

SENATE BILL 542

J3, P4

EMERGENCY BILL

1lr1612
CF HB 673

By: **Senator Eckardt**

Introduced and read first time: January 26, 2021

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 16, 2021

CHAPTER _____

1 AN ACT concerning

2 **State Health Care Facilities – Employees – Alternative Workweeks**

3 FOR the purpose of authorizing the Secretary of Health, beginning on a certain date, to
4 authorize an employee of a State facility to work according to an alternative
5 workweek under certain circumstances; requiring that a certain employee be
6 considered a full-time employee of the State ~~and be entitled to certain compensation;~~
7 providing that certain provisions of law governing the payment for overtime work do
8 not apply to employees of a State facility who are authorized to work according to a
9 certain alternative workweek; defining certain terms; making this Act subject to a
10 certain contingency; making this Act an emergency measure under certain
11 circumstances; and generally relating to alternative workweeks for employees of
12 State health care facilities.

13 BY adding to

14 Article – Health – General

15 Section 2–104(p)

16 Annotated Code of Maryland

17 (2019 Replacement Volume and 2020 Supplement)

18 BY repealing and reenacting, with amendments,

19 Article – State Personnel and Pensions

20 Section 8–305

21 Annotated Code of Maryland

22 (2015 Replacement Volume and 2020 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Health – General

2–104.

(P) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE
MEANINGS INDICATED.

(II) “ALTERNATIVE WORKWEEK” MEANS A WORK SCHEDULE
FOR AN EMPLOYEE OF A STATE FACILITY UNDER WHICH THE EMPLOYEE:

~~1. WORKS HOURS OR SHIFTS THAT ARE NOT TYPICAL
FOR STATE EMPLOYEES; AND~~

~~2. MAY MAY WORK LESS THAN 40 HOURS IN A WEEK.~~

(III) “STATE FACILITY” MEANS A HEALTH CARE FACILITY THAT
IS:

1. OWNED OR OPERATED BY THE DEPARTMENT; AND

2. OPEN 24 HOURS A DAY AND 7 DAYS A WEEK.

(2) BEGINNING MAY 1, 2021, THE SECRETARY MAY AUTHORIZE AN
EMPLOYEE OF A STATE FACILITY TO WORK ACCORDING TO AN ALTERNATIVE
WORKWEEK IF THE ALTERNATIVE WORKWEEK IS CONSISTENT WITH ~~ANY~~:

(I) ANY APPLICABLE COLLECTIVE BARGAINING MEMORANDUM
OF UNDERSTANDING; OR

(II) IF THE EMPLOYEE IS NOT COVERED BY AN APPLICABLE
COLLECTIVE BARGAINING MEMORANDUM OF UNDERSTANDING, ANY OTHER
WRITTEN AGREEMENT.

(3) AN EMPLOYEE OF A STATE FACILITY WHO ~~IS AUTHORIZED TO
WORK ACCORDING TO~~ WORKS AN ALTERNATIVE WORKWEEK AS AUTHORIZED UNDER
PARAGRAPH (2) OF THIS SUBSECTION SHALL BE:

~~(I) CONSIDERED~~ CONSIDERED A FULL-TIME EMPLOYEE OF
THE STATE, NOTWITHSTANDING ANY OTHER PROVISION OF LAW; ~~AND~~

~~(II) ENTITLED TO COMPENSATION FOR OVERTIME WORK IN
ACCORDANCE WITH § 8-305 OF THE STATE PERSONNEL AND PENSIONS ARTICLE.~~

~~(2) IN THIS SUBSECTION, "TIME WORKED" FOR EMPLOYEES OF A STATE FACILITY WHO ARE AUTHORIZED TO WORK ACCORDING TO AN ALTERNATIVE WORKWEEK UNDER § 2-104(P) OF THE HEALTH GENERAL ARTICLE:~~

~~(I) INCLUDES ONLY THE HOURS ACTUALLY WORKED; AND~~

~~(II) DOES NOT INCLUDE PAID LEAVE HOURS TAKEN BY THE EMPLOYEE DURING THE WORKWEEK.~~

~~(2)~~ (3) For an employee subject to this subsection, payment for overtime work shall be made at the greater of:

(i) one and one-half times the employee's regular hourly rate of pay for time worked in excess of 40 hours in the established work period; or

(ii) one and one-half times the employee's regular hourly rate of pay for time worked during that work period that is in excess of the established workday.

(d) A unit may adopt alternate work periods as allowed by the federal Fair Labor Standards Act for the purpose of determining payment for overtime work for its law enforcement employees or fire fighters.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect contingent on the termination of Chapters 13 and 14 of the Acts of the General Assembly of 2020, and if Chapters 13 and 14 do not terminate before July 1, 2023, this Act, with no further action required by the General Assembly, shall be null and void.

SECTION 3. AND BE IT FURTHER ENACTED, That, subject to Section 2 of this Act, this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.