

HOUSE BILL 205

K3
HB 900/24 – APP

(PRE-FILED)

5lr1582
CF SB 124

By: **Delegate Solomon**

Requested: October 31, 2024

Introduced and read first time: January 8, 2025

Assigned to: Appropriations

Committee Report: Favorable

House action: Adopted with floor amendments

Read second time: March 3, 2025

CHAPTER _____

1 AN ACT concerning

2 **Employment Standards – Firefighters – Payment of Wages and Payroll**
3 **Information**

4 FOR the purpose of requiring governmental units that employ firefighters to compute
5 overtime pay in a certain manner; requiring counties and municipalities to provide
6 certain payroll information to each firefighter employed by the county or
7 municipality; authorizing a firefighter or the firefighter's exclusive representative to
8 initiate a certain grievance if a county or municipality does not provide the payroll
9 information as required or wages due; and generally relating to wages and payroll
10 information for firefighters.

11 BY repealing and reenacting, with amendments,
12 Article – Labor and Employment
13 Section 3–420
14 Annotated Code of Maryland
15 (2016 Replacement Volume and 2024 Supplement)

16 BY adding to
17 Article – Local Government
18 Section 1–207
19 Annotated Code of Maryland
20 (2013 Volume and 2024 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

3 **Article – Labor and Employment**

4 3–420.

5 **(A) IN THIS SECTION, “EMPLOYER” INCLUDES A GOVERNMENTAL UNIT**
6 **THAT EMPLOYS A FIREFIGHTER.**

7 **[(a)] (B)** Except as otherwise provided in this section, an employer shall compute
8 the wage for overtime under § 3–415 of this subtitle on the basis of each hour over 40 hours
9 that an employee works during 1 workweek.

10 **[(b)] (C)** Notwithstanding § 3–415(b)(2) of this subtitle, an employer that is not
11 a nonprofit organization and is a concert promoter, legitimate theater, music festival, music
12 pavilion, or theatrical show shall pay overtime for a craft or trade employee as required in
13 subsection **[(a)] (B)** of this section.

14 **[(c)] (D)** The wage for overtime may be computed on the basis of each hour over
15 60 hours that an employee works during 1 workweek for an employee who:

- 16 (1) is engaged in agriculture; and
17 (2) is exempt from the overtime provisions of the federal Act.

18 **[(d)] (E)** The wage for overtime may be computed on the basis of each hour over
19 48 hours that an employee works during 1 workweek:

- 20 (1) for an employee of a bowling establishment; and
21 (2) for an employee of an institution that:

- 22 (i) is not a hospital; but
23 (ii) is engaged primarily in the care of individuals who:

- 24 1. are aged, intellectually disabled, or sick or have a mental
25 disorder; and
26 2. reside at the institution.

27 **(F) (1) THE WAGE FOR OVERTIME FOR A FIREFIGHTER EMPLOYED BY A**
28 **GOVERNMENTAL UNIT SHALL BE COMPUTED ON THE BASIS OF EACH HOUR OVER 168**
29 **HOURS THAT THE FIREFIGHTER WORKS DURING A 28–DAY WORK PERIOD.**

1 **(2) IN CALCULATING HOURS WORKED UNDER PARAGRAPH (1) OF**
 2 **THIS SUBSECTION, THE EMPLOYER:**

3 **(I) SHALL INCLUDE ALL REGULARLY SCHEDULED HOURS;**
 4 **~~REGARDLESS OF WHETHER; AND~~**

5 **(II) IF THE FIREFIGHTER USED EARNED OR ACCRUED LEAVE**
 6 **DURING ALL OR PART OF THE REGULARLY SCHEDULED HOURS, MAY NOT BE**
 7 **REQUIRED TO INCLUDE EARNED OR ACCRUED LEAVE IN EXCESS OF 42 HOURS PER**
 8 **WEEK.**

9 **(3) A GOVERNMENTAL UNIT MAY NOT BE DETERMINED TO HAVE**
 10 **VIOLATED THIS SECTION IF THE GOVERNMENTAL UNIT:**

11 **(I) PAYS OVERTIME WAGES USING AN AVERAGE OF:**

12 ~~(H)~~ **1. NOT MORE THAN 42 HOURS PER WEEK; AND**

13 ~~(H)~~ **2. A WORK PERIOD OF BETWEEN 7 AND 28 DAYS; OR**

14 **(II) IS A PARTY TO A FIREFIGHTER COLLECTIVE BARGAINING**
 15 **AGREEMENT THAT DEFINES A SHIFT AS 42 HOURS PER WEEK.**

16 **Article – Local Government**

17 **1-207.**

18 **(A) EACH COUNTY AND MUNICIPALITY SHALL PROVIDE FOR EACH**
 19 **FIREFIGHTER EMPLOYED BY THE COUNTY OR MUNICIPALITY:**

20 **(1) AT THE TIME OF HIRING AND AT THE TIME OF ANY CHANGE OF THE**
 21 **FIREFIGHTER’S RATE OF PAY, NOTICE OF:**

22 **(I) THE FIREFIGHTER’S RATE OF PAY;**

23 **(II) THE REGULAR PAY PERIODS; AND**

24 **(III) THE FIREFIGHTER’S OVERTIME RATE OF PAY; AND**

25 **(2) FOR EACH PAY PERIOD, A STATEMENT OF THE HOURS WORKED,**
 26 **GROSS EARNINGS, AND ANY DEDUCTIONS FROM THE GROSS EARNINGS.**

27 **(B) IF A COUNTY OR MUNICIPALITY DOES NOT PROVIDE PAYROLL**
 28 **INFORMATION IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION OR WAGES**
 29 **DUE, THE FIREFIGHTER OR THE FIREFIGHTER’S EXCLUSIVE REPRESENTATIVE MAY**

1 INITIATE A GRIEVANCE UNDER THE GRIEVANCE PROCEDURE ESTABLISHED UNDER
2 ANY APPLICABLE GRIEVANCE PROCEDURE OR COLLECTIVE BARGAINING
3 AGREEMENT.

4 (C) (1) SUBJECT TO PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, IF A
5 GRIEVANCE IS INITIATED UNDER SUBSECTION (B) OF THIS SECTION, A FIREFIGHTER
6 IS ENTITLED TO WAGES AND DAMAGES UNLESS THE WAGE IS WITHHELD AS A RESULT
7 OF A BONA FIDE DISPUTE.

8 (2) IF THE GRIEVANCE WAS FILED:

9 (I) IN THE FIRST 3 BUSINESS DAYS OF A PAY PERIOD, THE
10 DAMAGES SHALL START IN THE FOLLOWING REGULAR PAY PERIOD; OR

11 (II) AFTER THE THIRD BUSINESS DAY OF A PAY PERIOD, THE
12 DAMAGES SHALL START IN THE SECOND REGULAR PAY PERIOD FOLLOWING THE PAY
13 PERIOD IN WHICH THE FIREFIGHTER WAS NOT PAID THE FIREFIGHTER'S FULL
14 WAGE.

15 (3) THE DAMAGES UNDER PARAGRAPH (1) OF THIS SUBSECTION:

16 (I) MAY NOT BEGIN UNTIL AT LEAST ONE REGULAR PAY PERIOD
17 HAS ELAPSED SINCE THE FIREFIGHTER WAS NOT PAID THE FIREFIGHTER'S FULL
18 WAGE DUE FOR A PAY PERIOD;

19 (II) SHALL INCREASE PER PAY PERIOD BY 30% OF:

20 1. THE WAGE THAT THE COUNTY OR MUNICIPALITY
21 FAILED TO PROVIDE THE INFORMATION FOR AS REQUIRED UNDER SUBSECTION (A)
22 OF THIS SECTION; OR

23 2. THE WAGE THAT THE COUNTY OR MUNICIPALITY
24 FAILED TO PAY;

25 (III) SHALL CONTINUE UNTIL THE PAY PERIOD WHEN THE
26 COUNTY OR MUNICIPALITY PROVIDES THE MISSING WAGES AND DAMAGES TO THE
27 FIREFIGHTER; AND

28 (IV) MAY NOT EXCEED THREE TIMES THE AMOUNT OF:

29 1. THE WAGE DUE FOR A PAY PERIOD FOR WHICH THE
30 COUNTY OR MUNICIPALITY FAILED TO PROVIDE THE INFORMATION AS REQUIRED
31 UNDER SUBSECTION (A) OF THIS SECTION; OR

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2. THE MISSING WAGES.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any collective bargaining agreements in effect before the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2025.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.