Unofficial Copy P4 2002 Regular Session 2lr1717 CF 2lr1718

By: **Delegates Rosenberg, Branch, and Doory**Introduced and read first time: February 7, 2002
Assigned to: Judiciary

## A BILL ENTITLED

1 AN ACT concerning

## 2 State Personnel - Violations of Federal Law - Right to Sue State 3 FOR the purpose of authorizing an employee or former employee of the State, or an 4 applicant for State employment, who is aggrieved by a violation of certain

- 5 federal laws by the State to bring a civil action against the State in a certain
- 6 court for certain legal, equitable, or other relief; providing that the State
- 7 consents to be sued in a certain court by certain employees, former employees,
- 8 and applicants for State employment; providing for the application of this Act;
- and generally relating to the right of employees and former employees of the
- State and applicants for State employment to sue the State for violations of
- 11 federal law.
- 12 BY repealing and reenacting, with amendments,
- 13 Article State Personnel and Pensions
- 14 Section 2-303(a)
- 15 Annotated Code of Maryland
- 16 (1997 Replacement Volume and 2001 Supplement)
- 17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
- 18 MARYLAND, That the Laws of Maryland read as follows:
- 19 Article State Personnel and Pensions
- 20 2-303.
- 21 (a) (1) The State recognizes the rights and protections afforded to its
- 22 employees under federal law.
- 23 (2) (I) THIS PARAGRAPH APPLIES TO:
- 24 1. ALL EMPLOYEES OR FORMER EMPLOYEES OF ALL UNITS
- 25 IN THE EXECUTIVE, JUDICIAL, AND LEGISLATIVE BRANCHES OF STATE
- 26 GOVERNMENT, INCLUDING ANY UNIT WITH AN INDEPENDENT PERSONNEL SYSTEM;
- 27 AND

- 1 2. ALL APPLICANTS FOR STATE EMPLOYMENT IN ALL UNITS
- 2 IN THE EXECUTIVE, JUDICIAL, AND LEGISLATIVE BRANCHES OF STATE
- 3 GOVERNMENT, INCLUDING ANY UNIT WITH AN INDEPENDENT PERSONNEL SYSTEM.
- 4 (II) AN EMPLOYEE, FORMER EMPLOYEE, OR APPLICANT FOR STATE
- 5 EMPLOYMENT SUBJECT TO THIS PARAGRAPH WHO IS AGGRIEVED BY A VIOLATION
- 6 BY THE STATE OF THE FEDERAL AGE DISCRIMINATION IN EMPLOYMENT ACT, THE
- 7 FEDERAL AMERICANS WITH DISABILITIES ACT OF 1990, THE FEDERAL FAMILY AND
- 8 MEDICAL LEAVE ACT OF 1993, THE FEDERAL FAIR LABOR STANDARDS ACT, OR THE
- 9 FEDERAL EOUAL PAY ACT OF 1963 MAY BRING A CIVIL ACTION AGAINST THE STATE
- 10 IN A STATE COURT OF COMPETENT JURISDICTION FOR ANY LEGAL, EQUITABLE, OR
- 11 OTHER RELIEF AVAILABLE UNDER THE APPLICABLE FEDERAL ACT.
- 12 (III) THE STATE CONSENTS TO BE SUED IN A STATE COURT OF
- 13 COMPETENT JURISDICTION BY AN EMPLOYEE, FORMER EMPLOYEE, OR APPLICANT
- 14 FOR STATE EMPLOYMENT WHO BRINGS A CIVIL ACTION AGAINST THE STATE UNDER
- 15 SUBPARAGRAPH (II) OF THIS PARAGRAPH.
- SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to
- 17 causes of action arising on or after the effective date of this Act.
- 18 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
- 19 June 1, 2002.