violate any provision of § 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 management of the enterprise in which he is employed or of a customarily recognized department or subdivision of that enterprise; and

(b) Who customarily and regularly directs the work of two or more other employees in that enterprise, department or subdivision of that enterprise; and

(c) 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

(d) Who customarily and regularly exercises discretionary powers.

6. For the purposes of this section, a professional employee shall mean 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.

7. Notwithstanding any agreement to the contrary between a merchant and his landlord, no merchant may be required to open his place of business on Sunday.]

[534-I.

Nothing contained in §§ 492, 521 and 522 of this article, amended from time to time, shall be applicable within Montgomery County.]

[534J.

In Montgomery County retail and wholesale establishments shall operate subject to the following:

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