

HOUSE BILL 205

K3
HB 900/24 – APP

(PRE-FILED)

5lr1582
CF SB 124

By: **Delegate Solomon**

Requested: October 31, 2024

Introduced and read first time: January 8, 2025

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Employment Standards – Firefighters – Payment of Wages 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 or wages due; and generally relating to wages and payroll
10 information for 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 2024 Supplement)

16 BY adding to
17 Article – Local Government
18 Section 1–207
19 Annotated Code of Maryland
20 (2013 Volume and 2024 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)] (B)** 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 WORKED 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 **(3) A GOVERNMENTAL UNIT MAY NOT BE DETERMINED TO HAVE**
2 **VIOLATED THIS SECTION IF THE GOVERNMENTAL UNIT PAYS OVERTIME WAGES**
3 **USING AN AVERAGE OF:**

4 **(I) NOT MORE THAN 42 HOURS PER WEEK; AND**

5 **(II) A WORK PERIOD OF BETWEEN 7 AND 28 DAYS.**

6 **Article – Local Government**

7 **1–207.**

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

10 **(1) AT THE TIME OF HIRING AND AT THE TIME OF ANY CHANGE OF THE**
11 **FIREFIGHTER’S RATE OF PAY, NOTICE OF:**

12 **(I) THE FIREFIGHTER’S RATE OF PAY;**

13 **(II) THE REGULAR PAY PERIODS; AND**

14 **(III) THE FIREFIGHTER’S OVERTIME RATE OF PAY; AND**

15 **(2) FOR EACH PAY PERIOD, A STATEMENT OF THE HOURS WORKED,**
16 **GROSS EARNINGS, AND ANY DEDUCTIONS FROM THE GROSS EARNINGS.**

17 **(B) IF A COUNTY OR MUNICIPALITY DOES NOT PROVIDE PAYROLL**
18 **INFORMATION IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION OR WAGES**
19 **DUE, THE FIREFIGHTER OR THE FIREFIGHTER’S EXCLUSIVE REPRESENTATIVE MAY**
20 **INITIATE A GRIEVANCE UNDER THE GRIEVANCE PROCEDURE ESTABLISHED UNDER**
21 **ANY APPLICABLE GRIEVANCE PROCEDURE OR COLLECTIVE BARGAINING**
22 **AGREEMENT.**

23 **(C) (1) SUBJECT TO PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, IF A**
24 **GRIEVANCE IS INITIATED UNDER SUBSECTION (B) OF THIS SECTION, A FIREFIGHTER**
25 **IS ENTITLED TO WAGES AND DAMAGES UNLESS THE WAGE IS WITHHELD AS A RESULT**
26 **OF A BONA FIDE DISPUTE.**

27 **(2) IF THE GRIEVANCE WAS FILED:**

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

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

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

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

(II) SHALL INCREASE PER PAY PERIOD BY 30% OF:

1. THE WAGE THAT THE COUNTY OR MUNICIPALITY FAILED TO PROVIDE THE INFORMATION FOR AS REQUIRED UNDER SUBSECTION (A) OF THIS SECTION; OR

2. THE WAGE THAT THE COUNTY OR MUNICIPALITY FAILED TO PAY;

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

(IV) MAY NOT EXCEED THREE TIMES THE AMOUNT OF:

1. THE WAGE DUE FOR A PAY PERIOD FOR WHICH THE COUNTY OR MUNICIPALITY FAILED TO PROVIDE THE INFORMATION AS REQUIRED UNDER SUBSECTION (A) OF THIS SECTION; OR

2. THE MISSING WAGES.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any collective bargaining agreements in effect before the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2025.