

**CITY OF BALTIMORE  
COUNCIL BILL 16-0626  
(First Reader)**

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Introduced by: Councilmembers Welch, Henry, Stokes, Clarke, President Young,  
Councilmembers Kraft, Middleton, Costello, Scott, Mosby, Curran, Holton, Branch, Spector,  
Reisinger

Introduced and read first time: February 22, 2016

Assigned to: Taxation, Finance and Economic Development Committee

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REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Finance, Office of Civil  
Rights and Wage Enforcement, Minority and Women's Business Opportunity Office

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A BILL ENTITLED

1 AN ORDINANCE concerning

2 **City Contractors – Worksite Posting and Reporting Requirements**

3 FOR the purpose of requiring City contractors subject to the prevailing wage law to post certain  
4 employee and subcontractor information at worksites; reducing the time available for City  
5 contractors subject to the prevailing wage and living wage laws to make certain required  
6 reports; setting and increasing certain penalties; clarifying and conforming related provisions;  
7 and generally relating to the conduct of City contractors.

8 BY repealing and reordaining, with amendments

9 Article 5 - Finance, Property, and Procurement  
10 Section(s) 25-5(b), 25-10, 25-11(b), 25-13, 26-5(b), 26-10, and 26-11  
11 Baltimore City Code  
12 (Edition 2000)

13 BY adding

14 Article 5 - Finance, Property, and Procurement  
15 Section(s) 25-9(c)  
16 Baltimore City Code  
17 (Edition 2000)

18 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the  
19 Laws of Baltimore City read as follows:

20 **Baltimore City Code**

21 **Article 5. Finance, Property, and Procurement**

22 **Subtitle 25. Prevailing Wages for Work Under Construction Contracts**

EXPLANATION: CAPITALS indicate matter added to existing law.  
[Brackets] indicate matter deleted from existing law.

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**§ 25-5. Prevailing wages - In general.**

(b) *Rates to be posted.*

(1) A copy of the prevailing hourly wage rates shall be kept posted by the contractor at the site of the work in a prominent place where it can be easily seen and read by the workers.

(2) If a copy of the prevailing hourly wage rates is not posted, the contractor shall forfeit and pay to the City a penalty in the amount of [\$20] \$200 per day for each day on which the copy is not posted. Each day's violation constitutes a separate offense.

**§ 25-9. Required records - In general.**

(C) *SUBCONTRACTOR AND EMPLOYEE IDENTIFICATION TO BE POSTED.*

EACH DAY THE CONTRACTOR MUST POST AT THE SITE OF THE WORK, IN A PROMINENT PLACE WHERE IT CAN BE EASILY SEEN AND READ WITHOUT ENTERING THE WORKSITE:

(1) THE NAME OF EACH SUBCONTRACTOR AUTHORIZED TO WORK DIRECTLY UPON THE SITE OF THE WORK THAT DAY, AND

(2) THE NAME AND DESIGNATION OF EACH LABORER, MECHANIC, OR APPRENTICE AUTHORIZED TO WORK DIRECTLY UPON THE SITE OF THE WORK THAT DAY FOR THE CONTRACTOR OR ANY SUBCONTRACTOR.

**§ 25-10. Required records - Project payroll reports.**

(a) *Contractor to submit.*

The contractor shall submit 2 complete copies of his weekly project payrolls and the weekly project payrolls of each of his subcontractors, consecutively numbered, not later than [14] 7 days from the end of their respective payroll periods, 1 copy to be sent to the contracting agency, the other to the Wage Commission where the same will be available for public inspection during regular business hours.

(b) *Contents.*

The weekly project payrolls shall contain:

(1) the name of the prime contractor and the subcontractor, if any;

(2) a designation of the project and location;

(3) the name, Social Security Number, and occupation of each employee;

(4) his classification in accordance with the classifications fixed in the contract;

(5) a designation of laborer, mechanic, or apprentice;

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1 (6) the number of hours worked daily by said employee at straight time and at  
2 overtime and his hourly wage rate for each;

3 (7) the gross wages paid to said employee per week; and

4 (8) such other data as may be required by the Board of Estimates from time to time.

5 (c) *Prime contractor responsible for subcontractors.*

6 The prime contractor shall be responsible for the submission of all subcontractors'  
7 payrolls covering work performed directly at the work site.

8 (d) *Signed statement of compliance.*

9 Each copy of the payroll shall be accompanied by a statement signed by the contractor or  
10 the subcontractor, as the case may be, indicating:

11 (1) that the payroll is correct;

12 (2) that the wage rates contained therein are not less than those established by the  
13 Board of Estimates as set forth in the contract;

14 (3) that the classification set forth for each laborer, mechanic, or apprentice conforms  
15 with the work he performed; and

16 (4) that the contractor and the subcontractor, as the case may be, has complied with  
17 the provisions of this subtitle.

18 **§ 25-11. Required records - Delinquencies.**

19 (b) *Fines.*

20 In addition, if the contractor is delinquent in submitting any payroll, the contractor shall  
21 forfeit and pay to the City a penalty of [§10] \$100 for each calendar day that the weekly  
22 payroll is late.

23 **§ 25-13. Withholding payments.**

24 (a) *For outstanding obligations.*

25 The City may withhold or cause to be withheld from the contractor so much of the  
26 accrued payments as may be considered necessary:

27 (1) to pay such laborers, mechanics, and apprentices employed by the contractor or  
28 any subcontractor the full amount of wages required by the provisions of this  
29 subtitle; and

30 (2) to satisfy any liability of any contractor or subcontractor for any penalties as  
31 provided herein.

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1 (b) *For failure to [post rates] MAKE REQUIRED POSTINGS.*

2 The City may also withhold payments, UNTIL THE DEFAULT HAS BEEN CORRECTED, from  
3 any contractor who has failed to post and keep posted:

4 (1) a copy of the regular hourly rates, AS REQUIRED TO BE POSTED BY § 25-5(B)  
5 {"PREVAILING WAGES - IN GENERAL: RATES TO BE POSTED"} [as required herein,  
6 until such default shall have been corrected], OR

7 (2) THE DAILY LIST OF SUBCONTRACTORS AND EMPLOYEES, AS REQUIRED TO BE  
8 POSTED BY § 25-9(C) {"REQUIRED RECORDS - IN GENERAL: SUBCONTRACTOR AND  
9 EMPLOYEE IDENTIFICATION TO BE POSTED"}.

10 **Subtitle 26. Living Wages for Work Under Service Contracts**

11 **§ 26-5. Living wages - In general.**

12 (b) *Rates to be posted.*

13 (1) A copy of the living hourly wage rate for the service contract shall be kept posted by  
14 the service contractor at the site of the work in a prominent place where it can be  
15 easily seen and read by the service workers. At the request of a service worker, a  
16 copy shall be given to the service worker within a reasonable period after the request.

17 (2) IF A COPY OF THE LIVING HOURLY WAGE RATE FOR THE SERVICE CONTRACT IS NOT  
18 POSTED, THE CONTRACTOR SHALL FORFEIT AND PAY TO THE CITY A PENALTY IN THE  
19 AMOUNT OF \$200 PER DAY FOR EACH DAY ON WHICH THE COPY IS NOT POSTED. EACH  
20 DAY'S VIOLATION CONSTITUTES A SEPARATE OFFENSE.

21 **§ 26-10. Required records - Project payroll reports.**

22 (a) *Contractor to submit.*

23 The service contractor shall submit 2 complete copies of the project payrolls and the  
24 project payrolls of each subcontractor, consecutively numbered, not later than [14] 7 days  
25 from the end of their respective payroll periods, 1 copy to be sent to the contracting  
26 agency, the other to the Wage Commission where the same will be available for public  
27 inspection during regular business hours.

28 (b) *Contents.*

29 The project payrolls shall contain:

30 (1) the name of the prime service contractor and any subcontractor, if any;

31 (2) a designation of the project and location;

32 (3) the name, Social Security Number, and occupation of each employee;

33 (4) the classification in accordance with the classifications fixed in the contract;

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1 (5) the number of hours worked daily by the service worker at straight time and at  
2 overtime and the hourly wage rate for each;

3 (6) the gross wages paid to the service worker per pay period; and

4 (7) such other data as may be required by the Board of Estimates from time to time.

5 (c) *Prime contractor responsible for subcontractors.*

6 The prime service contractor shall be responsible for the submission of all subcontractors'  
7 payrolls covering work performed.

8 (d) *Signed statement of compliance.*

9 Each copy of the payroll shall be accompanied by a statement signed by the contractor or  
10 the subcontractor, as the case may be, indicating:

11 (1) that the payroll is correct;

12 (2) that the wage rates contained therein are not less than those established by the  
13 Board of Estimates as set forth in the contract;

14 (3) that the classification set forth for each service worker conforms with the work  
15 that the service worker performed; and

16 (4) that the service contractor has complied with the provisions of this subtitle.

17 **§ 26-11. Required records - Delinquencies.**

18 (a) *Payments may be withheld.*

19 If the service contractor is delinquent in submitting any payrolls, processing of partial  
20 payment estimates may be held in abeyance pending receipt of the payrolls.

21 (b) *Fines.*

22 In addition, if the contractor is delinquent in submitting any payroll, the contractor shall  
23 forfeit and pay to the City a penalty of [\$10] \$100 for each calendar day that the payroll is  
24 late.

25 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the catchlines contained in this Ordinance  
26 are not law and may not be considered to have been enacted as a part of this or any prior  
27 Ordinance.

28 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30<sup>th</sup> day  
29 after the date it is enacted.