



February 21, 2018

The Honorable Dereck E. Davis
Economic Matters Committee
Room 231, House Office Building
Annapolis, MD 21401

RE: HB 0974 – Labor and Employment – Exemptions From Overtime Pay – Administrative, Executive, or Professional Capacity – **Oppose**

Dear Delegate Davis:

HB 0974 would require that an individual be compensated on a salary basis at \$900 or more per week exclusive of board, lodging, or other facilities, in order to qualify as an individual who is exempt from the overtime regulations in the State of Maryland in an administrative, executive, or professional capacity.

This is an attempt to pass at the state level a change that was struck down by a federal court when attempted by the federal DOL. This would result in wages being the primary factor in determining whether an employee is subject to the overtime provisions of the FLSA, effectively nullifying the duties test. Judging the applicability of the job's duties against the FLSA's requirements is a far more reliable factor in determining exempt status than the wage paid. Such an attempt is as ill-advised here as it was seen to be by a federal judge and therefore struck down.

The Carroll County Chamber of Commerce, a business advocacy organization of over 600 members, opposes this bill and therefore requests that you give it an unfavorable report.

Sincerely,

A handwritten signature in black ink that reads 'Mike McMullin'.

Mike McMullin
President
Carroll County Chamber of Commerce

CC: Delegate Haven Shoemaker
Senator Justin Ready