

HOUSE BILL 900

K3, L6

4lr2148
CF 4lr3408

By: **Delegates Solomon, Edelson, Fraser-Hidalgo, Ruff, Spiegel, and Stewart**

Introduced and read first time: February 2, 2024

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Employment Standards – Firefighters – Payment of Overtime and Payroll**
3 **Information**

4 FOR the purpose of requiring governmental units that employ firefighters to compute
5 overtime pay in a certain manner; requiring counties and municipalities to provide
6 certain payroll information to each firefighter employed by the county or
7 municipality; authorizing a firefighter or the firefighter's exclusive representative to
8 initiate a certain grievance if a county or municipality does not provide the payroll
9 information as required; and generally relating to wages and payroll information for
10 firefighters.

11 BY repealing and reenacting, with amendments,
12 Article – Labor and Employment
13 Section 3–420
14 Annotated Code of Maryland
15 (2016 Replacement Volume and 2023 Supplement)

16 BY adding to
17 Article – Local Government
18 Section 1–207
19 Annotated Code of Maryland
20 (2013 Volume and 2023 Supplement)

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

23 **Article – Labor and Employment**

24 3–420.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(A) IN THIS SECTION, “EMPLOYER” INCLUDES A GOVERNMENTAL UNIT THAT EMPLOYS A FIREFIGHTER.

[(a)] (B) Except as otherwise provided in this section, an employer shall compute the wage for overtime under § 3–415 of this subtitle on the basis of each hour over 40 hours that an employee works during 1 workweek.

[(b)] (C) Notwithstanding § 3–415(b)(2) of this subtitle, an employer that is not a nonprofit organization and is a concert promoter, legitimate theater, music festival, music pavilion, or theatrical show shall pay overtime for a craft or trade employee as required in subsection (a) of this section.

[(c)] (D) The wage for overtime may be computed on the basis of each hour over 60 hours that an employee works during 1 workweek for an employee who:

(1) is engaged in agriculture; and

(2) is exempt from the overtime provisions of the federal Act.

[(d)] (E) The wage for overtime may be computed on the basis of each hour over 48 hours that an employee works during 1 workweek:

(1) for an employee of a bowling establishment; and

(2) for an employee of an institution that:

(i) is not a hospital; but

(ii) is engaged primarily in the care of individuals who:

1. are aged, intellectually disabled, or sick or have a mental disorder; and

2. reside at the institution.

(F) (1) THE WAGE FOR OVERTIME FOR A FIREFIGHTER EMPLOYED BY A GOVERNMENTAL UNIT SHALL BE COMPUTED ON THE BASIS OF EACH HOUR OVER 168 HOURS THAT THE FIREFIGHTER WORKS DURING A 28–DAY WORK PERIOD.

(2) IN CALCULATING HOURS UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE EMPLOYER SHALL INCLUDE ALL REGULARLY SCHEDULED HOURS, REGARDLESS OF WHETHER THE FIREFIGHTER USED EARNED OR ACCRUED LEAVE DURING ALL OR PART OF THE REGULARLY SCHEDULED HOURS.

1-207.

(A) EACH COUNTY AND MUNICIPALITY SHALL PROVIDE FOR EACH FIREFIGHTER EMPLOYED BY THE COUNTY OR MUNICIPALITY:

(1) AT THE TIME OF HIRING, NOTICE OF:

(I) THE FIREFIGHTER'S RATE OF PAY;

(II) THE REGULAR PAY PERIODS; AND

(III) THE FIREFIGHTER'S OVERTIME WAGES; AND

(2) FOR EACH PAY PERIOD, A STATEMENT OF THE GROSS EARNINGS OF THE FIREFIGHTER AND ANY DEDUCTIONS FROM THE GROSS EARNINGS.

(B) IF A COUNTY OR MUNICIPALITY DOES NOT PROVIDE PAYROLL INFORMATION IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION, THE FIREFIGHTER OR THE FIREFIGHTER'S EXCLUSIVE REPRESENTATIVE MAY INITIATE A GRIEVANCE UNDER THE GRIEVANCE PROCEDURE ESTABLISHED UNDER ANY APPLICABLE GRIEVANCE PROCEDURE OR COLLECTIVE BARGAINING AGREEMENT.

(C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, AND NOTWITHSTANDING ANY STATUTORY OR REGULATORY DEADLINE IN A GRIEVANCE PROCEDURE LISTED UNDER SUBSECTION (B) OF THIS SECTION, A GRIEVANCE UNDER SUBSECTION (B) OF THIS SECTION SHALL BE INITIATED WITHIN 20 DAYS AFTER THE FAILURE TO PAY OCCURRED.

(2) IF THE FAILURE TO PAY IS NOT KNOWN TO, OR DISCOVERED BY, THE FIREFIGHTER WITHIN 20 DAYS AFTER THE FAILURE TO PAY OCCURS, A GRIEVANCE UNDER SUBSECTION (B) OF THIS SECTION MAY BE INITIATED NOT LATER THAN 6 MONTHS AFTER THE DATE ON WHICH THE FAILURE TO PAY OCCURRED.

(D) (1) SUBJECT TO PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, IF A GRIEVANCE IS INITIATED IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION, A FIREFIGHTER IS ENTITLED TO WAGES AND DAMAGES UNLESS THE WAGE IS WITHHELD AS A RESULT OF A BONA FIDE DISPUTE.

(2) IF THE GRIEVANCE WAS FILED:

(I) IN THE FIRST 3 BUSINESS DAYS OF A PAY PERIOD, THE DAMAGES SHALL START IN THE FOLLOWING REGULAR PAY PERIOD; OR

1 **(II) AFTER THE THIRD BUSINESS DAY OF A PAY PERIOD, THE**
2 **DAMAGES SHALL START IN THE SECOND REGULAR PAY PERIOD FOLLOWING THE PAY**
3 **PERIOD IN WHICH THE FIREFIGHTER WAS NOT PAID THE EMPLOYEE'S FULL WAGE.**

4 **(3) THE DAMAGES UNDER PARAGRAPH (1) OF THIS SUBSECTION:**

5 **(I) MAY NOT BEGIN UNTIL AT LEAST ONE REGULAR PAY PERIOD**
6 **HAS ELAPSED SINCE THE FIREFIGHTER WAS NOT PAID THE FIREFIGHTER'S FULL**
7 **WAGE DUE FOR A PAY PERIOD;**

8 **(II) SHALL INCREASE PER PAY PERIOD BY 30% OF THE WAGE**
9 **THAT THE COUNTY OR MUNICIPALITY FAILED TO PROVIDE THE INFORMATION FOR**
10 **AS REQUIRED UNDER SUBSECTION (A) OF THIS SECTION;**

11 **(III) SHALL CONTINUE UNTIL THE PAY PERIOD WHEN THE**
12 **COUNTY OR MUNICIPALITY PROVIDES THE MISSING WAGES AND DAMAGES TO THE**
13 **FIREFIGHTER; AND**

14 **(IV) MAY NOT EXCEED THREE TIMES THE AMOUNT OF WAGE DUE**
15 **FOR A PAY PERIOD FOR WHICH THE COUNTY OR MUNICIPALITY FAILED TO PROVIDE**
16 **THE INFORMATION AS REQUIRED UNDER SUBSECTION (A) OF THIS SECTION.**

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2024.