and we believe their actions in this case and in others merit further investigation.

As we have stated many, many times, the prevailing wage program is a luxury that our state can no longer afford. We have made that case to your administration, and to legislative leaders. Moving forward, we will continue to make the case to the public, and we sincerely hope that you will accept the fact that artificially boosting the wages of construction workers in a way that values their contribution more than our teachers, first responders, correctional officers and most state employees is simply wrong.

Sincerely,

Sen. Gary Simpson
Senate Minority Leader

Rep. Daniel Short
House Minority Leader

Sen. Greg Lavelle
Senate Minority Whip

Rep. Deborah Hudson
House Minority Whip