



Baltimore County, Maryland

Prevailing Wage and Local Hiring Law

Overview

The Baltimore County Prevailing Wage and Local Hiring Law applies and is patterned after the Federal Davis-Bacon and State of Maryland's prevailing wage laws. It requires the prevailing wage be paid to workers on County-financed construction contracts; adding local hiring requirements. The prevailing wage rate is the rate paid for comparable work in the private sector within the County. The County's Wage Determinations are subject to the State of Maryland Wage Determination rates for Baltimore County for Highway Construction and/or Building Construction. Job classifications not listed will be required to request a rate determination with the Request for Additional Wage Rates form. In the event of a conflict between the County prevailing wage and local hiring statutes, the statute shall control.

It is the responsibility of each contractor and bidder submitting a quote or solicitation to Baltimore County to read, certify and attest to the County that they have read and agree to be bound by the prevailing wage and local hiring requirements of the County, including these guidelines, and agree to be bound to them. An affidavit must be provided attesting to the same in such form and substance as required by the County upon demand as an incorporated requirement to any contract or agreement.

In the event the state or federal prevailing wage law applies, the requirements of Maryland state law or federal law shall apply, provided however that local hiring requirements may still also concurrently apply. If the state prevailing wage applies, additional requirements as set forth in COMAR and state statute will be applicable including, but not limited to, notices to independent contractor and withholding of last payments for contracts until a certification and attestation is received by the County evidencing that all employees and contractors have been paid in accordance with state prevailing wage and fringe benefits requirements.

[Find Information on the Prevailing Wage law rates for the Baltimore County, Maryland here:](#)

<https://www.dllr.state.md.us/PrevWage/web/content/PWRequestRates.asp>



Baltimore County, Maryland

BALTIMORE COUNTY, MARYLAND PREVAILING

WAGE GUIDANCE FOR CONTRACTORS

LABOR LAW REQUIREMENTS

The federal, state, and county labor law requirements applicable to the contract are composed of, but not limited to, the following as required by Baltimore County Bill 102-20, which applies to contracts as set forth in the bill and statute. In the event of a conflict between the language of the statute and the below information, the statute will control. Baltimore County Prevailing Wage Compliance Unit known herein as "Director" may promulgate additional guidelines and requirements within thirty days posting and public comment period on the County's Purchasing Department website as set forth in the law. The Director or their designees may issue clarifications and interpretations of the Prevailing Wage and Local Hiring Law in their discretion publicly or to an individual contractor upon request, but is not obligated to do so:

1. Payment of Prevailing Wage Rate

The award of a capital construction contract requires that all workers employed on the project be paid not less than the specified general prevailing wage rates by the contractor and its subcontractors.

Prevailing wage determinations will be issued with the solicitation. The prevailing wage rates in effect, for any given project, are the rates that were in effect at the time that the solicitation for the project was issued, will remain until the project is complete. Prevailing wage determinations include a total package consisting of an hourly rate plus fringe benefits. Fringe benefits may be paid to the employee, or for the benefit of the employee to a bona fide ERISA approved program.

The Baltimore County prevailing wage will apply to County capital projects valued over \$300,000 as shown in the approved Capital Budget and Program or to capital improvement contracts to which the County contributes funding with a value over \$5,000,000. Prevailing Wage must only be paid by capital construction contractors for direct and measurable construction activities. The state's prevailing wage rates do not apply to contracts that are funded with Federal funds, projects awarded without competition, contracts with another governmental entity, contracts that are joint or cooperative purchases, or is an emergency purchase, or design projects.

If an amendment or change order to the construction contract results in the value of the capital project exceeding the thresholds disclosed above then the prevailing wage will apply only to the work covered by the amendment or change order. Subsequent changes to the budget for a project would not impact the applicability of the prevailing wage to the capital improvement construction contract.

2. Apprentices

All apprentices must be registered with the Maryland Apprenticeship and Training Council, V.A., or US DOL as well as be currently enrolled in, and attending appropriate classes, to which is considered "actively enrolled". Only actively enrolled apprentices may be employed on the project at the apprentice prevailing wage rate



Baltimore County, Maryland

3. Onsite Posting Requirements

Prevailing wage rates and rate changes are to be posted at the job site for workers to view. Wage rates must also be posted in a ***location accessible to employees*** and must be in a language that fairly represent the employee demographic. Failure to post this requirement is subject to Liquidated damages/sanctions.

4. Sanctions and other Penalties

On County financed capital improvement contracts, appropriate sanctions and Liquidated Damages will be imposed upon contractors who do not comply with the County's Prevailing Wage Law or Local Hiring Law requirements as set forth by the County, including failure to meet required time frames. Rates for sanctions are set in the solicitation documents at the time of advertisement or if added/changed via addendum in addition to those set forth by law. Payments due to the contractor may be withheld pending a final decision. Liquidated Damages are assessed per violation, per month, as noted in the contract terms.

5. Overtime and Holidays

Overtime shall be paid on work performed in excess of 8 hours per day, more than 40 hours per week, and work performed on Sundays and holidays. The following are holidays for the purposes of the County's Prevailing Wage Law: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day. Additional holidays may apply as noted in footnotes of the wage determination itself. Overtime for holidays is for work on the actual holiday not the day observed.

6. Job site Interviews

The County requires that a sample of employees be interviewed each month. The County will conduct interviews once at minimum once a month, as well as verify that the prevailing wage rates are posted on the job site. Due to Homeland Security Requirements, all personnel on government job sites (be it Federal, State, County or Local Government) are required to carry photo identification on their person at all times and to show it upon demand.

7. Classification Request

If a classification is not listed on the wage determination the Contractor may request the omitted classification from the County, by sending a request to the Prevailing Wage Administrator at Prevailingwage@BaltimoreCountyMD.gov who will in turn pass the request onto to the State of Maryland, Dept. of Labor to attain the correct rate for that classification that was not published. You may NOT arbitrarily borrow the rate and/or trade classification from another project within the County. Nor will you list employees as "Common/ Unskilled Laborers" because no other classification currently exists. Common/Unskilled Laborers are described by the State of Maryland Dept. of Labor, Licensing & Regulation herein on page 8. Common/Unskilled Laborers may perform the tasks listed and only those tasks. Any other tasks being performed using tools, even hand tools, that are not shown on the wage determination for the project will require an omitted classification request.

When requesting an omitted classification, you MUST submit this request in writing with a complete description of job duties and tools used by the classification.



Baltimore County, Maryland

8. Fringe Benefit

In order to complete a payroll audit, an authorized party for the Contractor must complete a fringe benefit statement listing the fringes being paid to all employees in each trade. Information listed on the fringe benefit statement must reflect the actual benefits paid to a third party on behalf of the specific employee. The fringe amount must show a per hour breakdown of the specific contributions (health, pension, etc.) for each trade and/or employee and the addresses of the payee plans. For contractors who pay medical benefits directly to a medical plan, such as Kaiser or Blue Shield, the monthly payment for each employee must be amortized into an hourly rate. (For example: Joe’s health premium is \$300 a month, that rate multiplied by 12 (months) divided by 2080 (hours), which yields an hourly rate of \$1.73 per hour). Similar amortization is allowed for vacation and holiday time paid. Calculations for paid time off (vacation, holiday, sick days) are based on days/year accrued multiplied by 8 (hours) per day at the employee’s regular rate and divided by 2080 (hours). In addition, the company policy shall be submitted with description of paid time off policies. For all 3rd party benefits paid on behalf of the employee, one month’s contribution report or premium statement showing employee full name and amount contributed should be submitted with the fringe benefit statement. (Fringe Benefit Statement available on eDocuments.)

*If paying into a Pension program please indicate how often contributions are made (monthly/quarterly).

*If the employer pays any part of the **fringe benefit in cash** (directly to the employee), this “cash fringe” should be included on the certified payroll form and not on the fringe benefit statement.

Example of breakdown:

Employee Name	Regular Hourly Rate	Company Paid Monthly Health Premium	Hourly Health Rate	401K / Match	Paid Vacation	Paid Holidays	Total
Full Name	\$15.00	\$300.00	\$1.73	0	1 week = \$/29	6 days = \$.35	\$2.37
Full Name	\$18.00	\$200.00	\$1.15	\$4.50 per hour	2 weeks = \$/29	6 days = \$.35	\$2.37
Full Name	\$23.00	\$150.00	\$.87	3% = \$.69	3 weeks = \$/29	6 days = \$.35	\$2.37
Notes		Cannot include Employee’s contributions	Monthly rate x 12 months / 2080 hours	Contributions must be made at least quarterly	# of days x 8hrs.x reg. rate / 2080 hrs.	# of days x 8hrs.x reg. rate/ 2080 hrs.	
Example for illustrative purposes only.							



Baltimore County, Maryland

*Calculations for Healthcare are based on total per month –any employee deduction amounts =ER paid portion. ER paid amount should be x 12mo/year divided by 2080 hours/year worked to get hourly credit amount.

*Uniforms are not a valid fringe/deduction, nor are cell phones or auto allowance per the Dept. of Labor guidelines.

9. Certified Payroll or Non-Performance Documentation

Certified payroll or non-performance documentation is required for each week from the beginning of the contractor's/subcontractor's work on the project until completion of that contractor's/subcontractor's work. These documents must reflect a consistent 7-day work week for the entirety of the project. The certified payroll forms must be complete, listing the employee's correct name, address, social security number, hours worked per day, total hours worked per week, wages, deductions and check number. It is critical that the employee's craft classification be listed correctly. Employees must be classified and paid based on what type of work they are performing, not merely by title. It is acceptable for an employee to work in more than one trade category per day, but it is the employer's obligation to keep accurate records of the different types of work performed by the employee, and report it accordingly. Please note that certified payrolls must reflect the actual wages paid to employees and any required local hiring information and are signed under penalty of perjury, therefore any falsification of information is a felony. Violations are subject to Liquidated damages and sanctions

NOTE: *Please be aware non-performance statements must be submitted for weeks in which no work is performed or no start date is submitted for subcontractors.

Local Hiring Requirement A contractor shall make best efforts to fill at least 51% of new jobs required to complete the Capital Improvement contract or Capital Project with Baltimore County residents. The contractor shall submit an Employment Analysis (sample attached pursuant to 10-2-507) **and** monthly reports to the Department by the last day of the month in which it is due to avoid Liquidated damages and any other remedy set forth in county local hire law

- The number of new hires needed for the contract during the reporting period;
- The total number of Baltimore County residents hired during the reporting period;
- The total number of all employees hired during the reporting period;
- Description of efforts made to fill the open positions with local County residents; and
- For a new hire during the reporting period, the new hire's name, last four numbers of their social security number, job title, hire date, address, and referral source



Baltimore County, Maryland

10. Certified Payroll Reporting

All certified payrolls are to be completed and submitted through Baltimore County online compliance system. The Contractor will receive a login for LCP Tracker or the platform chosen by Baltimore to comply. If unable to access the online platform contact CCM I **BaltimoreCountyPWLH@ccmilcp.com** or the county Prevailing wage unit. The subcontractors will receive login information from the Contractor. All subcontractors as beneficiaries must submit certified payrolls. All payrolls must be posted **no later than 14 days after the close of the payroll week.**

11. Affidavit

The Contractor will be required to submit a Prevailing Wage and Local Hiring affidavit certifying they have read and agree to all County Prevailing Wage and Local Hire laws and procedures, and that the party providing the financial statements and payroll is an authorized signatory for the Contractor.

12. Prevailing Wage Bond (if applicable)

The Contractor will be required to submit a payment bond for prevailing wage as a condition of solicitations being accepted as responsible and responsive. The Contractor must submit a cost estimate that sets forth the cost of prevailing wage and rates at the time of solicitation that may be used in the tabulation and assessment of prevailing wage bonds for sufficiency. Prevailing Wage Payment Bonds may be used by the County to assess the liquidated damages penalty related to wage set by statute for non-payment to employees and subcontractors that the Contractor has not paid in the discretion of the Purchasing Agent after a final finding of a violation.

13. Cost Estimates

In the sole discretion of the Director or their designee, both a non-prevailing wage cost estimate and a prevailing wage cost estimate, as well as a prevailing wage payment bond, may be required at the time a capital improvement project exceeds the threshold or at the time of solicitation if it may be reasonably ascertained that the capital improvement contract or capital project contract will exceed the amounts required.

14. Sanctions &/or Liquidated Damages

Sanctions and Liquidated Damages (LD) shall be considered as part of any contract executed as set by the statute and as set by the County for failure to provide documentation and/or reporting. Sanctions benefiting the third-party employee are hereby incorporated with the statute into any applicable contract meeting the capital improvement project threshold. Sanctions that are set contractually by the Director for failure to provide documentation may be assessed at any time as required by the solicitation and county law.



Baltimore County, Maryland

15. Local Hiring Reporting

Contractors must provide all reporting data required by the County local hiring law as required by the law and must use any form provided by the County for reporting purposes. Failure to comply with the local hiring law will result in a violation. An employment analysis must be submitted from each beneficiary directly to the count PWLH unit prior to funds being issued and subsequent Monthly Local hire reports must be loaded into eDocs by the last day of each month to avoid LD's.

A violation will be deemed a breach of any agreement or contract with the County under which all default penalties will be applicable and Local hire law will take precedent. Local hiring requirements include monthly reporting to the Baltimore County Prevailing Wage and Local Hire unit which includes 1) the number of new hires needed for the contract reporting period, 2) the total number of Baltimore County residents hired during the reporting period, 3) the total number of all employees hired during the contract period, 4) best efforts made to fill the open positions with Baltimore County residents; and 5) for a new hire during the reporting period: name, last four digits of the social security number, job title, hire date, and address. Additional verifications may be required upon request.

16. Violations of the Prevailing Wage and Local Hiring Law

If the Director or their designee(PWLH Unit) finds that the Contractor violated the Prevailing Wage and/or local hiring law a written cure notice will be issued to include Liquidated damages. If it is determined the violation remains without correction of the written cure notice, a Final written determination will be issued detailing the violation and sanctions imposed. If it is found that the violation was intentional the Director or Designee shall, find that the contractor, and any of its principals, or any firm, corporation or partnership in which the Contractor has an interest, may not be awarded on any County contract for one year from the date of the final decision. If a Contractor is late in submitting local hiring reports, required to be submitted pursuant to the Baltimore County Code, the County may assess Liquidated Damages, postpone processing payments due under the contract until the required reports are submitted and submit a Final Decision to include debarment.

17. Appeals and Final Determinations for Prevailing Wage and Local Hiring Violations

A Contractor may appeal a Final written decision of the Director that the Contractor violated a provision of these sections to the Office of Administrative Hearings within ten working days after receiving a copy of the decision. If the Contractor does not appeal the Director's decision within ten working days after receipt for either prevailing wage or local hiring, the Directors decision is final and not appeal-able.

Retaliation is prohibited under county law against any contractor's employees (both Prime and subcontractors) for the employee exercising their rights under the prevailing wage law.



Baltimore County, Maryland

18. Definition of Unskilled Construction Laborer's Work

Laborers may NOT assist mechanics in the performance of the mechanic's work, NOR USE TOOLS unique to established trades.

Their work should be confined to the following manual tasks:

1. Digging and filling holes and trenches.
2. Loading, unloading and stockpiling materials.
3. Cleaning and sweeping.
4. Driving stakes.
5. Placing concrete and asphalt (not finishing).
6. Stripping forms.
7. Ripping out material which is to be discarded.
8. Clearing and grubbing.

19. Definition of Unskilled Helpers and Trainees Work

ALL contractors shall employ only competent workers and apprentices and may NOT employ an individual classified as a HELPER or TRAINEE on Baltimore County projects

Contact

Any questions or concerns regarding the Prevailing Wage and Local Hiring requirements or access to the certified compliance system can be submitted to:

Contract Compliance Monitoring Inc., (CCMI) via email at:

JFinau@ccmilcp.com; SVansant@ccmilcp.com or BaltimorecountyPWLH@ccmilcp.com

or the Prevailing Wage and Local Hire Unit if unable to reach CCMI at:

PrevailingWage@BaltimoreCountyMD.gov (**Employment Analysis are submitted here only**)

Formal complaints must be submitted via the proper procedures and forms located on the Prevailing Wage and Local Hire web-page and sent to PrevailingWage@BaltimoreCountyMD.gov

<https://www.baltimorecountymd.gov/departments/prevailing-wage/index.html>



Baltimore County, Maryland

In accordance with federal, state laws, and with the County's laws, policies and contract documents, the undersigned contractor herein certifies that they will comply with the foregoing labor law requirements; and fully understands that failure to comply with Baltimore County law and requirements will subject them to the sanctions/damages cited herein up to termination of contract and debarment for 1 year.

The contractor also herein certifies that it has been provided with a copy of the PWLH Labor Compliance Handbook as a guide for Contractors and has reviewed the aforementioned laws. The handbook does not waive enforcement written in the law.

IT IS THE CONTRACTOR'S RESPONSIBILITY TO PROVIDE COPIES OF THE LABOR COMPLIANCE PROGRAM PACKAGE TO ALL SUBCONTRACTORS.

Project Name: _____

Contract Number: _____

Prime Contractor: _____

Subcontractor Contractor: _____

Address: _____

Phone: _____ Fax: _____

License Number: _____ Email: _____

I acknowledge that I have been informed and am aware of the foregoing requirements and that I am authorized to make this certification on behalf of:

Contractor or Subcontractor: _____

Signature: _____

Printed Name: _____

Title: _____ Date: _____

**ABC Prime-Sub Company
111 Main Street
Towson, MD 21204**

Date: August 21, 2023

To: Baltimore County Dept of Public Works

From: John Doe, President, ABC Prime-Sub Company

RE: Employment Analysis Contract #1111PO0 Main Road Development and Sewer Rehabilitation

The employment analysis detailed in this report was conducted by the Project Manager at ABC Prime-Sub Company and will provide the required data of staffing availability we project to fulfill the requirements on Contract 11111PO0 Main Road Development and Sewer Replacement. The Project is expected to commence on August 30, 2023 and will conclude August 30, 2024. Our company will provide several staff and positions to fulfill specific job duties on this project which is detailed in the tables below: **THIS IS A SAMPLE ONLY. THE DATA IN THE SECTION MUST MATCH THE SCOPE OF WORK ASSIGNED IN YOUR CONTRACT. THE COUNTY MAY REJECT IF DATA IS DOES NOT REFLECT ACCURATELY. This is not a fillable form.**

Worker's Name	Classification	Approximate date of Hire	State of Residence	Baltimore County Local (Yes or No)	Last 4 digits of SSN
J. Doe	Truck Driver-Dump	8/21/2020	MD	YES	0000
B. Doe	Pipe Layer	2/10/2023	MD	NO	0000
<h1>Sample</h1>					

	Workers Currently on Staff	Workers Needed for this project	New Hires Needed
Pipe Layer	2	4	2
Truck Driver	3	7	4
Laborer	8	0	0

Submitted by: _____ (Signature and Title)