



HOUSE BILL 1249

Maryland Wage and Hour Law - Payment of Overtime - Exemptions

March 3, 2009

POSITION: Oppose

Mr. Chairman and Members of the House Economic Matters Committee:

On behalf of the members of the *Restaurant Association of Maryland*, we oppose House Bill 1249, which would require that overtime be calculated based on an 8-hour workday, if such a calculation exceeds wages paid using the traditional 40-hour workweek computation method.

Work hours in the restaurant business can vary greatly. A server may work five hours on a slow weekday, but work 10 hours on a busy weekend day. These varying hours are often the result of unpredictable daily customer traffic patterns, as opposed to existing flex-time agreements that are specifically exempted in the bill.

We are also concerned that this bill seeks to significantly increase labor costs for employers by ostensibly making part-time employees eligible for overtime pay. Moreover, federal overtime rules have long been based on a 40-hour workweek. To change the rules in Maryland would confuse both employers and employees, and result in many employers unknowingly violating the provisions of this bill.

For these reasons, we oppose HB 1249 and request an unfavorable report.

Respectfully submitted,

Melvin R. Thompson
Senior Vice President
Government Affairs and Public Policy
Restaurant Association of Maryland
6301 Hillside Court
Columbia, MD 21046
410-290-6800