

HOUSE BILL 1511

P2, K3

7lr3508
CF SB 626

By: **Delegates Morales, Carr, Glenn, Gutierrez, McCray, Sanchez, Tarlau, Waldstreicher, A. Washington, and M. Washington**

Introduced and read first time: February 10, 2017

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Prevailing Wage Rates – Public Work Contracts – Suits by Employees**

3 FOR the purpose of authorizing certain employees to sue to recover the difference between
4 certain prevailing wage rates and certain amounts under certain circumstances;
5 providing that a certain determination by the Commissioner of Labor and Industry
6 does not preclude certain employees from filing certain actions; providing that
7 certain actions are suits for certain wages; providing for the force and effect of certain
8 judgments; providing for the failure of certain employees to protest certain
9 circumstances; requiring a court to order the payment of certain damages under
10 certain circumstances; providing for the awarding of certain counsel fees and costs
11 under certain circumstances; and generally relating to private rights of action under
12 the State prevailing wage law.

13 BY adding to
14 Article – State Finance and Procurement
15 Section 17–224.1
16 Annotated Code of Maryland
17 (2015 Replacement Volume and 2016 Supplement)

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

20 **Article – State Finance and Procurement**

21 **17–224.1.**

22 **(A) (1) IF AN EMPLOYEE UNDER A PUBLIC WORK CONTRACT IS PAID LESS**
23 **THAN THE PREVAILING WAGE RATE FOR THAT EMPLOYEE’S CLASSIFICATION FOR**
24 **THE WORK PERFORMED, THE EMPLOYEE IS ENTITLED TO SUE TO RECOVER THE**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 DIFFERENCE BETWEEN THE PREVAILING WAGE RATE AND THE AMOUNT RECEIVED
2 BY THE EMPLOYEE.

3 (2) A DETERMINATION BY THE COMMISSIONER THAT A CONTRACTOR
4 IS REQUIRED TO MAKE RESTITUTION DOES NOT PRECLUDE AN EMPLOYEE FROM
5 FILING AN ACTION UNDER THIS SECTION.

6 (B) (1) AN ACTION UNDER THIS SECTION IS CONSIDERED TO BE A SUIT
7 FOR WAGES.

8 (2) A JUDGMENT IN AN ACTION UNDER THIS SECTION SHALL HAVE
9 THE SAME FORCE AND EFFECT AS ANY OTHER JUDGMENT FOR WAGES.

10 (C) THE FAILURE OF AN EMPLOYEE TO PROTEST ORALLY OR IN WRITING
11 THE PAYMENT OF A WAGE THAT IS LESS THAN THE PREVAILING WAGE RATE IS NOT
12 A BAR TO RECOVERY IN AN ACTION UNDER THIS SECTION.

13 (D) (1) A COURT SHALL ORDER THE PAYMENT OF TREBLE DAMAGES
14 UNDER THIS SECTION IF THE COURT FINDS THAT THE EMPLOYER WITHHELD WAGES
15 OR FRINGE BENEFITS WILLFULLY AND KNOWINGLY OR WITH DELIBERATE
16 IGNORANCE OR RECKLESS DISREGARD OF THE EMPLOYER'S OBLIGATIONS UNDER
17 THIS SUBTITLE.

18 (2) IN AN ACTION UNDER THIS SECTION, THE COURT SHALL AWARD A
19 PREVAILING PLAINTIFF REASONABLE COUNSEL FEES AND COSTS.

20 (3) IF THE COURT FINDS THAT AN EMPLOYEE SUBMITTED A FALSE OR
21 FRAUDULENT CLAIM IN AN ACTION UNDER THIS SECTION, THE COURT MAY ORDER
22 THE EMPLOYEE TO PAY THE EMPLOYER REASONABLE COUNSEL FEES AND COSTS.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2017.