

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.

(2) The employee may change the written designation during the course of that employee's employment if the employee files with the employer written notice of that change no later than 30 days prior to its effective date.

(3) The employer may not:

(i) Discharge, discipline, or discriminate against or penalize the employee for exercising the rights of choice provided in paragraph (1) of this subsection; and

(ii) Require any prospective employee for full-time employment in a job having a workweek of at least 25 hours to answer any question identifying the day of the week that that employee chooses as a day of rest or Sabbath.

(c) Notwithstanding any agreement to the contrary, no merchant may be required to open the merchant's place of business on Sunday.