

## Public Act 93-0414

HB0469 Enrolled

LRB093 04547 WGH 04600 b

AN ACT concerning State lawsuit immunity.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The State Lawsuit Immunity Act is amended by changing Section 1 and adding Section 1.5 as follows:

(745 ILCS 5/1) (from Ch. 127, par. 801)

Sec. 1. Except as provided in the "Illinois Public Labor Relations Act", ~~enacted by the 83rd General Assembly, or except as provided in "AN ACT to create the Court of Claims, to prescribe its powers and duties, and to repeal AN Act herein named", filed July 17, 1945, as amended, or Section 1.5 of this Act,~~ the State of Illinois shall not be made a defendant or party in any court.

(Source: P.A. 83-1012.)

(745 ILCS 5/1.5 new)

Sec. 1.5. Exceptions; State employees.

(a) An employee, former employee, or prospective employee of the State who is aggrieved by any conduct or action or inaction of the State that would constitute a violation of the Age Discrimination in Employment Act of 1967, 29 U.S.C. 621 et seq., as amended, if committed by an employer covered by that Act may bring an action under the Age Discrimination in Employment Act of 1967 against the State in State circuit court or federal court.

(b) An employee of the State who is aggrieved by any conduct or action or inaction of the State that would constitute a violation of the Fair Labor Standards Act of 1938, 29 U.S.C. 201 et seq., as amended, if committed by an employer covered by that Act may bring an action under the Fair Labor Standards Act of 1938 against the State in State circuit court or federal court.

(c) An employee, former employee, or prospective employee of the State who is aggrieved by any conduct or action or inaction of the State that would constitute a violation of the Family and Medical Leave Act, 29 U.S.C. 2601 et seq., as amended, if committed by an employer covered by that Act may bring an action under the Family and Medical Leave Act against the State in State circuit court or federal court.

(d) An employee, former employee, or prospective employee of the State who is aggrieved by any conduct or action or inaction of the State that would constitute a violation of the Americans with Disabilities Act of 1990, 42 U.S.C. 12101 et seq., as amended, if committed by an employer covered by that Act may bring an action under the Americans with Disabilities Act of 1990 against the State in State circuit court or federal court.

(e) An employee, former employee, or prospective employee of the State who is aggrieved by any conduct or action or inaction of the State that would constitute a violation of Title VII of the Civil Rights Act of 1964, 42

U.S.C. 2000e et seq., as amended, if committed by an employer covered by that Act may bring an action under Title VII of the Civil Rights Act of 1964 against the State in State circuit court or federal court.

**Effective Date: 01/01/04**

**Floor Actions**

Date	Action
8/5/2003	Public Act .....