S T A T E O F N E W Y O R K

3651

2009-2010 Regular Sessions

I N A S S E M B L Y

January 27, 2009

Introduced by M. of A. LIFTON, TITUS, CAHILL, COOK, DINOWITZ, ESPAILLAT, GOTTFRIED, LANCMAN, ORTIZ, PAULIN, J. RIVERA, P. RIVERA, SCHROEDER, WEISENBERG, BENEDETTO, ENGLEBRIGHT, FIELDS, KAVANAGH, KELLNER, CUSICK, COLTON -- Multi-Sponsored by -- M. of A. ABBATE, CANESTRARI, CLARK, GALEF, GLICK, JACOBS, JAFFEE, JOHN, LATIMER, LUPARDO, MAISEL, MARKEY, MAYERSOHN, McENENY, MILLMAN, NOLAN, O'DONNELL, PEOPLES-STOKES, PHEFFER, REILLY, SWEENEY, WEINSTEIN -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the civil rights law, in relation to waiving the state's sovereign immunity to claims under the Americans with Disabilities Act of 1990, the Fair Labor Standards Act of 1938, the Age Discrimination in Employment Act of 1967, and the Family and Medical Leave Act

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The civil rights law is amended by adding a new section 16 to read as follows:

S 16. WAIVER OF STATE IMMUNITY. THE STATE HEREBY WAIVES ITS SOVEREIGN IMMUNITY WITH REGARD TO ALL CLAIMS, ACTIONS AND PROCEEDINGS BROUGHT PURSUANT TO THE FEDERAL AMERICANS WITH DISABILITIES ACT OF 1990 (P.L. 101-336, AS AMENDED), THE FEDERAL FAIR LABOR STANDARDS ACT OF 1938, THE FEDERAL AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1967, AND THE FEDERAL FAMILY AND MEDICAL LEAVE ACT. THE PROVISIONS OF SUCH ACTS SHALL APPLY TO THE STATE, AND ANY INSTRUMENTALITY OR POLITICAL SUBDIVISION THEREOF.

S 2. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after February 21, 2001.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.