

Article 27 – Crimes and Punishments

493.

[(a) (1) In this section the following terms have the meanings indicated.

(2) “Managerial employee” means any employee who is not covered by a collective bargaining agreement and:

(i) Whose primary duties consist of the management of the enterprise in which that person is employed or 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) “Part-time employee” means a person employed for a workweek consisting of less than 25 hours.

(4) “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)] (A) (1) A retail or wholesale 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 person employed by a retail or wholesale establishment, other than a managerial employee, a professional employee, or a part-time employee, may choose as a day of rest his 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; or