

(1982 Replacement Volume and 1984 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 534M of Article 27 - Crimes and Punishments of the Annotated Code of Maryland be repealed.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article 27 - Crimes and Punishments

534M.

(A) (1) IN THIS SECTION, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

(2) "MANAGERIAL EMPLOYEE" MEANS ANY EMPLOYEE WHO IS NOT COVERED BY A COLLECTIVE BARGAINING AGREEMENT AND:

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

(II) WHO CUSTOMARILY AND REGULARLY DIRECTS THE WORK OF 2 OR MORE OTHER EMPLOYEES IN THE ENTERPRISE, DEPARTMENT, OR SUBDIVISION OF THAT ENTERPRISE;

(III) WHO 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 IS GIVEN PARTICULAR WEIGHT; AND

(IV) WHO CUSTOMARILY AND REGULARLY EXERCISES DISCRETIONARY POWERS.

(3) "PROFESSIONAL EMPLOYEE" MEANS ANY 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.

(B) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, IN WICOMICO COUNTY, ANY WHOLESALE OR RETAIL ESTABLISHMENT MAY CONDUCT BUSINESS ON SUNDAY FOR LABOR OR PROFIT IN THE USUAL MANNER AND LOCATION, SUBJECT TO THE FOLLOWING:

(1) EXCEPT IN CASES OF AN EMERGENCY AS DECLARED BY A FEDERAL, STATE, OR LOCAL GOVERNMENTAL AUTHORITY, EVERY NONMANAGERIAL OR NONPROFESSIONAL EMPLOYEE OF A RETAIL OR WHOLESALE ESTABLISHMENT MAY CHOOSE AS A DAY OF REST THE EMPLOYEE'S SABBATH OR MAY CHOOSE SUNDAY AS A DAY OF REST BY FILING WRITTEN NOTICE WITH THE EMPLOYER.