



MARYLAND

Q1. When was the state prevailing wage law adopted (or repealed) and most recently amended?

A1. Adopted 1945. Latest amendment 2004. Md. Code Ann. State Fin. & Proc. §§ 17-201 – 226 (2004).

Q2. Have there been any recent challenges to enforcement of the state prevailing wage law?

A2. No. *But see Maryland Div. of Labor and Ind. v. Triangle General Contractors, Inc.*, 784 A.2 534 (Md. 2001) (explaining liability of subcontractors vs. general contractors for violations of the Act).

Q3. What is the monetary threshold for coverage?

A3. \$500,000, and 50% of the project must be funded by the state. Md. Code State Fin. And Proc. § 17-201, 202.

Q4. Does the law cover more than "construction" work, and if so, what type of work has been found to be included or excluded from such coverage of "construction."

A4. Though the law's coverage is limited to construction work, that term has been broadly defined to include maintenance work. Md. Code State Fin. And Proc. §17-201(d).

Q5. How is the prevailing wage determined?

A5. If fewer than 50% of the workers are paid at the same rate, the rate shall be the wage paid to 40% of workers, if fewer than 40% of workers are paid the same rate the wage will be set using a weighted average. Md. Code State Fin. And Proc. §17-208.

Q6. Are job duties published and are there any special work assignment restrictions?

A6. Job duties are generally not published, except for laborers for whom certain work restrictions have been published by the Labor Department. Otherwise, union work restrictions are followed if the union wage rate "prevails" following the Commissioner's wage survey. Also, by statute, use of helpers on prevailing wage jobs is prohibited. Md. Code State Fin. And Proc. § 17-205.

Q7. Are there any restrictions on recognition or crediting of fringe benefits?

A7. Federal standards for recognizing fringe benefits are generally followed, except that contractors cannot take credit for fringe benefit costs that exceed the amount of fringes listed in the wage determination (i.e., the wage component of the determination cannot be reduced below the rate specified in the determination).

Q8. At what point does the law require payment of time-and-one-half for overtime?

A8. Employees must be paid time-and-one-half for hours worked over 40 in a week and over 10 in a day or on Sundays or holidays. Md. Code State Fin. And Proc. §17-214.

Q9. Are there defined apprenticeship ratios for which contractors can take credit under the prevailing wage law?

A9. Yes. The Maryland Apprenticeship and Training Council recognizes apprentices in 1:1 ratios with journeymen on each job site. Contractors can pay apprentices at lower than journeyman rates only if they employ no more than one apprentice for each journeyman on a site covered by the prevailing wage law.

Q10. Are there criminal and civil penalties and is there a private right of action in addition to state enforcement?

A10. There are criminal penalties only for falsifying records. There are civil penalties for failing to pay prevailing wages and for failing to maintain proper paperwork. There is no private right of action to enforce the act.