

BY repealing and reenacting, with amendments,

Article 100 - Work, Labor and Employment
Section 76
Annotated Code of Maryland
(1979 Replacement Volume and 1982 Supplement)

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

Article 100 - Work, Labor and Employment

76.

(a) Except as otherwise provided in this section, every State employee who works in excess of the normal work week for his department, bureau, board, commission or agency shall receive extra compensation for such hours worked in excess of that time. The amount of compensation for such excess hours shall be computed in the following manner:

(1) Any work performed in excess of the department's normal work week but not in excess of forty (40) hours shall be computed by dividing the weekly compensation by the number of hours in the normal work week and multiplying the resulting quotient by the number of hours worked in excess of the normal work week.

(2) Any work performed in excess of forty (40) hours per week shall be compensated at one and one-half times the hourly rate established by dividing the weekly compensation by the number of hours in the normal work week; provided, however, that the department may compute overtime due on the basis of an eighty (80) hour biweekly period. On this basis, overtime shall be paid at the rate of one and one-half times the regular rate for all hours worked beyond eight (8) hours in any one day and one and one-half times the regular rate for all hours worked over eighty (80) in any work period of fourteen (14) consecutive days; provided, however, that the biweekly method of computing overtime shall not be used by the State educational institutions.

(b) The Secretary of Personnel is authorized and empowered to designate those bona fide administrative, executive, and professional employees who shall not be eligible to receive overtime compensation but who may be compensated by compensatory time. The Secretary of Personnel is authorized and empowered to adopt and promulgate reasonable 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 it under the provisions of this section.