

STATE COMMISSIONER OF PERSONNEL IS AUTHORIZED TO ADOPT AND PROMULGATE REASONABLE RULES AND REGULATIONS TO PREVENT AN ABUSE OF THIS SECTION BY THE GRANTING OF UNNECESSARY AND UNWARRANTED OVERTIME OR BY THE FAILURE TO GRANT OVERTIME COMPENSATION WHEN THE EMPLOYEE IS ELIGIBLE TO RECEIVE THE SAME UNDER THE PROVISIONS OF THIS SECTION. ANY EMPLOYEE WHO IS DESIGNATED BY HIS EXECUTIVE HEAD AS BEING NOT SUBJECT TO THE PROVISIONS OF A FORTY HOUR WEEK, SHALL HAVE THE RIGHT TO APPEAL TO THE STATE COMMISSIONER OF PERSONNEL, WHO SHALL INVESTIGATE AND DECIDE SUCH EMPLOYEE'S APPEAL, AND THE COMMISSIONER'S DECISION SHALL BE FINAL AND BINDING UPON BOTH THE EXECUTIVE HEAD AND THE EMPLOYEE WHO APPEALS SUCH DESIGNATION.

(C) PER DIEM EMPLOYEES.—EVERY PER DIEM STATE EMPLOYEE WHO WORKS IN EXCESS OF FORTY 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 PER DIEM COMPENSATION BY EIGHT AND MULTIPLYING THE RESULTING QUOTIENT BY THE NUMBER OF HOURS WORKED IN EXCESS OF SAID FORTY HOURS.

(D) EXCEPTIONS.—PROVIDED, HOWEVER, THAT THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO THE DEPARTMENT OF MARYLAND STATE POLICE, GAME AND INLAND FISH COMMISSION, DEPARTMENT OF STATE FORESTS AND PARKS, THE DEPARTMENT OF TIDEWATER FISHERIES AND TO THE MARYLAND ALCOHOL TAX ENFORCEMENT UNIT.

(E) STATE ROADS COMMISSION HOURLY PAID EMPLOYEES.—IN ORDER THAT THE HOURLY PAID EMPLOYEES OF THE STATE ROADS COMMISSION WILL NOT SUFFER A REDUCTION IN COMPENSATION THROUGH THE OPERATION OF THIS SECTION, THEY SHALL RECEIVE AND CONTINUE TO RECEIVE AN INCREASE IN HOURLY COMPENSATION IN AN AMOUNT EQUAL TO TEN PER CENTUM (10%) OF THE RATE OF COMPENSATION PRESCRIBED FOR THEIR RESPECTIVE CLASSIFICATIONS IMMEDIATELY PRIOR TO THE EFFECTIVE DATE OF THIS ACT.

SEC. 2. *And be it further enacted,* That this Act is declared to be an emergency law and necessary for the immediate preservation of the public health and safety, and having been passed by a ye and nay vote, supported by three-fifths of all the Members elected to each of the two Houses of the General Assembly of Maryland, the same shall take effect from the date of its passage.

Approved March 13, 1958.