

HOUSE BILL 1390

K3

7lr2615
CF 7lr2737

By: **Delegates Feldman, Benson, Cane, Healey, Hubbard, Hucker, Lee, Rice, Rosenberg, Taylor, Valderrama, and Vaughn**

Introduced and read first time: March 5, 2007

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Employment Standards – Payment of Overtime – Computation**

3 FOR the purpose of altering the manner in which a wage for overtime is computed by
4 certain employers for certain employees under certain circumstances;
5 exempting certain employees from provisions of law mandating the payment of
6 an overtime wage; providing that certain employees are not entitled to a certain
7 computation of overtime pay; and generally relating to the payment of overtime
8 by employers to employees.

9 BY repealing and reenacting, without amendments,
10 Article – Labor and Employment
11 Section 3-415(a)
12 Annotated Code of Maryland
13 (1999 Replacement Volume and 2006 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article – Labor and Employment
16 Section 3-415(c) and 3-420
17 Annotated Code of Maryland
18 (1999 Replacement Volume and 2006 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
20 MARYLAND, That the Laws of Maryland read as follows:

21 **Article – Labor and Employment**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 3-415.

2 (a) Except as otherwise provided in this section, each employer shall pay an
3 overtime wage of at least 1.5 times the usual hourly wage, computed in accordance
4 with § 3-420 of this subtitle.

5 (c) This section does not apply to an employer with respect to:

6 (1) an employee for whom the United States Secretary of
7 Transportation may set qualifications and maximum hours of service under 49 U.S.C.
8 § 3102;

9 (2) a mechanic, partsperson, or salesperson who primarily sells or
10 services automobiles, farm equipment, trailers, or trucks, if the employer is engaged
11 primarily in selling those vehicles to ultimate buyers and is not a manufacturer; [or]

12 (3) a driver if the employer is engaged in the business of operating
13 taxicabs; **OR**

14 **(4) AN EMPLOYEE COVERED BY A COLLECTIVE BARGAINING**
15 **AGREEMENT THAT PROVIDES FOR OVERTIME COMPENSATION.**

16 3-420.

17 (a) Except as otherwise provided in this section, an employer shall compute
18 the wage for overtime under § 3-415 of this subtitle on the basis of **THE GREATER OF:**

19 **(1) DURING 1 WORKWEEK, EACH HOUR OVER 8 HOURS THAT AN**
20 **EMPLOYEE WORKS DURING A WORKDAY; AND**

21 **(2) DURING 1 WORKWEEK,** each hour over 40 hours that an employee
22 works [during 1 workweek].

23 **(B) IF AN EMPLOYEE, UNDER A MUTUAL AGREEMENT WITH AN**
24 **EMPLOYER, AGREES TO WORK A SCHEDULED 10 HOURS PER DAY FOR 4**
25 **CALENDAR DAYS WITHIN A SCHEDULED WEEK OF WORK, THE WAGE FOR**
26 **OVERTIME PAY AUTHORIZED UNDER SUBSECTION (A)(1) OF THIS SECTION DOES**
27 **NOT APPLY TO THE EMPLOYEE.**

1 [(b)] (C) Notwithstanding § 3-415(b)(8) of this subtitle, an employer that is
2 not a not for profit organization and is a concert promoter, legitimate theater, music
3 festival, music pavilion, or theatrical show shall pay overtime for a craft or trade
4 employee as required in subsection (a) of this section.

5 [(c)] (D) The wage for overtime may be computed on the basis of each hour
6 over 60 hours that an employee works during 1 workweek for an employee who:

7 (1) is engaged in agriculture; and
8 (2) is exempt from the overtime provisions of the federal Act.

9 [(d)] (E) The wage for overtime may be computed on the basis of each hour
10 over 48 hours that an employee works during 1 workweek:

11 (1) for an employee of a bowling establishment; and
12 (2) for an employee of an institution that:
13 (i) is not a hospital; but
14 (ii) is engaged primarily in the care of individuals who:
15 1. are aged, mentally retarded, or sick or have a mental
16 disorder; and
17 2. reside at the institution.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 October 1, 2007.