

SENATE BILL 600

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P4

2002 Regular Session  
2lr1718  
CF 2lr1717

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By: **Senator Kelley**  
Introduced and read first time: February 1, 2002  
Assigned to: Finance

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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;  
9 and generally relating to the right of employees and former employees of the  
10 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

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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 EQUAL 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.

16       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.