

The revision of this section is based on 77 Op. Att'y Gen. _____ (1992) [Opinion No. 92-012 (May 7, 1992)], which reconciled the inconsistencies between former Art. 64A, §§ 27 and 30. In accordance with that opinion, this section is revised to apply only to decreased pay rates. Increased pay rates are governed by §§ 6-105 and 6-108 of this subtitle.

Defined terms: "Class" § 1-101
 "Secretary" § 1-101

SUBTITLE 2. SPECIAL PAY PROVISIONS.

6-201. SHIFT DIFFERENTIAL PAY.

(A) IN GENERAL.

(1) AN EMPLOYEE IS ENTITLED TO EXTRA PAY, KNOWN AS SHIFT DIFFERENTIAL PAY, IF THE EMPLOYEE:

(I) IS EMPLOYED IN A POSITION DESIGNATED FOR THIS PURPOSE;
 AND

(II) WORKS ON A FULL-TIME SHIFT OF AT LEAST 8 HOURS THAT STARTS ON OR AFTER 2:00 P.M. AND ON OR BEFORE 1:00 A.M.

(2) A STATE-EMPLOYED FIRE FIGHTER IS ENTITLED TO SHIFT DIFFERENTIAL PAY FOR QUALIFYING HOURS IF THE FIRE FIGHTER WORKS ON A SHIFT OF AT LEAST 8 HOURS, REGARDLESS OF THE TIME THAT THE SHIFT STARTS.

(B) REGULATIONS.

(1) THE SECRETARY SHALL ADOPT REGULATIONS FOR THE PAYMENT OF SHIFT DIFFERENTIAL PAY.

(2) THE REGULATIONS ADOPTED UNDER THIS SECTION SHALL PROVIDE FOR FAIRNESS AND EQUITY AMONG ALL EMPLOYEES IN CONSIDERATION OF:

(I) THE HOURS WORKED;

(II) CONDITIONS AND PLACES OF EMPLOYMENT;

(III) PREVAILING PRACTICES IN THE LOCALITY; AND

(IV) OTHER FACTORS THAT THE SECRETARY CONSIDERS RELEVANT UNDER THE CIRCUMSTANCES.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 64A, § 27(d).

The State Personnel Article Review Committee notes, for consideration by the General Assembly, the following issues. First, the reference in subsection (a)(1)(i) to "designated" positions is uncertain given the law's silence as to how or by whom various positions are to be designated. Second, the requirement in subsection (a)(1)(ii) that employees must work on a "full-time