

## CHAPTER 6

(House Bill 346)

AN ACT to repeal and re-enact, with amendments, Section 76 of Article 100 of the Annotated Code of Maryland (1956 Supplement), title "Work—Hours Of, In Factories", sub-title "State Employees", providing for the payment of overtime compensation to all State employees, except per diem and hourly employees and those classes of employees specifically exempted by statute from the payment of such overtime compensation, who work in excess of 40 hours in any week; re-defining the type of supervisory employee who shall not be eligible for the payment of any overtime compensation, and providing for the right of appeal by any employee so designated.

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That Section 76 of Article 100 of the Annotated Code of Maryland (1956 Supplement), title "Work—Hours Of, In Factories", sub-title "State Employees", be and it is hereby repealed and re-enacted, with amendments, to read as follows:

76 (a) Employees Generally.—Except as otherwise provided in this section, every State employee except per diem and hourly employees who work in excess of **[forty-four (44)]** *forty (40)* hours in any week shall receive extra compensation for such hours worked in excess of that time. The amount of compensation for such excess *hours* shall be computed by dividing the *bi-weekly* compensation by **[forty-four]** *eighty* and multiplying the resulting quotient by the number of hours in excess of said **[forty-four]** *forty* hours.

**[(b)]** Employees on "shift duty".—For those State employees who work in or for the several State hospitals, mental institutions and penal or custodial institutions, or whose work in or for any other department, board, bureau, commission or agency requires that they be on "shift duty" to provide a continuous 24 hour a day seven day a week schedule of operation, the work week shall be set at forty (40) hours. Any such employee who works in excess of forty (40) hours in any week shall receive compensation for such hours worked in excess of that time. The amount of compensation for such excess shall be computed by dividing the weekly compensation by forty and multiplying the resulting quotient by the number of hours worked in excess of forty hours.]

**[(c)]** *(b)* Supervisory employees.—The executive head of every department, bureau, board, commission or other agency of the State, with the approval of the State Commissioner of Personnel, is authorized and empowered to designate ~~those bona fide supervisory employees who actually exercise supervisory control over a major function~~ **THOSE EMPLOYEES WHO BONA FIDE (A) PERFORM EXECUTIVE, ADMINISTRATIVE OR PROFESSIONAL FUNCTIONS OR CONTROL WITHIN THE RESPECTIVE DEPARTMENTS, BUREAU, BOARD, COMMISSION OR OTHER AGENCY, OR (B) PERFORM DUTIES INVOLVING EXECUTION, EN-**

EXPLANATION: *Italics indicate new matter added to existing law.*  
 [Brackets] indicate matter stricken from existing law.  
 CAPITALS indicate amendments to bill.  
~~Strike out~~ indicates matter stricken out of bill.