

State of Maryland

Department of Health and Mental Hygiene

Parris N. Glendening, Governor - Martin P. Wasserman, M.D., J.D., Secretary



MEMORANDUM

To: Program Directors, Headquarters Personnel Officers
Facility Superintendents Personnel Liaisons, Local Health Departments
Health Officers

From: J. Alan Baker, Director
Personnel Services Administration 

Date: April 30, 1998

Re: Secondary Employment Within DHMH

Recently, we informed you that the Department of Health and Mental Hygiene was reviewing whether certain Secondary Employment arrangements, those involving full-time employees also employed under Special Payments Payroll procedures, were appropriate according to the Fair Labor Standards Act or the State Personnel and Pensions Article. Specifically, we were concerned whether cash overtime eligible employees working at two different units (i.e., facilities, local health departments) within the Department were entitled to overtime compensation if the employee's work hours for both positions combined exceeded forty hours in a work week.

Historically, nursing and other cash overtime eligible positions have worked full-time for one facility and were being paid, under a Special Payments Payroll contract, at a straight-time rate for hours worked on a full- or part-time basis at a second facility.

For your information, the Attorney General's Office has confirmed that our present practice for determining overtime compensation should continue to be based on whether the employee's hours worked exceed forty hours for an individual DHMH unit. A DHMH unit is a facility, local health department or an administration which is budgetarily distinct and under an established appointing authority. Please contact your personnel officer if you have any questions.

DHMH Headquarters Units should forward information regarding any Secondary Employment situations involving their full-time employees to us for review. Please call Charles Herr at 410-767-5661 if you need additional information.

cc: K. Mark Puente, Deputy Secretary, Operations
Barbara Shipnuck, Deputy Secretary, Health Care, Policy, Finance and Regulation
Georges Benjamin, M.D., Deputy Secretary, Public Health Services

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