

THIS SUBTITLE DOES NOT APPLY TO A LAW ENFORCEMENT EMPLOYEE OF THE MARYLAND ALCOHOL AND TOBACCO TAX ENFORCEMENT UNIT OF THE STATE COMPTROLLER'S OFFICE.

REVISOR'S NOTE: Subsection (a) of this section is new language added for clarity. It is based on the broad reference in former Art. 89, § 27(a) to "every State employee". See 77 Op. Att'y Gen. _____ [Opinion No. 92-012 (May 7, 1992)], discussing the Secretary's broad overtime authority under former Art. 89, § 27(c) over all State employees in all branches of State government.

Subsection (b) of this section is new language derived without substantive change from the first sentence of former Art. 89, § 27(d).

Defined term: "Contractual employee" § 1-101

6-302. CONSTRUCTION AND ENTITLEMENT.

(A) CONSTRUCTION OF SUBTITLE.

THIS SUBTITLE SHALL BE INTERPRETED AND APPLIED, TO THE EXTENT APPLICABLE, IN ACCORDANCE WITH THE FEDERAL FAIR LABOR STANDARDS ACT.

(B) ENTITLEMENT.

ALL EMPLOYEES SUBJECT TO THIS SUBTITLE ARE ENTITLED TO THE GREATER OF:

- (1) THE BENEFITS THAT ARE PROVIDED IN THIS SUBTITLE; OR
- (2) TO THE EXTENT APPLICABLE, THE BENEFITS REQUIRED BY THE FEDERAL FAIR LABOR STANDARDS ACT.

REVISOR'S NOTE: This section is new language added to reflect court decisions applying the federal Fair Labor Standards Act to employees covered by this subtitle. See 70 Op. Att'y Gen. 151 (1985).

6-303. OVERTIME COMPENSATION GENERALLY.

(A) IN GENERAL.

EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, AN EMPLOYEE WHO WORKS MORE THAN THE NORMAL WORKWEEK FOR THAT EMPLOYEE'S UNIT IS ENTITLED TO COMPENSATION FOR THAT OVERTIME WORK IN THE FORM OF:

- (1) PAYMENT AS PROVIDED IN § 6-305 OF THIS SUBTITLE; OR
- (2) COMPENSATORY TIME AS PROVIDED IN § 6-307 OF THIS SUBTITLE.

(B) REGULATIONS.

THE SECRETARY SHALL ADOPT REGULATIONS TO PREVENT:

- (1) THE GRANTING OF UNNECESSARY OVERTIME; AND