

# HOUSE BILL 721

P2, K3

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CF 6lr1676

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By: **Delegates Davis, Angel, Barkley, B. Barnes, D. Barnes, Branch, Brooks, Carr, Clippinger, Cullison, Fennell, Fraser-Hidalgo, Frick, Frush, Glenn, Gutierrez, Holmes, C. Howard, Jalisi, Knotts, Kramer, Lafferty, McCray, A. Miller, Moon, Morales, Patterson, Pena-Melnyk, Platt, Proctor, S. Robinson, Sanchez, Smith, Sydnor, Tarlau, Turner, Valderrama, Vallario, Vaughn, Waldstreicher, A. Washington, and M. Washington**

Introduced and read first time: February 5, 2016

Assigned to: Economic Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Prevailing Wage Rates Reform Act of 2016**

3 FOR the purpose of expanding the applicability of the prevailing wage rate law to political  
4 subdivisions, agencies, and public works on property where the State, a political  
5 subdivision, or an agency is the owner or lessee by altering certain definitions;  
6 altering the dollar amount for certain public work contracts at which the prevailing  
7 wage rate law applies; requiring that prevailing wage rates be calculated using  
8 certain wage rates established by certain collective bargaining agreements in certain  
9 workers' classifications in certain localities; authorizing the Commissioner of Labor  
10 and Industry to establish certain prevailing wage rates using certain wage rates  
11 established by certain collective bargaining agreements under certain  
12 circumstances; requiring, for multiyear public works, the Commissioner annually to  
13 redetermine certain prevailing wage rates for each classification of workers engaged  
14 in certain works; requiring the Commissioner annually to determine prevailing wage  
15 rates for classifications of workers using only certain collective bargaining  
16 agreements; altering the hours worked in any single calendar day that certain  
17 employees work for the purpose of paying the prevailing wage rate of overtime;  
18 increasing certain penalties for certain violations; increasing the amount of certain  
19 liquidated damages; requiring that certain liquidated damages be paid to certain  
20 laborers or certain other employees who were paid less than certain prevailing wage  
21 rates; specifying contractor or subcontractor obligations to make certain restitution  
22 for paying employees less than certain amounts; clarifying the circumstances under  
23 which the Commissioner informally resolves certain violations; requiring the  
24 Commissioner to issue an order for a certain hearing for certain employer violations;  
25 providing that certain employees are entitled to certain liquidated damages under  
26 certain circumstances; requiring a court to award certain liquidated damages to

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 certain employees; requiring a court to order payment of double or treble damages  
2 under a finding of willful and knowing deliberate ignorance or reckless disregard of  
3 certain employers' obligations; prohibiting an employer from retaliating or  
4 discriminating against an employee if an employee files a certain action; authorizing  
5 certain employees to sue certain employers under certain circumstances; requiring a  
6 court to provide certain remedies under certain circumstances; requiring a court to  
7 report certain decisions or orders to the Commissioner; altering the circumstances  
8 under which the Commissioner files certain lists with the Secretary of State; altering  
9 a certain definition; and generally relating to the applicability, administration, and  
10 enforcement of prevailing wage rates.

11 BY repealing and reenacting, with amendments,  
12 Article – State Finance and Procurement  
13 Section 17–201, 17–202(b), 17–208, 17–209, 17–214, 17–219, 17–220(d), 17–222,  
14 17–224, and 17–226  
15 Annotated Code of Maryland  
16 (2015 Replacement Volume)

17 BY adding to  
18 Article – State Finance and Procurement  
19 Section 17–224.1  
20 Annotated Code of Maryland  
21 (2015 Replacement Volume)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
23 That the Laws of Maryland read as follows:

24 **Article – State Finance and Procurement**

25 17–201.

26 (a) In this subtitle, unless the context indicates otherwise, the following words  
27 have the meanings indicated.

28 (b) “Apprentice” means an individual who:

29 (1) is at least 16 years old;

30 (2) has signed with an employer or employer’s agent, an association of  
31 employers, an organization of employees, or a joint committee from both, an agreement  
32 including a statement of:

33 (i) the trade, craft, or occupation that the individual is learning; and

34 (ii) the beginning and ending dates of the apprenticeship; and

1 (3) is registered in a program of the Council or the Office of Apprenticeship  
2 of the United States Department of Labor.

3 (c) "Commissioner" means:

4 (1) the Commissioner of Labor and Industry;

5 (2) the Deputy Commissioner of Labor and Industry; or

6 (3) an authorized representative of the Commissioner.

7 (d) "Construction" includes all:

8 (1) building;

9 (2) reconstructing;

10 (3) improving;

11 (4) enlarging;

12 (5) painting and decorating;

13 (6) altering;

14 (7) maintaining; and

15 (8) repairing.

16 (e) "Council" means the Apprenticeship and Training Council.

17 (f) (1) "Employee" means an apprentice or worker employed by a contractor or  
18 subcontractor under a public work contract.

19 (2) "Employee" does not include an individual employed by a public body.

20 (g) (1) "Locality" means the county in which the work is to be performed.

21 (2) If the public work is located within 2 or more counties, the locality  
22 includes all counties in which the public work is located.

23 (h) "Prevailing wage rate" means the [hourly rate of wages paid] **COMBINED**  
24 **HOURLY RATES OF WAGES AND FRINGE BENEFITS UNDER THE APPLICABLE**  
25 **COLLECTIVE BARGAINING AGREEMENT** in the locality as determined by the  
26 Commissioner under § 17-208 of this subtitle.

27 (i) (1) "Public body" means:

1 (i) the State;

2 (ii) except as provided in paragraph [(2)(i)] **(2)** of this subsection, a  
3 unit of the State government or instrumentality of the State;

4 (iii) any political subdivision[, ] **OR** agency[, ] person, or entity:

5 1. with respect to the construction of an elementary or a  
6 secondary school for which 25% or more of the money used for construction is State money;  
7 or

8 2. with respect to the construction of any other public work  
9 for which 50% or more of the money used for construction is State money];

10 (iv) [notwithstanding paragraph (2)(ii) of this subsection, a political  
11 subdivision if its governing body:

12 1. provides by ordinance or resolution that the political  
13 subdivision is covered by this subtitle; and

14 2. gives written notice of that ordinance or resolution to the  
15 Commissioner; and

16 (v)] the Washington Suburban Sanitary Commission;

17 **(V) FOR A PUBLIC WORK DESCRIBED IN SUBSECTION (J)(1)(III)**  
18 **AND (IV) OF THIS SECTION, THE STATE, A POLITICAL SUBDIVISION, OR AN AGENCY**  
19 **THAT IS THE OWNER OR LESSEE OF THE PROPERTY; AND**

20 **(VI) ANY OTHER PERSON OR ENTITY:**

21 **1. WITH RESPECT TO THE CONSTRUCTION OF AN**  
22 **ELEMENTARY OR A SECONDARY SCHOOL FOR WHICH 25% OR MORE OF THE MONEY**  
23 **USED FOR CONSTRUCTION IS MONEY FROM ONE OR MORE ENTITIES DESCRIBED IN**  
24 **ITEMS (I) THROUGH (IV) OF THIS PARAGRAPH; OR**

25 **2. WITH RESPECT TO THE CONSTRUCTION OF ANY**  
26 **OTHER PUBLIC WORK FOR WHICH 50% OR MORE OF THE MONEY USED FOR**  
27 **CONSTRUCTION IS STATE MONEY FROM ONE OR MORE ENTITIES DESCRIBED IN**  
28 **ITEMS (I) THROUGH (IV) OF THIS PARAGRAPH.**

29 (2) "Public body" does not include[:

1 (i) except as provided in paragraph (1)(v) of this subsection,] a unit  
 2 of the State government or instrumentality of the State, **A POLITICAL SUBDIVISION, OR**  
 3 **AN AGENCY** funded wholly from a source other than the State]; or

4 (ii) any political subdivision, agency, person, or entity:

5 1. with respect to the construction of an elementary or a  
 6 secondary school for which less than 25% of the money used for construction is State money;  
 7 or

8 2. with respect to the construction of any other public work  
 9 for which less than 50% of the money used for construction is State money], **A POLITICAL**  
 10 **SUBDIVISION, OR AN AGENCY.**

11 (j) (1) Subject to paragraph (2) of this subsection, “public work” means a  
 12 structure or work, including a bridge, building, ditch, road, alley, waterwork, or sewage  
 13 disposal plant, that:

14 (i) is constructed for public use or benefit; [or]

15 (ii) is paid for wholly or partly by public money;

16 **(III) IS CONSTRUCTED ON PROPERTY OWNED BY THE STATE, A**  
 17 **POLITICAL SUBDIVISION, OR AN AGENCY, IRRESPECTIVE OF WHETHER ANY PUBLIC**  
 18 **MONEY IS USED TO PAY FOR THE CONSTRUCTION OF THE STRUCTURE OR WORK; OR**

19 **(IV) IS CONSTRUCTED ON PROPERTY LEASED TO THE STATE, A**  
 20 **POLITICAL SUBDIVISION, OR AN AGENCY, IRRESPECTIVE OF WHETHER ANY PUBLIC**  
 21 **MONEY IS USED TO PAY FOR THE CONSTRUCTION OF THE STRUCTURE OR WORK.**

22 (2) “Public work” does not include[:

23 (i)], unless let to contract, a structure or work whose construction is  
 24 performed by a public service company under order of the Public Service Commission or  
 25 other public authority regardless of:

26 [1.] **(I)** public supervision or direction; [or]

27 [2.] **(II)** payment wholly or partly from public money; or

28 [(ii) an elementary or a secondary school if:

29 1. the school is not in a political subdivision covered under  
 30 subsection (i)(1)(iv) of this section; and

1 2. the State provides less than 25% of the money for  
2 construction.]

3 (III) LOCATION ON PROPERTY OWNED BY OR LEASED TO THE  
4 STATE, A POLITICAL SUBDIVISION, OR AN AGENCY.

5 (k) “Public work contract” means a contract for construction of a public work.

6 (l) “Worker” means a laborer or mechanic.

7 17–202.

8 (b) This subtitle does not apply to:

9 (1) a public work contract of less than ~~[\$500,000]~~ **\$25,000**; or

10 (2) the part of a public work contract for which the federal government  
11 provides money if, as to that part, the contractor is required to pay the prevailing wage rate  
12 as determined by the United States Secretary of Labor.

13 17–208.

14 (a) (1) For each public work to which this subtitle applies, the Commissioner  
15 shall determine the prevailing wage rate for each classification of worker engaged in work  
16 of the same or a similar character.

17 (2) The Commissioner shall determine the prevailing wage rates for both  
18 straight time and overtime.

19 (3) These determinations shall be made in accordance with:

20 (i) the applicable provisions of Title 10, Subtitles 1 through 3 of the  
21 State Government Article; and

22 (ii) to the extent not inconsistent with those provisions, the  
23 requirements of this section.

24 (b) (1) Except as provided in subsection (c) of this section, the prevailing wage  
25 rate for straight time for a worker is ~~[the rate paid:~~

26 (i) ] **THE WAGE RATE ESTABLISHED BY THE MOST RECENT**  
27 **COLLECTIVE BARGAINING AGREEMENT IN THE WORKER’S CLASSIFICATION** in the  
28 locality];

29 (ii) on projects similar to the proposed public work;

1 (iii) for work of the same or a similar character as that to be  
2 performed on the public work; and

3 (iv) to 50% or more of the workers in the worker's occupational  
4 classification].

5 (2) The prevailing wage rate for overtime for a worker shall be at least time  
6 and a half the prevailing wage rate for straight time for that worker.

7 (c) [(1) If fewer than 50% of the workers in the locality working in the same  
8 classification receive the same wage rate:

9 (i) the prevailing wage rate shall be the rate paid to at least 40% of  
10 those workers; or

11 (ii) if fewer than 40% receive the same wage rate, the rate shall be a  
12 weighted average rate obtained by:

13 1. adding the products obtained by multiplying each hourly  
14 rate paid to workers in the classification by the number of workers receiving that rate; and

15 2. dividing that sum by the total number of workers in the  
16 classification.

17 (2) If the Commissioner determines that there is not [a substantial number  
18 of competent workers engaged in similar work] **A WAGE RATE ESTABLISHED BY A**  
19 **COLLECTIVE BARGAINING AGREEMENT FOR A WORKER CLASSIFICATION** in the  
20 locality, the Commissioner shall determine the prevailing wage rate based on **THE WAGE**  
21 **RATE ESTABLISHED BY THE MOST RECENT COLLECTIVE BARGAINING AGREEMENT**  
22 **IN THE WORKER OCCUPATIONAL CLASSIFICATION IN** the nearest locality within the  
23 State that most closely approximates that locality in:

24 [(i)] **(1)** population;

25 [(ii)] **(2)** degree of industrialization; and

26 [(iii)] **(3)** skill of work force.

27 (d) The calculation of the rate paid in the locality shall include the basic hourly  
28 rate of pay and either:

29 (1) if a contractor is not required by law to provide fringe benefits, the  
30 hourly rate of contribution irrevocably made by a contractor or subcontractor to a third  
31 person under a fund, plan, or program that provides:

32 (i) medical, surgical, or hospital care;

1 (ii) retirement, disability, or death benefits, including a profit  
2 sharing plan that provides benefits on retirement;

3 (iii) unemployment, life, or accident insurance or compensation;

4 (iv) insurance or compensation for injury or illness resulting from  
5 occupational activity;

6 (v) vacation and holiday pay;

7 (vi) subsidies to defray costs of apprenticeship or other similar  
8 programs; or

9 (vii) other bona fide fringe benefits; or

10 (2) the hourly rate of costs to the contractor or subcontractor that  
11 reasonably may be anticipated in providing the fringe benefits specified in item (1) of this  
12 subsection under an enforceable commitment to carry out a financially responsible plan or  
13 program that is communicated in writing to the workers.

14 (e) An apprentice under a public work contract shall be paid at least the  
15 percentage, set by the Council, of the prevailing wage rate for a mechanic in the trade in  
16 which the apprentice is employed.

17 **(F) FOR A MULTIYEAR PUBLIC WORK, THE COMMISSIONER ANNUALLY**  
18 **SHALL REDETERMINE THE PREVAILING WAGE RATE FOR EACH CLASSIFICATION OF**  
19 **WORKER ENGAGED IN THE WORK OF THE SAME OR SIMILAR CHARACTER AS**  
20 **PROVIDED IN THIS SECTION AND APPLY THE NEW RATES TO THE PUBLIC WORK.**

21 17-209.

22 (a) One time per year, the Commissioner shall determine the prevailing wage rate  
23 for a classification of worker in a locality by considering [among other things:

24 (1) any other payroll information relevant to the determination; and

25 (2)] wage rates established by **THE MOST RECENT** collective bargaining  
26 agreements.

27 (b) The Commissioner shall mail notice as provided in § 17-210(b)(2) of this  
28 subtitle at least 60 days before making a determination under this section.

29 (c) (1) The determination, as issued under this section or modified in a  
30 proceeding under § 17-211 of this subtitle, is effective for 1 year from the date upon which  
31 the Commissioner issued the determination under this section.



1           (2)    The Commissioner shall show on the determination the date upon  
2 which it expires.

3           (3)    Upon expiration of the prevailing wage determination for a locality, the  
4 Commissioner shall issue a new determination for the locality.

5           (4)    A determination applies to a public work covered by this subtitle that  
6 is the subject of a call for bids or proposals published on or before the date upon which it  
7 expires.

8 17-214.

9           (a)    Except as provided in subsection (b) of this section, each contractor and  
10 subcontractor under a public work contract shall pay not less than the prevailing wage rate  
11 of straight time to an employee for each hour that the employee works.

12          (b)    A contractor and subcontractor shall pay an employee the prevailing wage  
13 rate of overtime for each hour that the employee works:

14           (1)    in excess of ~~[10]~~ **8** hours in any single calendar day;

15           (2)    in excess of 40 hours per each workweek; or

16           (3)    on Sunday or a legal holiday.

17 17-219.

18          (a)    Each contractor under a public work contract subject to this subtitle shall:

19           (1)    post a clearly legible statement of each prevailing wage rate to be paid  
20 under the public work contract; and

21           (2)    keep the statement posted during the full time that any employee is  
22 employed on the public work contract.

23          (b)    The statement of prevailing wage rates shall be posted in a prominent and  
24 easily accessible place at the site of the public work.

25          (c)    Subject to § 10-1001 of the State Government Article, the Commissioner may  
26 impose on a person that violates this section a civil penalty of up to ~~[\$50]~~ **\$1,000** per  
27 violation.

28 17-220.

29          (d)    If a contractor is late in submitting copies of the payroll records required under  
30 subsection (b) of this section:

1 (1) the public body may postpone the processing of partial payment  
2 estimates under the public work contract pending receipt of the copies; and

3 (2) the contractor shall be liable to the public body for liquidated damages  
4 of ~~[\$10]~~ **\$500** for each calendar day the records are late.

5 17-222.

6 (a) A contractor under a public work contract is liable ~~[to the public body]~~ for  
7 liquidated damages of ~~[\$20]~~ **\$1,000** for each laborer or other employee for each day for  
8 which:

9 (1) the laborer is paid less than the prevailing wage rate of a mechanic  
10 while performing a task required to be performed by a mechanic or mechanic's apprentice;  
11 or

12 (2) the employee is paid less than the prevailing wage rate.

13 **(B) LIQUIDATED DAMAGES UNDER SUBSECTION (A) OF THIS SECTION**  
14 **SHALL BE PAID TO THE LABORERS OR OTHER EMPLOYEES WHO WERE PAID LESS**  
15 **THAN THE PREVAILING WAGE RATE.**

16 ~~[(b)]~~ **(C)** (1) **(I)** If a contractor or subcontractor pays an employee less  
17 than the amount the employee is entitled to receive for the work performed, the contractor  
18 shall make restitution to the employee.

19 **(II) THE OBLIGATION TO MAKE RESTITUTION UNDER**  
20 **SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL BE IN ADDITION TO, AND NOT**  
21 **INSTEAD OF, OTHER PENALTIES AND OBLIGATIONS IMPOSED UNDER THIS SUBTITLE,**  
22 **INCLUDING THE PAYMENT OF LIQUIDATED DAMAGES.**

23 (2) The contractor and the subcontractor shall be jointly and severally  
24 liable for restitution to the subcontractor's employees.

25 17-224.

26 (a) (1) If an employee under a public work contract is paid less than the  
27 prevailing wage rate for that employee's classification for the work performed, the employee  
28 may file a complaint with the Commissioner.

29 (2) Except as otherwise provided in this section, a complaint filed under  
30 this section shall be subject to the provisions of § 17-221 of this subtitle.

1 (3) If the Commissioner's investigation determines that the employer  
2 violated provisions of this subtitle, the Commissioner shall try to resolve the issue  
3 informally **IF THE EMPLOYER HAS NOT PREVIOUSLY VIOLATED THIS SUBTITLE**.

4 (4) (i) If the Commissioner is unable to resolve the matter informally,  
5 **OR IF THE EMPLOYER PREVIOUSLY VIOLATED THIS SUBTITLE**, the Commissioner shall  
6 issue an order for a hearing in accordance with § 17–221 of this subtitle.

7 (ii) If, at the conclusion of a hearing ordered under subparagraph (i)  
8 of this paragraph, the Commissioner determines that the employee is entitled to restitution  
9 **AND LIQUIDATED DAMAGES** under this subtitle, the Commissioner shall issue an order  
10 in accordance with § 17–221 of this subtitle.

11 (iii) If an employer of an employee found to be entitled to restitution  
12 **AND LIQUIDATED DAMAGES** under subparagraph (ii) of this paragraph is no longer  
13 working under a contract with a public body, the Commissioner may order that restitution  
14 **AND LIQUIDATED DAMAGES** be paid directly by the employer to the employee within a  
15 reasonable period of time, as determined by the Commissioner.

16 (5) If an employer fails to comply with an order to pay restitution **AND**  
17 **LIQUIDATED DAMAGES** to an employee under paragraph (4)(iii) of this subsection, the  
18 Commissioner or the employee may bring a civil action to enforce the order in the circuit  
19 court in the county where the employee or employer is located.

20 (b) (1) An action under this [section] **SUBTITLE** is considered to be a suit for  
21 wages.

22 (2) A judgment in an action under this [section] **SUBTITLE** shall have the  
23 same force and effect as any other judgment for wages.

24 (3) An action brought under this [section] **SUBTITLE** for a violation of this  
25 subtitle shall be filed within 3 years from the date the affected employee knew or should  
26 have known of the violation.

27 (c) (1) The failure of an employee to protest orally or in writing the payment  
28 of a wage that is less than the prevailing wage rate is not a bar to recovery in an action  
29 under this [section] **SUBTITLE**.

30 (2) A contract or other written document in which an employee states that  
31 the employee shall be paid less than the amount required by this subtitle does not bar the  
32 recovery of any remedy required under this subtitle.

33 (d) (1) Except as provided in paragraph (3) of this subsection, if the court in an  
34 action filed under this [section] **SUBTITLE** finds that an employer paid an employee less  
35 than the requisite prevailing wage, the court shall award the affected employee the  
36 difference between the wage actually paid and the prevailing wage at the time that the

1 services were rendered, **TOGETHER WITH LIQUIDATED DAMAGES IN ACCORDANCE**  
2 **WITH § 17-222 OF THIS SUBTITLE.**

3 (2) (i) Subject to subparagraph (ii) of this paragraph, unpaid fringe  
4 benefit contributions owed for an employee in accordance with this section shall be paid to  
5 the appropriate benefit fund, plan, or program.

6 (ii) In the absence of an appropriate benefit fund, plan, or program,  
7 the amount owed for fringe benefits for an employee shall be paid directly to the employee.

8 (3) The court [may] **SHALL** order the payment of double damages or treble  
9 damages under this [section] **SUBTITLE** if the court finds that the employer withheld  
10 wages or fringe benefits willfully and knowingly or with deliberate ignorance or reckless  
11 disregard of the employer's obligations under this subtitle.

12 (4) In an action under this [section] **SUBTITLE**, the court shall award a  
13 prevailing plaintiff reasonable counsel fees and costs.

14 (5) If the court finds that an employee submitted a false or fraudulent claim  
15 in an action under this [section] **SUBTITLE**, the court may order the employee to pay the  
16 employer reasonable counsel fees and costs.

17 (e) (1) Subject to paragraph (2) of this subsection, an action filed in accordance  
18 with this section may be brought by one or more employees on behalf of that employee or  
19 group of employees and on behalf of other employees similarly situated.

20 (2) An employee may not be a party plaintiff to an action brought under  
21 this section unless that employee files written consent with the court in which the action is  
22 brought to become a party to the action.

23 (f) (1) A person found to have made a false or fraudulent representation or  
24 omission known to be false or made with deliberate ignorance or reckless disregard for its  
25 truth or falsity regarding a material fact in connection with any prevailing wage payroll  
26 record required by § 17-220 of this subtitle is liable for a civil penalty of [~~\$1,000~~] **\$5,000**  
27 for each falsified record.

28 (2) The penalty shall be recoverable in a civil action filed in accordance  
29 with this section and paid to the State General Fund.

30 (g) An employer may not discharge, threaten, or otherwise retaliate or  
31 discriminate against an employee regarding compensation or other terms and conditions of  
32 employment because that employee or an organization or other person acting on behalf of  
33 that employee:

34 (1) **FILES AN ACTION OR** reports or makes a complaint under this subtitle  
35 or otherwise asserts the worker's rights under this section; or

1 (2) participates in any investigation, hearing, or inquiry held by the  
2 Commissioner under § 17-221 of this subtitle.

3 (h) (1) A contractor or subcontractor may not retaliate or discriminate against  
4 an employee in violation of this section.

5 (2) If a contractor or subcontractor retaliates or discriminates against an  
6 employee in violation of this section, the affected employee may file an action in any court  
7 of competent jurisdiction within 3 years from the employee's knowledge of the action.

8 (3) If the court finds in favor of the employee in an action brought under  
9 this subsection, the court shall order that the contractor or subcontractor:

10 (i) reinstate the employee or provide the employee restitution, as  
11 appropriate;

12 (ii) pay the employee an amount equal to three times the amount of  
13 back wages and fringe benefits calculated from the date of the violation; and

14 (iii) pay reasonable counsel fees and other costs.

15 **(I) IF A COURT FINDS A VIOLATION OF THIS SUBTITLE IN ANY ACTION TO**  
16 **WHICH THE COMMISSIONER IS NOT A PARTY, THE COURT SHALL FORWARD A COPY**  
17 **OF THE COURT'S DECISION OR ORDER TO THE COMMISSIONER.**

18 **17-224.1.**

19 **(A) NOTWITHSTANDING § 17-224(A) OF THIS SUBTITLE, IF AN EMPLOYEE**  
20 **UNDER A PUBLIC WORK CONTRACT IS PAID LESS THAN THE PREVAILING WAGE RATE**  
21 **FOR THAT EMPLOYEE'S CLASSIFICATION FOR THE WORK PERFORMED, THE**  
22 **EMPLOYEE IS ENTITLED TO SUE TO RECOVER THE DIFFERENCE BETWEEN THE**  
23 **PREVAILING WAGE AND THE AMOUNT RECEIVED BY THE EMPLOYEE.**

24 **(B) AN ACTION UNDER SUBSECTION (A) OF THIS SECTION IS SUBJECT TO**  
25 **§ 17-224(B), (C), AND (D) OF THIS SUBTITLE.**

26 **17-226.**

27 (a) (1) After investigation and entry of an order in accordance with § 17-221  
28 of this subtitle **OR RECEIPT OF A COURT DECISION OR ORDER UNDER § 17-224(I) OF**  
29 **THIS SUBTITLE**, the Commissioner shall file with the Secretary of State a list of the  
30 contractors and any subcontractors who persistently and willfully violate the provisions of  
31 this subtitle.

1                   (2)     Filing under this subsection shall be notice to a public body and its  
2 representatives.

3           (b)     (1)     If the name of a contractor or any subcontractor appears on the list,  
4 that contractor or subcontractor shall be prohibited from entering into a contract for  
5 construction of a public work directly or indirectly for 2 years from the day on which the  
6 list is filed.

7                   (2)     A public body may not award a contract for construction of a public work  
8 to a person who is prohibited from entering into a contract under this section.

9           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
10 October 1, 2016.