

(IV) WHO CUSTOMARILY AND REGULARLY EXERCISES DISCRETIONARY POWERS.

(2) A PROFESSIONAL EMPLOYEE IS AN EMPLOYEE WHOSE PRIMARY DUTIES CONSIST OF THE PERFORMANCE OF WORK REQUIRING KNOWLEDGE OF AN ADVANCED TYPE IN A FIELD OF SCIENCE OR LEARNING CUSTOMARILY ACQUIRED BY A PROLONGED COURSE OF SPECIALIZED INTELLECTUAL INSTRUCTION AND STUDY.

(C) (1) EXCEPT IN CASES OF AN EMERGENCY DECLARED BY THE FEDERAL, STATE, OR COUNTY GOVERNMENT, EVERY NONMANAGERIAL OR NONPROFESSIONAL PERSON EMPLOYED IN ANY RETAIL OR WHOLESALE ESTABLISHMENT MAY CHOOSE SUNDAY OR HIS SABBATH AS A DAY OF REST AND, UPON THE FILING OF WRITTEN NOTICE BY THE EMPLOYEE WITH THE EMPLOYER THAT THE EMPLOYEE CHOOSES THIS 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) 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) EMPLOYERS MAY NOT REQUIRE, IN ANY APPLICATION FORM FOR FULL-TIME EMPLOYMENT, ANY PROSPECTIVE EMPLOYEE TO ANSWER ANY QUESTION AS TO WHETHER OR NOT THE EMPLOYEE CHOOSES HIS SABBATH OR SUNDAY AS A DAY OF REST. FOR THE PURPOSES OF THIS SECTION A FULL-TIME EMPLOYEE IS ONE WHOSE NORMAL WORK WEEK IS 25 HOURS OR MORE.

(D) IN BALTIMORE COUNTY AND BALTIMORE CITY, NOTWITHSTANDING ANY AGREEMENT TO THE CONTRARY, NO PERSON MAY BE REQUIRED TO OPEN HIS PLACE OF BUSINESS ON SUNDAY.

~~(D)~~ (E) (1) AN EMPLOYER WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND, UPON CONVICTION THEREOF, SHALL BE FINED NOT MORE THAN \$500 FOR EACH EMPLOYEE INVOLVED, OR FOR EACH OFFENSE, WHICHEVER IS GREATER.

(2) AN EMPLOYER WHO COMPELS A NONMANAGERIAL OR NONPROFESSIONAL EMPLOYEE TO WORK ON THE EMPLOYEE'S CHOSEN DAY OF REST IN VIOLATION OF THIS SECTION SHALL BE LIABLE TO THE EMPLOYEE FOR WAGES AT THE RATE OF THREE TIMES THE EMPLOYEE'S REGULAR RATE OF PAY FOR ALL HOURS WORKED BY THE EMPLOYEE ON HIS CHOSEN DAY OF REST. THE FOREGOING SENTENCE SHALL APPEAR IN ANY APPLICATION FORM FOR EMPLOYMENT.

(3) THIS SECTION MAY NOT 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 THIS SECTION, IN WHICH CASE THE EMPLOYER SHALL BE SUBJECT TO THE SANCTIONS PRESCRIBED BY THIS SECTION.
