

BY REGULATIONS CONSISTENT WITH THE FEDERAL FAIR LABOR STANDARDS ACT, THE SECRETARY MAY PROVIDE FOR EMPLOYEES WHO OTHERWISE WOULD BE ENTITLED TO PAYMENT FOR OVERTIME WORK TO ELECT TO RECEIVE COMPENSATORY TIME INSTEAD.

(B) PRIOR NOTICE REQUIRED.

THESE REGULATIONS SHALL PROVIDE THAT AN EMPLOYEE WHO ELECTS TO RECEIVE COMPENSATORY TIME MUST NOTIFY THE EMPLOYEE'S SUPERVISOR OF THAT ELECTION BEFORE THE OVERTIME WORK IS PERFORMED.

(C) AMOUNT OF COMPENSATORY TIME.

COMPENSATORY TIME UNDER THIS SECTION SHALL EQUAL:

(1) 1 HOUR FOR EACH HOUR OF OVERTIME WORK FOR WHICH THE EMPLOYEE OTHERWISE WOULD RECEIVE THE EMPLOYEE'S REGULAR HOURLY RATE OF PAY; AND

(2) 1.5 HOURS FOR EACH HOUR OF OVERTIME WORK FOR WHICH THE EMPLOYEE OTHERWISE WOULD RECEIVE ONE AND ONE-HALF TIMES THE EMPLOYEE'S REGULAR HOURLY RATE OF PAY.

REVISOR'S NOTE: Subsections (a), (b), and (c)(2) of this section are new language derived without substantive change from former Art. 89, § 27(a)(4), the first sentence of (a)(5)(i), and (a)(5)(ii).

Subsection (c)(1) of this section is new language added, consistent with Departmental practice, to accommodate calculations based on hours in a workweek of 40 hours or less.

The second sentence of former Art. 89, § 27(a)(5)(i), which provided that, absent an election for compensatory time, an employee would receive overtime pay for overtime work, is deleted as implicit in the concept of the election.

Defined term: "Secretary" § 1-101

6-308. EXTRA COMPENSATION FOR CERTAIN LAW ENFORCEMENT EMPLOYEES.

(A) WORK IN EXCESS OF 8 HOURS IN A DAY.

A LAW ENFORCEMENT EMPLOYEE OF ANY UNIT OF STATE GOVERNMENT OR A MARYLAND STATE POLICE CADET WHO WORKS MORE THAN 8 HOURS IN A NORMAL 8-HOUR WORKDAY IS ENTITLED TO BE PAID AT THE RATE OF ONE AND ONE-HALF TIMES THE EMPLOYEE'S OR CADET'S REGULAR HOURLY RATE OF PAY FOR EACH HOUR WORKED IN EXCESS OF 8 HOURS.

(B) WORK DURING OFF-DUTY HOURS.

(1) IN THIS SUBSECTION, "OFF-DUTY HOURS" MEANS ANY HOURS:

(1) DURING A LAW ENFORCEMENT EMPLOYEE'S SCHEDULED OFF-DUTY DAY; OR