

**APPENDIX 4 – PREVAILING WAGE****COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND  
2008 Legislative Session****PREVAILING WAGES****Commissioners Action:** 12 / 03 / 08 Enact**Effective Date:** 01 / 17 / 2009**Bill No.:** 2008-20**Chapter No.:** 299

AN ACT concerning PREVAILING WAGES for the purpose of requiring that a prevailing wage rate must be paid by contractors or subcontractors to their employees when working on certain County financed construction projects. Such wage rate shall be established for the County by the State Commissioner of Labor and Industry, and shall apply to certain County financed construction projects.

**1. DEFINITIONS**

In this section, the following words have the meanings indicated:

**A. APPRENTICE:**

An individual who:

- (1) Is at least 18 years old;
- (2) Has signed an agreement with an employer or employer's agent, an association of employers, an organization of employees, or a joint committee, that includes a statement of:
  - i. The trade, craft, or occupation that the individual is learning; and
  - ii. The beginning and ending dates of the apprenticeship; and
- (3) Is registered in a program of a council or bureau of apprenticeship and training of the United States department of labor.

**B. CONSTRUCTION:**

- (1) Means the process of building, altering, repairing, improving, or demolishing any structure or building, or other structural improvements of any kind to any real property.
- (2) Does not mean routine repairs, operation, or maintenance of existing structures, buildings, or real property.

**C. COUNTY FINANCED CONSTRUCTION CONTRACT:**

Means a contract for construction work that is awarded by the county or where county funds are used to finance all or part of the cost of the contract.

**D. COUNTY FUNDS:**

Means any funds directly appropriated by the county.

**E. EMPLOYEE:**

An apprentice or worker employed by a contractor or subcontractor on a county financed construction contract.

**F. PREVAILING WAGE:**

The hourly wage rate set by the state commissioner of labor and industry for state-funded construction contracts in the county.

**G. PUBLIC ENTITY:**

- (1) The federal government;
- (2) A state government and any of its agencies;
- (3) Any political subdivision of a state government and any of its agencies;
- (4) Any board, commission, or committee established by federal, state, or local law;
- (5) Any organization or association of the federal government, state governments, or political subdivisions of state governments; and
- (6) Any other entity that is:
  - i. Qualified as a non-taxable corporation under the united states internal revenue code, as amended; and
  - ii. Incorporated by an entity under paragraphs (1) through (5) for the exclusive purpose of supporting or benefitting an entity under paragraphs (1) through (5).

**H. WORKER:**

Laborer or mechanic

**2. EXCLUSIONS**

This section does not apply to a county financed construction contract:

- A. Of less than \$500,000.00;
- B. That is subject to a federal or state prevailing wage law;
- C. With a public entity;
- D. To the extent that the contractor is expressly precluded from complying with this section by the terms of any federal or state law, contract, or grant.

**3. PAYMENT OF PREVAILING WAGE**

Any contractor and subcontractor that perform direct and measurable construction work on a county financed construction contract must pay each employee at a rate equal to or more than the prevailing wage currently in effect for the type of work performed.

**4. PREVAILING WAGE**

**A. BASIC RATE:**

The prevailing wage rate is the prevailing wage rate established annually by the commissioner of labor and industry for state financed construction work performed in the county by an employee who performs direct and measurable work.

**B. OVERTIME RATE:**

A contractor or subcontractor must pay an employee at a rate equal to or more than the prevailing wage rate for overtime for the type of work performed for each hour that the employee performs direct and measurable work:

- (1) More than 10 hours in any single calendar day;
- (2) More than 40 hours in a workweek; or
- (3) On a Sunday or a legal holiday.

**C. DEDUCTIONS:**

A contractor or subcontractor may only make fair and reasonable deductions that are:

- (1) Required by law;
- (2) Authorized in a written agreement between an employee and an employer signed at the beginning of employment that:
  - i. Concern food, sleeping quarters, or similar items; and
  - ii. Is submitted by the employer to the chief administrative officer or a designee; or
- (3) Required or allowed by a collective bargaining agreement between a bona fide labor organization and a contractor or subcontractor.

**D. APPRENTICES:**

Each apprentice must be paid at least the rate that the state's apprenticeship and training council sets for an apprentice in the trade involved, based on a percentage of the prevailing wage rate in that trade.

**5. CONTRACT REQUIREMENTS**

Each contract covered by this section must:

- A. State the requirement that contractor and subcontractor to comply with this section;
- B. Specify that an aggrieved employee, as a third-party beneficiary, may by civil action recover the difference between the prevailing wage for the type of work performed and the amount actually received, with interest and a reasonable attorney's fee; and
- C. Comply with the requirements concerning minority business enterprises as set forth in resolution number 2005-53.

**6. MISCLASSIFICATION OF EMPLOYEES**

A contractor or subcontractor must not split or subdivide a contract, pay an employee through a third party, or treat an employee as a subcontractor or independent contractor to avoid any requirement of this section.

**7. HELPER AND TRAINEE RESTRICTIONS**

A contractor or subcontractor must not employ any individual classified as a helper or trainee to perform direct and measurable work on a contract covered by this section.

**8. POSTING REQUIREMENTS**

Each contractor and subcontractor must post a clearly legible statement of each prevailing wage rate in a prominent and easily accessible place at the work site during the entire time work is being performed in English and any other language that is primarily spoken by the employees at the work site.

**9. PAYROLL RECORDS**

- A.** Each contractor and subcontractor must submit a complete copy of its payroll records for construction work performed during that period corresponding to the current request for payment or invoice to the Contracting Officer.
- B.** The payroll records must contain a statement signed by the contractor or subcontractor certifying that:
- (1) The payroll records are correct;
  - (2) The wage rates paid are not less than those required by this section; and
  - (3) The rate of pay and classification for each employee accurately reflects the work the employee performed.
- C.** Each payroll record must include:
- (1) The name, address, and telephone number of the contractor or subcontractor;
  - (2) The name and location of the job; and
  - (3) Each employee's:
    - i. Name;
    - ii. Current address, unless previously reported;
    - iii. Specific work classification;
    - iv. Daily straight time and overtime hours;
    - v. Total straight time and overtime hours for the payroll period;
    - vi. Rate of pay;
    - vii. Fringe benefits by type and amount; and
    - viii. Gross wages.
- D.** Each contractor or subcontractor must:
- (1) Keep payroll records covering construction work performed on a contract covered by this section for not less than 5 years after the work is completed; and
  - (2) Subject to reasonable notice, permit the Director of Fiscal and Administrative Services or a designee to inspect the payroll records at any reasonable time and as often as necessary.
- E.** The Director of Fiscal and Administrative Services or a designee must make payroll records obtained from contractors or subcontractors under this section available for public inspection during regular business hours for 5 years after the Director of Fiscal and Administrative Services receives the records.

**10. ENFORCEMENT**

- A.** The Director of Fiscal and Administrative Services or a designee may perform random or regular audits and investigate any complaint of a violation of this section.
- B.** A contractor or subcontractor must not discharge or otherwise retaliate against an employee for asserting any right under this section or for filing a complaint of a violation.
- C.** Each contract subject to this section may specify the payment of liquidated damages to the county by the contractor for any noncompliance with this section.
- D.** Each contractor is jointly and severally liable for noncompliance with this section by a subcontractor.

- E. If a contractor or subcontractor is late in submitting copies of any payroll record required to be submitted under this section, the county may deem invoices unacceptable until the contractor or subcontractor provides the required records, and may postpone processing payments due under the contract or under an agreement to finance the contract.

**11. REPORT**

The Director of Fiscal and Administrative Services must report annually to the county commissioners on the operation of and compliance with this section.

**PREVAILING WAGE SECTION**  
CHARLES COUNTY

It is mandatory upon the successful Bidder and any subcontractor under him, to pay not less than the specific rates to all workers employed by them in executing contracts in this locality. These wage rates were taken from the locality determination issued and dated below.

**INFORMATIONAL WAGE RATES**

The wage rates listed below are published by the State of Maryland, Division of Labor and Industry, Prevailing Wage Unit.

The wage rates posted on this site are provided for **informational** purposes ONLY.

The wage and fringe rates may change between the time of issuance of the wage determinations and the award of the public works contract. Therefore, prior to the award of the public works contract, verification must be made with the public body, to insure that the rates contained in this determination are still prevailing.

These **Informational Prevailing Wage Rates** may not be substituted for the requirements of pre-advertisement for bids or onsite job posting for a public work contract that exceeds \$500,000 in value and either of the following criteria are met: (1) the contracting body is a unit of State government or an instrumentality of the State and there is any State funding for the project; or (2) the contracting body is a political subdivision, agency, person or entity (such as a county) and the State funds 50% or more of the project.

CHARLES COUNTY	BUILDING CONSTRUCTION			Print Date Jul 27, 2018
CLASSIFICATION	MODIFICATION REASON	BASIC HOURLY RATE	BORROWED FROM	FRINGE BENEFIT PAYMENT
BALANCING TECHNICIAN	AD	\$40.27		\$17.43
BRICKLAYER/SAWMAN	AD	\$35.51		\$0.00
CARPENTER	AD	\$28.36		\$11.59
CARPENTER - SHORING SCAFFOLD BUILDER	AD	\$28.36	009	\$11.59
CARPET LAYER	AD	\$28.78		\$11.95
CEMENT MASON	AD	\$27.15		\$9.77
COMMUNICATION INSTALLER TECHNICIAN	AD	\$23.99		\$3.55 a + b
DRYWALL - SPACKLING, TAPING, & FINISHING	AD	\$32.93	037	\$8.97
ELECTRICIAN	AD	\$44.15		\$16.58
ELEVATOR MECHANIC	AD	\$42.79		\$35.30
FIREPROOFER - BY HAND	AD	\$26.00	009	\$0.00
FIREPROOFER - SPRAYER	AD	\$39.75	009	\$11.20
GLAZIER	AD	\$27.29		\$10.05
INSULATION WORKER	AD	\$35.03		\$15.47
IRONWORKER - FENCE ERECTOR	AD	\$28.83		\$14.80
IRONWORKER - REINFORCING	AD	\$27.50		\$18.88
IRONWORKER - STRUCTURAL	AD	\$31.15	009	\$20.63
LABORER - AIR TOOL OPERATOR	AD	\$22.63		\$7.66
LABORER - ASPHALT PAVER	AD	\$22.63		\$7.66
LABORER - ASPHALT RAKER	AD	\$20.00		\$8.47
LABORER - BLASTER - DYNAMITE	AD	\$22.63		\$7.66
LABORER - BURNER	AD	\$22.63		\$7.66
LABORER - COMMON	AD	\$20.00		\$8.47
LABORER - CONCRETE PUDDLER	AD	\$20.00		\$8.47
LABORER - CONCRETE SURFACER	AD	\$22.63		\$7.66
LABORER - CONCRETE TENDER	AD	\$20.00		\$8.47
LABORER - CONCRETE VIBRATOR	AD	\$20.00		\$8.47
LABORER - DENSITY GAUGE	AD	\$20.00		\$8.47
LABORER - FIREPROOFER - MIXER	AD	\$20.00		\$8.47
LABORER - FLAGGER	AD	\$20.00		\$8.47
LABORER - GRADE CHECKER	AD	\$20.00		\$8.47

LABORER - HAND ROLLER	AD	\$20.00		\$8.47
LABORER - HAZARDOUS MATERIAL HANDLER	AD	\$22.63		\$7.66
LABORER - JACKHAMMER	AD	\$20.00		\$8.47
LABORER - LANDSCAPING	AD	\$20.00		\$8.47
LABORER - LAYOUT	AD	\$20.00		\$8.47
LABORER - LUTEMAN	AD	\$20.00		\$8.47
LABORER - MASON TENDER	AD	\$22.63		\$7.66
LABORER - MORTAR MIXER	AD	\$20.00		\$8.47
LABORER - PIPELAYER	AD	\$22.63		\$7.66
LABORER - PLASTERER - HANDLER	AD	\$20.00		\$8.47
LABORER - SCAFFOLD BUILDER	AD	\$22.63		\$7.66
LABORER - TAMPER	AD	\$20.00		\$8.47
PAINTER	AD	\$25.06	009	\$9.76
PILEDRIVER	AD	\$29.94	009	\$10.98
PLUMBER	AD	\$40.67		\$17.41 a
POWER EQUIPMENT OPERATOR - BACKHOE	AD	\$28.93	009	\$12.97
POWER EQUIPMENT OPERATOR - BROOM / SWEEPER	AD	\$13.00	009	\$0.85
POWER EQUIPMENT OPERATOR - BULLDOZER	AD	\$28.93	009	\$12.97
POWER EQUIPMENT OPERATOR - CONCRETE PUMP	AD	\$28.93	009	\$12.97
POWER EQUIPMENT OPERATOR - CRANE	AD	\$33.50	037	\$15.35 a + b
POWER EQUIPMENT OPERATOR - CRANE - TOWER	AD	\$37.68	009	\$12.97 a + b
POWER EQUIPMENT OPERATOR - GRADALL	AD	\$28.93	009	\$12.97
POWER EQUIPMENT OPERATOR - GRADER	AD	\$28.93	009	\$12.97
POWER EQUIPMENT OPERATOR - LOADER	AD	\$28.93	009	\$12.97
POWER EQUIPMENT OPERATOR - MECHANIC	AD	\$28.93	009	\$12.97
POWER EQUIPMENT OPERATOR - ROLLER - ASPHALT	AD	\$25.00		\$0.00
POWER EQUIPMENT OPERATOR - ROLLER - EARTH	AD	\$23.35	009	\$12.97
POWER EQUIPMENT OPERATOR - SKID STEER (BOBCAT)	AD	\$26.98	009	\$12.97
POWER EQUIPMENT OPERATOR-VACCUM TRUCK	AD	\$26.98	009	\$12.97
RESILIENT FLOOR	AD	\$28.78		\$11.95
ROOFER/WATERPROOFER	AD	\$23.46	037	\$9.54
SHEETMETAL WORKER	AD	\$40.27		\$17.43
SPRINKLERFITTER	AD	\$29.95	037	\$17.25
STEAMFITTER/PIPEFITTER	AD	\$40.69		\$21.42 a
TILE & TERRAZZO FINISHER	AD	\$22.51	009	\$10.96
TILE & TERRAZZO MECHANIC	AD	\$27.44	009	\$11.99
TRUCK DRIVER - DUMP	AD	\$21.65	009	\$3.58
TRUCK DRIVER - DUMP - ARTICULATING	AD	\$25.00	009	\$8.65
TRUCK DRIVER - FLATBED	AD	\$27.75	009	\$15.35
TRUCK DRIVER - LOWBOY	AD	\$27.66	009	\$8.00

FRINGE REFERENCES AS NOTED:

a. PAID HOLIDAYS: New Year Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day & Christmas Day.

b. PAID VACATIONS: Employees with 1 year service - 1 week paid vacation; 2 years service - 2 weeks paid vacation; 10 years service - 3 weeks paid vacation.

**Incidental Craft Data: Caulker, Man Lift Operator, Rigger, Scaffold Builder, and Welder** receive the wage and fringe rates prescribed for the craft performing the operation to which welding, scaffold building, rigging, operating a Man Lift, or caulking is incidental.

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Modification Codes:

- (AD) 17-209 Annual Determination from Survey Wage Data Received
- (CH) 17-211 Commissioners' Hearing
- (CR) 17-208 Commissioners' Review
- (SR) 17-208 Survey Review by Staff

Each "Borrowed From" county is identified with the FIPS 3-digit county code unique for the specific jurisdiction in Maryland.

For additional information on the FIPS (Federal Information Processing Standard) code, see <http://www.census.gov/datamap/fipslist/AllSt.txt>

The Prevailing Wage rates appearing on this form were originally derived from Maryland's annual Wage Survey. The Commissioner of Labor & Industry encourages all contractors and interested groups to participate in the voluntary Wage Survey, detailing wage rates paid to workers on various types of construction throughout Maryland.

A mail list of both street and email addresses is maintained by the Prevailing Wage Unit to enable up-to-date prevailing wage information, including Wage Survey notices to be sent to contractors and other interested parties. If you would like to be included in the mailing list, please forward (1) your Name, (2) the name of your company (if applicable), (3) your complete postal mailing address, (4) your email address and (5) your telephone number to [PWMAILINGLIST@dli.state.md.us](mailto:PWMAILINGLIST@dli.state.md.us). Requests for inclusion can also be mailed to: Prevailing Wage, 1100 N. Eutaw Street - Room 607, Baltimore MD 21201-2201.

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**END OF REPORT**