

# HOUSE BILL 1138

P4

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CF SB 827

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By: **Delegates Haynes, Acevero, Bridges, Conaway, Harrison, M. Jackson, Proctor, Valderrama, and Valentino-Smith**

Introduced and read first time: February 6, 2020

Assigned to: Appropriations

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## A BILL ENTITLED

1 AN ACT concerning

2 **State Personnel – Employee Compensation – Overtime Pay**

3 FOR the purpose of establishing and altering certain overtime rates of pay for certain work  
4 performed by certain employees of the Executive Branch of State government;  
5 providing for the application of certain provisions of this Act; and generally relating  
6 to State personnel and overtime compensation.

7 BY repealing and reenacting, with amendments,

8 Article – State Personnel and Pensions

9 Section 8–305

10 Annotated Code of Maryland

11 (2015 Replacement Volume and 2019 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

13 That the Laws of Maryland read as follows:

14 **Article – State Personnel and Pensions**

15 8–305.

16 (a) Except as otherwise provided in this section:

17 (1) payment for time worked in excess of an employee’s normal workweek  
18 but not in excess of 40 hours in that workweek shall be made at the employee’s regular  
19 hourly rate of pay; and

20 (2) payment for time worked in excess of 40 hours in a workweek shall be  
21 made at one and one-half times the employee’s regular hourly rate of pay.

22 (b) (1) This subsection applies to those employees of a hospital or domiciliary

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 care facility for the ill, aged, or disabled whose overtime compensation is computed on the  
2 basis of a 2-week work period under § 8-304(b) of this subtitle.

3 (2) For an employee subject to this subsection, payment for overtime work  
4 shall be made at the greater of:

5 (i) 1. one and one-half times the employee's regular hourly rate  
6 of pay for time worked in excess of 80 hours **UP TO AND INCLUDING 100 HOURS** in the  
7 2-week work period; **AND**

8 2. **TWO TIMES THE EMPLOYEE'S REGULAR HOURLY RATE**  
9 **OF PAY FOR TIME WORKED IN EXCESS OF 100 HOURS IN THE 2-WEEK WORK PERIOD;**  
10 or

11 (ii) one and one-half times the employee's regular hourly rate of pay  
12 for time worked during that 2-week work period that is in excess of 8 hours in any workday.

13 (c) (1) This subsection applies to law enforcement and civilian employees of  
14 the Department of State Police who participate in the modified workday program  
15 established in accordance with § 2-411 of the Public Safety Article.

16 (2) For an employee subject to this subsection, payment for overtime work  
17 shall be made at the greater of:

18 (i) one and one-half times the employee's regular hourly rate of pay  
19 for time worked in excess of 40 hours in the established work period; or

20 (ii) one and one-half times the employee's regular hourly rate of pay  
21 for time worked during that work period that is in excess of the established workday.

22 **(D) (1) (I) EXCEPT AS PROVIDED IN THIS PARAGRAPH, THIS**  
23 **SUBSECTION APPLIES TO ALL UNITS IN THE EXECUTIVE BRANCH OF STATE**  
24 **GOVERNMENT, INCLUDING UNITS WITH INDEPENDENT PERSONNEL SYSTEMS.**

25 **(II) THIS SUBSECTION DOES NOT APPLY TO LAW ENFORCEMENT**  
26 **AND CIVILIAN EMPLOYEES OF THE DEPARTMENT OF STATE POLICE WHO**  
27 **PARTICIPATE IN THE MODIFIED WORKDAY PROGRAM ESTABLISHED IN ACCORDANCE**  
28 **WITH § 2-411 OF THE PUBLIC SAFETY ARTICLE.**

29 **(2) FOR AN EMPLOYEE SUBJECT TO THIS SUBSECTION, PAYMENT FOR**  
30 **OVERTIME WORK SHALL BE MADE AT:**

31 **(I) ONE AND ONE-HALF TIMES THE EMPLOYEE'S REGULAR**  
32 **HOURLY RATE OF PAY FOR TIME WORKED IN EXCESS OF 80 HOURS UP TO AND**  
33 **INCLUDING 100 HOURS IN THE 2-WEEK WORK PERIOD; AND**

1                   **(II) TWO TIMES THE EMPLOYEE’S REGULAR HOURLY RATE OF**  
2 **PAY FOR TIME WORKED IN EXCESS OF 100 HOURS IN THE 2-WEEK WORK PERIOD.**

3           **[(d) (E)]** A unit may adopt alternate work periods as allowed by the federal Fair  
4 Labor Standards Act for the purpose of determining payment for overtime work for its law  
5 enforcement employees or fire fighters.

6           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
7 October 1, 2020.