

AUTHORITY, every non-managerial OR NON-PROFESSIONAL person employed by any employer in a retail OR WHOLESALE establishment, as a matter of right, shall be entitled to choose as a day of rest his Sabbath, OR MAY CHOOSE SUNDAY AS A DAY OF REST, IF HE DOES NOT CHOOSE AS A DAY OF REST HIS SABBATH, and upon the filing of written notice by the employee with the employer that the employee chooses [his Sabbath] SUCH DAY as a day of rest, no employer may discharge, discipline, DISCRIMINATE AGAINST or penalize the employee in any manner for exercising his rights under this subsection.

2. [Any employer may require all non-managerial persons employed in a retail establishment, as a condition of employment, to designate in writing within 30 days following the date of employment, or in the case of employees presently employed, within 30 days following the effective date of this subsection, whether the employee chooses as a day of rest his Sabbath.] In the event the employee desires to change his written designation during the course of his employment, he may do so provided that he first files with his employer written notice of that change no later than 30 days prior to its effective date.

3. IN ANY APPLICATION FOR FULL-TIME EMPLOYMENT, NO EMPLOYER MAY REQUIRE ANY PROSPECTIVE EMPLOYEE FOR FULL-TIME EMPLOYMENT TO ANSWER ANY QUESTION AS TO WHETHER OR NOT THE EMPLOYEE CHOOSES HIS SABBATH OR SUNDAY AS A DAY OF REST.

4. ANY EMPLOYER, WHO VIOLATES SECTION 534H, IS GUILTY OF A MISDEMEANOR AND SHALL, UPON CONVICTION, BE FINED NOT LESS THAN \$250 NOR MORE THAN \$500 FOR EACH OFFENSE. IN THE EVENT AN EMPLOYER COMPELS A NON-MANAGERIAL OR NON-PROFESSIONAL EMPLOYEE TO WORK ON HIS CHOSEN DAY OF REST IN VIOLATION OF SECTION 534H, THAT EMPLOYER SHALL BE LIABLE TO THE AGGRIEVED EMPLOYEE FOR WAGES AT THE RATE OF THREE TIMES THE EMPLOYEE'S REGULAR RATE OF PAY FOR ALL HOURS WORKED BY THAT EMPLOYEE ON HIS CHOSEN DAY OF REST.

NOTHING CONTAINED IN THIS SECTION MAY BE CONSTRUED TO PERMIT ANY FINE OR PENALTY AGAINST ANY SUPERVISORY EMPLOYEE OR AGENT WHO HAS BEEN CAUSED, DIRECTED OR AUTHORIZED BY HIS EMPLOYER TO VIOLATE ANY PROVISION OF SECTION 534H, IN WHICH CASE THE EMPLOYER SHALL BE SUBJECT TO THE SANCTIONS PRESCRIBED BY THIS SECTION.

5. FOR THE PURPOSES OF THIS SECTION, A MANAGERIAL EMPLOYEE SHALL MEAN ANY EMPLOYEE WHO IS NOT COVERED BY A COLLECTIVE BARGAINING AGREEMENT; AND

(A) WHOSE PRIMARY DUTIES CONSIST OF THE