
By: Chairman, Economic Matters Committee (Departmental - Labor, Licensing and Regulation)

Introduced and read first time: February 14, 1996

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Prevailing Wage Rates - Public Works Contracts - Annual Determinations**

3 FOR the purpose of altering provisions covering the finality of prevailing wage
4 determinations; ensuring that rates remain in effect for a certain period; and
5 generally relating to determinations of prevailing wage rates.

6 BY repealing and reenacting, with amendments,
7 Article - State Finance and Procurement
8 Section 17-209 and 17-211
9 Annotated Code of Maryland
10 (1995 Replacement Volume and 1995 Supplement)

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

13 **Article - State Finance and Procurement**

14 17-209.

15 (a) [On the Commissioner's own initiative,] ONE TIME PER YEAR, the
16 Commissioner shall determine the prevailing wage rate for a classification of worker in a
17 locality by considering among other things:

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

19 (2) wage rates established by collective bargaining agreements.

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

22 [(c) Subject to § 17-211 of this subtitle, a determination under this section
23 becomes final on the date on which the determination is made.

24 (d) A determination under this section is effective for 1 year after the day on
25 which the determination becomes final.]

26 (C) (1) THE DETERMINATION, AS ISSUED UNDER THIS SECTION OR
27 MODIFIED IN A PROCEEDING UNDER § 17-211 OF THIS SUBTITLE, IS EFFECTIVE FOR 1

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1 YEAR FROM THE DATE UPON WHICH THE COMMISSION ISSUED THE
2 DETERMINATION UNDER THIS SECTION.

3 (2) THE COMMISSIONER SHALL SHOW ON THE DETERMINATION THE
4 DATE UPON WHICH IT EXPIRES.

5 (3) UPON EXPIRATION OF THE PREVAILING WAGE DETERMINATION
6 FOR A LOCALITY, THE COMMISSIONER SHALL ISSUE A NEW DETERMINATION FOR
7 THE LOCALITY.

8 (4) A DETERMINATION APPLIES TO A PUBLIC WORK COVERED BY THIS
9 SUBTITLE THAT IS THE SUBJECT OF A CALL FOR BIDS OR PROPOSALS PUBLISHED ON
10 OR BEFORE THE DATE UPON WHICH IT EXPIRES.

11 17-211.

12 (A) A DETERMINATION OF A PREVAILING WAGE RATE ISSUED UNDER § 17-209
13 OF THIS SUBTITLE IS SUBJECT TO REVIEW WHEN A PUBLIC BODY PUBLISHES A CALL
14 FOR BIDS OR PROPOSALS IN WHICH THE DETERMINATION IS USED FOR THE FIRST
15 TIME FOLLOWING ITS ISSUANCE UNDER § 17-209 OF THIS SUBTITLE.

16 [(a)] (B) (1) Within 10 days after a public body publishes any call for bids or
17 proposals, AS DESCRIBED IN SUBSECTION (A) OF THIS SECTION, a petition for review of
18 a determination of a prevailing wage rate may be submitted to the Commissioner by:

19 (i) the public body;

20 (ii) a prospective bidder or offeror or a representative of a prospective
21 bidder or offeror;

22 (iii) a representative of a group of employers engaged in the type of
23 construction for which the prevailing wage rate was determined; or

24 (iv) a representative of a classification of worker for which the
25 prevailing wage rate was determined.

26 (2) A petition under this subsection shall be verified and shall set forth the
27 facts on which it is based.

28 (3) If a petition is not filed within the period set under paragraph (1) of this
29 subsection, the determination [becomes final] IS FINAL AND THE RATE APPLICABLE IN
30 THE LOCALITY FOR THE REMAINDER OF THE 1-YEAR PERIOD FOR WHICH IT WAS
31 ISSUED UNDER § 17-209.

32 [(b)] (C) (1) Within 2 days after a petition is submitted under this section, the
33 petitioner shall send a copy to the public body.

34 (2) On receipt of a copy of the petition, the public body shall extend the
35 closing date for bids or proposals until 5 days after the Commissioner publishes the final
36 determination under subsection (e) of this section.

37 [(c)] (D) (1) Within 20 days after a petition is submitted, the Commissioner
38 shall:

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1 (i) after giving the notice required under paragraph (3) of this
2 subsection, conduct an investigation; and

3 (ii) hold a public hearing to review the petition.

4 (2) If more than 1 petition is submitted, the Commissioner may consolidate
5 the hearings on any of the petitions.

6 (3) The Commissioner shall notify the petitioner, public body, recognized
7 collective bargaining representative for the classification for which a review is requested,
8 and any other person entitled to receive notice under § 17-210(b)(2) of this subtitle.

9 [(d)] (E) At the hearing:

10 (1) the Commissioner shall introduce as evidence the investigation
11 conducted under subsection (c) of this section and the other facts that formed the basis of
12 the Commissioner's original determination; and

13 (2) any interested party, including the Commissioner, may introduce other
14 evidence material to the issue.

15 [(e)] (F) Within 10 days after the conclusion of a review hearing, the
16 Commissioner shall send to the public body and each interested party, a determination of
17 the prevailing wage rate. This determination is final AND THE RATE IN THE LOCALITY
18 FOR THE REMAINDER OF THE 1-YEAR PERIOD FOR WHICH IT WAS ISSUED UNDER §
19 17-209 OF THIS SUBTITLE.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 1996.