

SENATE BILL 600

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P4

2002 Regular Session  
2r1718  
CF 2r1717

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

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Committee Report: Favorable with amendments  
Senate action: Adopted  
Read second time: March 26, 2002

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CHAPTER \_\_\_\_\_

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 an employee or  
7 former employee of the State, or an applicant for State employment, must  
8 exhaust certain grievance procedures, complaint resolution procedures, and  
9 other administrative remedies before bringing a civil action against the State;  
10 providing that the State consents to be sued in a certain court by certain  
11 employees, former employees, and applicants for State employment; providing  
12 for the application of this Act; and generally relating to the right of employees  
13 and former employees of the State and applicants for State employment to sue  
14 the State for violations of federal law.

15 BY repealing and reenacting, with amendments,  
16 Article - State Personnel and Pensions  
17 Section 2-303(a)  
18 Annotated Code of Maryland  
19 (1997 Replacement Volume and 2001 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
21 MARYLAND, That the Laws of Maryland read as follows:

1 **Article - State Personnel and Pensions**

2 2-303.

3 (a) (1) The State recognizes the rights and protections afforded to its  
4 employees under federal law.

5 (2) (I) THIS PARAGRAPH APPLIES TO:

6 1. ALL EMPLOYEES OR FORMER EMPLOYEES OF ALL UNITS  
7 IN THE EXECUTIVE, JUDICIAL, AND LEGISLATIVE BRANCHES OF STATE  
8 GOVERNMENT, INCLUDING ANY UNIT WITH AN INDEPENDENT PERSONNEL SYSTEM;  
9 AND10 2. ALL APPLICANTS FOR STATE EMPLOYMENT IN ALL UNITS  
11 IN THE EXECUTIVE, JUDICIAL, AND LEGISLATIVE BRANCHES OF STATE  
12 GOVERNMENT, INCLUDING ANY UNIT WITH AN INDEPENDENT PERSONNEL SYSTEM.13 (II) SUBJECT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH, AN  
14 EMPLOYEE, FORMER EMPLOYEE, OR APPLICANT FOR STATE EMPLOYMENT SUBJECT  
15 TO THIS PARAGRAPH WHO IS AGGRIEVED BY A VIOLATION BY THE STATE OF THE  
16 FEDERAL AGE DISCRIMINATION IN EMPLOYMENT ACT, THE FEDERAL AMERICANS  
17 WITH DISABILITIES ACT OF 1990, THE FEDERAL FAMILY AND MEDICAL LEAVE ACT OF  
18 1993, THE FEDERAL FAIR LABOR STANDARDS ACT, OR THE FEDERAL EQUAL PAY ACT  
19 OF 1963 MAY BRING A CIVIL ACTION AGAINST THE STATE IN A STATE COURT OF  
20 COMPETENT JURISDICTION FOR ANY LEGAL, EQUITABLE, OR OTHER RELIEF  
21 AVAILABLE UNDER THE APPLICABLE FEDERAL ACT.22 (III) AN EMPLOYEE, FORMER EMPLOYEE, OR APPLICANT FOR STATE  
23 EMPLOYMENT MAY NOT BRING A CIVIL ACTION AGAINST THE STATE UNDER  
24 SUBPARAGRAPH (II) OF THIS PARAGRAPH UNTIL THE EMPLOYEE, FORMER  
25 EMPLOYEE, OR APPLICANT FOR STATE EMPLOYMENT EXHAUSTS ALL GRIEVANCE  
26 PROCEDURES, COMPLAINT RESOLUTION PROCEDURES, AND OTHER  
27 ADMINISTRATIVE REMEDIES AVAILABLE TO THE EMPLOYEE, FORMER EMPLOYEE,  
28 OR APPLICANT FOR STATE EMPLOYMENT PROVIDED UNDER STATE OR FEDERAL LAW.29 ~~(III)~~ (IV) THE STATE CONSENTS TO BE SUED IN A STATE COURT OF  
30 COMPETENT JURISDICTION BY AN EMPLOYEE, FORMER EMPLOYEE, OR APPLICANT  
31 FOR STATE EMPLOYMENT WHO BRINGS A CIVIL ACTION AGAINST THE STATE UNDER  
32 SUBPARAGRAPH (II) OF THIS PARAGRAPH.33 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to  
34 causes of action arising on or after the effective date of this Act.35 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
36 June 1, 2002.

