

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.

4. For the purposes of this section, a managerial employee is an 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 thereof; and

(b) Who customarily and regularly directs the work of two or more other employees; 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.

5. For the purposes of this section, 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.

6. Notwithstanding any agreement to the contrary, no merchant may be required to open his place of business on Sunday.

7. Any employer who violates § 534J is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than two hundred fifty dollars nor more than five hundred dollars for each employee involved, or for each offense, whichever shall be the greater. An employer who compels a nonmanagerial or nonprofessional employee to work on the employee's chosen day of rest in violation of § 534J 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