



Iowa General Assembly

2003 Legal Updates

Legislative Services Agency – Legal Services Division

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Purpose. *Legal update briefings are prepared by the nonpartisan Legal Services Division of the Legislative Services Agency. A legal update briefing is intended to inform legislators, legislative staff, and other persons interested in legislative matters of recent court decisions, Attorney General Opinions, regulatory actions, federal actions, and other occurrences of a legal nature that may be pertinent to the General Assembly's consideration of a topic. Although a briefing may identify issues for consideration by the General Assembly, a briefing should not be interpreted as advocating any particular course of action.*

FAMILY MEDICAL LEAVE ACT - STATE SOVEREIGN IMMUNITY

Filed by the United States Supreme Court
May 27, 2003

Nevada Department of Human Resources v. Hibbs, No. 01-1368

<http://supct.law.cornell.edu/supct/html/01-1368.ZS.html>

Background - Facts. The United States Supreme Court has ruled that Congress can not constitutionally waive a state's immunity from suit in federal court under the Eleventh Amendment to the U.S. Constitution unless Congress makes its intention clear in the statute and Congress acts pursuant to its power under Section 5 of the Fourteenth Amendment to the U.S. Constitution. In three recent cases, the U.S. Supreme Court has ruled that Congress did not constitutionally waive a state's immunity from suit as it relates to cases involving the Fair Labor Standards Act, the Age Discrimination in Employment Act, and the Americans With Disabilities Act. As a result, cases filed against the state by individuals seeking protection under those statutes were dismissed.

In this case, Mr. William Hibbs, an employee with the Nevada Department of Human Resources, sought leave to care for his ailing wife under the federal Family and Medical Leave Act of 1993 (FMLA). After being informed by the Department that he had exhausted his FMLA leave, Mr. Hibbs did not return to work and was terminated. Mr. Hibbs brought this suit seeking relief under the family medical care provision of the FMLA. The state argued that Mr. Hibbs' claim was barred pursuant to the state's immunity from suit under the Eleventh Amendment to the U.S. Constitution and should be dismissed.

Issue. Is the family medical care provision of the FMLA a proper exercise of Congress's power under Section 5 of the Fourteenth Amendment, thereby constituting a valid exercise of congressional power to abrogate the state's Eleventh Amendment immunity from suit by individuals?

Analysis. The U.S. Supreme Court concluded that state employees may recover damages in federal court in the event of a state's failure to comply with the FMLA family-care provision. The U.S. Supreme Court concluded that Congress had expressly abrogated the state's Eleventh Amendment immunity in enacting the FMLA because it had before it significant evidence of a long and extensive history of sex discrimination with respect to the administration of leave benefits by states. In addition, the U.S. Supreme Court found that the protections provided by the FMLA were appropriately limited to meet the objectives of the legislation in that the FMLA was expressly enacted to "protect the right to be free from gender-based discrimination in the workplace" by removing "the pervasive sex-role stereotype that caring for family members is women's work." The U.S. Supreme Court contrasted this decision with its earlier decisions that immunized states from suits by employees for discrimination on the basis of both age and disability by noting that age and disability distinctions are not characteristics which are judged in the same heightened manner as gender-based distinctions and that the legislation concerning age and disability discrimination was without express findings by Congress that such discrimination by state employers was pervasive.

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