

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

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SENATE BILL 1090

Short Title: State Employee FMLA.

(Public)

Sponsors: Senator Miller.

Referred to: Appropriations/Base Budget.

April 5, 2001

A BILL TO BE ENTITLED

AN ACT CLARIFYING STATE EMPLOYEES' ELIGIBILITY FOR FAMILY AND
MEDICAL LEAVE BENEFITS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 126-5 is amended by adding a new subsection to read:

"(c9) The provisions of G.S. 126-8.4 shall apply to all State employees, including State employees who would otherwise be exempted under subsections (c) through (c8) of this section."

SECTION 2. Article 2 of Chapter 126 of the General Statutes is amended by adding a new section to read:

"§ 126-8.4. Family and medical leave.

(a) Each State employee, subject to the provisions of this Chapter, shall be entitled to a total of 12 workweeks of leave during any 12-month period for the following reasons:

- (1) For the employee to care for the employee's child before and after the child's birth, if the leave is taken within 12 months after the birth;
- (2) For the employee to care for a child placed with the employee for adoption, if the leave is taken within 12 months of the date of placement;
- (3) For the employee to care for the employee's child, spouse, or parent, where that child, spouse, or parent has a serious health condition; or
- (4) Because the employee has a serious health condition that makes the employee unable to perform the functions of the employee's position.

In order to be eligible for this benefit, an employee must be in pay status for at least 12 months, and employed by the State for at least 1,040 hours of service during the previous 12-month period.

(b) No head of any State department, agency or institution, or other State employee exercising supervisory authority shall discharge, demote, transfer, retaliate

1 against, or otherwise discriminate against any employee for the exercise of, or the
2 attempt to exercise, any right provided by this section.

3 (c) The State Personnel Commission shall adopt rules to implement the
4 provisions of this section."

5 **SECTION 3.** G.S. 126-34.1(a) is amended by adding a new subsection to
6 read:

7 "(11) Denial of an eligible employee's request for family and medical leave,
8 or discharging, demoting, transferring, or retaliating against an
9 employee for exercising rights provided by G.S. 126-8.4."

10 **SECTION 4.** Nothing in this act shall be construed as diminishing the rights
11 of, or remedies available to, any State employee under statute, rules, or at common law.

12 **SECTION 5.** This act is effective when it becomes law.