

(1) THE COMMISSIONER SHALL INSTITUTE AN INVESTIGATION AS NECESSARY TO DETERMINE COMPLIANCE WITH THIS SUBTITLE AND REGULATIONS ADOPTED UNDER THIS SUBTITLE.

(2) THE COMMISSIONER PROMPTLY SHALL INVESTIGATE A COMPLAINT OF A VIOLATION OF THIS SUBTITLE.

(3) ANY WRITTEN OR ORAL COMPLAINT OR STATEMENT MADE BY AN EMPLOYEE IS CONFIDENTIAL AND MAY NOT BE DISCLOSED TO THE EMPLOYER WITHOUT THE CONSENT OF THE EMPLOYEE.

(C) COOPERATION BY CONTRACTOR.

A CONTRACTOR OR SUBCONTRACTOR SUBJECT TO AN INVESTIGATION UNDER THIS SECTION SHALL ALLOW THE COMMISSIONER TO OBSERVE WORK BEING PERFORMED AT THE SITE OF A PUBLIC WORK PROJECT, TO INTERVIEW EMPLOYEES AND TO REVIEW BOOKS AND RECORDS, TO DETERMINE:

(1) THE CORRECTNESS OF EACH CLASSIFICATION;

(2) THE RATIO OF APPRENTICES TO MECHANICS; AND

(3) PAYMENT OF STRAIGHT AND OVERTIME PREVAILING WAGE RATES AS REQUIRED UNDER THE PUBLIC WORK CONTRACT.

(D) NOTICE TO PUBLIC BODY.

IF, AFTER INVESTIGATION, THE COMMISSIONER DETERMINES THAT A PROVISION OF THIS SUBTITLE MAY HAVE BEEN VIOLATED, THE COMMISSIONER IMMEDIATELY SHALL NOTIFY THE PUBLIC BODY.

(E) WITHHOLDING PAYMENT.

(1) ON NOTIFICATION, THE PUBLIC BODY SHALL WITHHOLD FROM PAYMENT DUE THE CONTRACTOR OR SUBCONTRACTOR AN AMOUNT SUFFICIENT TO:

(I) PAY EACH EMPLOYEE OF THE CONTRACTOR OR SUBCONTRACTOR THE FULL AMOUNT OF WAGES DUE UNDER THIS SUBTITLE; AND

(II) SATISFY A LIABILITY OF A CONTRACTOR FOR LIQUIDATED DAMAGES AS PROVIDED IN § 17-222(A) OF THIS SUBTITLE, PENDING A FINAL DETERMINATION.

(2) IF A SUBCONTRACTOR IS RESPONSIBLE FOR A VIOLATION OF THIS SUBTITLE, THE CONTRACTOR:

(I) MAY WITHHOLD FROM PAYMENT TO THE SUBCONTRACTOR AN AMOUNT EQUAL TO THE AMOUNT WITHHELD FROM THE CONTRACTOR UNDER PARAGRAPH (1) OF THIS SUBSECTION; OR