

Labor and Employment

See full summary documents for additional detail

H19 - Modify Definition of Firefighter. (SL 2016-51)

S.L. 2016-51 changes the name of the North Carolina State Fireman's Association to the North Carolina State Firefighters' Association, amends the definition of "Firefighter" to include firefighters employed by county fire marshal offices, modifies the appointment process for the board of trustees of local Firefighters' Relief funds, provides that the board of trustees of local Firefighters' Relief funds may disburse funds to cover necessary management and investment costs, and clarifies that fire alarms that are unintentional and result in no damage would not be considered in calculating minimum response requirements for initial rating or classification.

This act became effective July 1, 2016.

H169 - Restore State Claim for Wrongful Discharge. (SL 2016-99)

S.L. 2016-99 repeals, effective March 23, 2016, the prohibition on construing the Equal Employment Practices Act (EEPA) to create or support a statutory or common law private right of action, and prohibiting bringing a civil action based upon the public policy expressed in the EEPA. The act also creates a one year statute of limitations on claims of wrongful discharge in violation of the public policy in the EEPA.

Except as otherwise provided, this act became effective July 18, 2016.

H970 - State Controller/Criminal Record Checks. (SL 2016-28)

S.L. 2016-28 authorizes criminal record checks for any current or prospective employees, volunteers, or contractors of the Office of State Controller.

This act became effective June 22, 2016.

H1030 - 2016 Appropriations Act.

Sec. 22.1: Line of Duty Death Benefits to Include Cancer as Occupational Disease. (SL 2016-94)

Sec. 22.1 of S.L. 2016-94 amends the Law-Enforcement Officers', Firemen's, Rescue Squad Workers' and Civil Air Patrol Members' Death Benefits Act to provide that when a firefighter dies as a direct and proximate result of: (1) mesothelioma, (2) testicular cancer, or (3) intestinal cancer, the firefighter is presumed to have been killed in the line of duty.

This section becomes effective October 1, 2016, and applies to deaths occurring on or after that date.

H1030 - 2016 Appropriations Act.

Sec. 36.19: Extend Voluntary Shared Leave to Community Colleges Employees. (SL 2016-94)

Sec. 36.19 of S.L. 2016-94 directs the State Board of Community Colleges to adopt rules and policies consistent with policies of the State Human Resources Commission to allow employees at community colleges to share leave voluntarily with a nonfamily member who is also an employee of a community college. An employee who donates sick leave to another employee who is not a family member is limited to donating no more than five days of sick leave per year to any one nonfamily community college employee. The combined total of sick leave donated to a community college employee from nonfamily community college employee donors cannot exceed 20 days per year. Donated sick leave cannot be used for retirement purposes and community college employees who donate sick leave must be notified in writing of the consequences of donating sick leave in regard to State retirement system service credit.

This section became effective July 1, 2016.

S124 - Assumed Business Name/Industrial Commission Contempt/Parks.

Part III: Clarify Industrial Commission Referral of Indirect Contempt. (SL 2016-100)

Part III of S.L. 2016-100 clarifies how the Industrial Commission refers matters of indirect criminal contempt to the district court. It provides that to initiate plenary proceedings, the Industrial Commission must issue and file with the clerk of court an order to appear and show cause. It also provides that, if appropriate, the Commission must enter an order for arrest if it believes that the person ordered to appear will not appear in response to the order.

This Part becomes effective October 1, 2016, and applies to proceedings for indirect criminal contempt filed on or after that date.

S482 - Limited Liability Company Clarifications and Employee Invention Ownership. (SL 2016-114)

S.L. 2016-114 makes technical and clarifying changes to the Limited Liability Company Act and further defines an employer's and employee's rights to inventions invented by an employee.

This act becomes effective October 1, 2016. The provisions of this act relating to operating agreements apply to agreements entered into on or after that date.

S725 - Unemployment Insurance Technical Changes. (SL 2016-4)

S.L. 2016-4 makes two technical changes to the unemployment insurance laws as follows:

- Clarifies G.S. 96-11.7(c) that treats a new employer as the same employer as an existing business enterprise if continuity of control exists between the businesses.
- Amends G.S. 96-4(q) by adding the phrase "have the power to" to clarify that the Board of Review has the authority to independently select a hearing officer.

This act became effective May 11, 2016.