

(I) WHOSE PRIMARY DUTIES CONSIST OF THE MANAGEMENT OF THE ENTERPRISE IN WHICH HE IS EMPLOYED OR OF A CUSTOMARILY RECOGNIZED DEPARTMENT OR SUBDIVISION THEREOF; AND

(II) WHO CUSTOMARILY AND REGULARLY DIRECTS THE WORK OF TWO OR MORE OTHER EMPLOYEES; AND

(III) WHO EITHER HAS THE AUTHORITY TO HIRE OR FIRE OTHER EMPLOYEES OR WHOSE SUGGESTIONS AND RECOMMENDATIONS AS TO THE HIRING AND FIRING AND AS TO THE ADVANCEMENT AND PROMOTION OR ANY OTHER CHANGE OF STATUS OF OTHER EMPLOYEES WILL BE GIVEN PARTICULAR WEIGHT; AND

(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 HARFORD COUNTY, NOTWITHSTANDING ANY AGREEMENT TO THE CONTRARY, NO PERSON MAY BE REQUIRED TO OPEN HIS PLACE OF BUSINESS ON SUNDAY.

(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.