

the Maryland Apprenticeship Council, Department of Labor and Industry.

[18-503.] 12-303. EMPLOYMENT OF RESIDENTS OF STATE PROHIBITING EMPLOYMENT OF MARYLAND RESIDENTS.

(a) A contractor or subcontractor on any public works to which this subtitle applies may refuse to employ workmen who are residents of any state which the Commissioner finds enforces laws that prohibit Maryland residents from employment as workmen on public works in that state.

(b) Any provision of this section that conflicts or is otherwise inconsistent with any federal law, rule, or regulation applicable to a project or activity, the cost of which the federal government is to pay or reimburse in whole or part, and that because of the inconsistency, jeopardizes the availability of federal funds, does not apply to the project or activity.

[18-504.] 12-304. HOURLY WAGE RATES.

(a) Every public body authorized to contract for public works, before advertising for bids or proposals, shall request the Commissioner to determine the prevailing rates of wages for workmen and apprentices for the class or type of work called for by the public works, in the locality the work is to be performed. The Commissioner shall determine the prevailing hourly rate of wages, including the prevailing rate of wages for overtime work which shall in no event be less than time and a half the prevailing hourly rate of wages for straight time, for work of the same or a similar character in the locality in which the work is to be performed for the various classifications of workmen and apprentices required to execute the contemplated contract, and such determination or schedule of the prevailing hourly rate of wages shall be attached to and made a part of the specifications and the contract for the work. If there is not a substantial number of competent workmen engaged in work of the same or a similar character within the locality as established by the Commissioner, the Commissioner shall use the nearest established locality within this State which most closely approximates, in terms of population, degree of industrialization, and skill of work force, the locality in which the public work is located to make the determination. The Commissioner shall give prior notice of each prevailing wage determination to be made pursuant to this section. The Commissioner shall give the notice by mail to any representative of any classification, any employer, or any representative of any group of employers who in writing request the Commissioner to give notice to the employer or the representative of the classification or group of employers. The Commissioner may not make a prevailing wage determination before the expiration of 60 days from the date on which the prior notice was given. The Commissioner shall forthwith give notice by mail of all determinations of prevailing wage rates made pursuant to this section to any representative of any classification, any employer, or any representative of any group of employers who in