

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

H.B. 818
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HOUSE PRINCIPAL CLERK

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HOUSE DRH40369-LR-138 (04/02)

Short Title: Enact ELECT Act/Caregiver Relief. (Public)

Sponsors: Representatives R. Turner and Meyer (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO ENACT THE ELIGIBLE LEAVE FOR EMPLOYEE CAREGIVING TIME
3 ACT.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. Article 3 of Chapter 95 of the General Statutes is amended by adding
6 a new section to read:

7 "**§ 95-28.5. Eligible Leave for Employee Caregiving Time Act.**

8 (a) This section shall be known, and may be cited, as the "Eligible Leave for Employee
9 Caregiving Time Act."

10 (b) The following definitions apply in this section:

11 (1) Immediate family member. – A spouse, parent, child, brother, sister,
12 grandparent, or grandchild. The term includes the step, half, and in-law
13 relationships.

14 (2) Personal sick leave benefits. – Time accrued and available to an employee to
15 be used as a result of absence from work due to personal illness, injury, or
16 medical appointment, but does not include absences from work for which
17 compensation is provided through an employer's plan, including, but not
18 limited to, a short- or long-term disability plan.

19 (c) An employee may use personal sick leave benefits provided by the employer for
20 absences due to an illness, injury, or medical appointment of the employee's immediate family
21 members for reasonable periods of time as the employee's attendance may be necessary, on the
22 same terms upon which the employee is able to use sick leave benefits for the employee's own
23 illness or injury.

24 (d) An employer may limit the use of personal sick leave benefits provided by the
25 employer for absences due to an illness, injury, or medical appointment of the employee's
26 immediate family members to an amount not less than the personal sick leave that would be
27 accrued during six months at the employee's then current rate of entitlement.

28 (e) The rights and remedies specified in this section are cumulative and nonexclusive
29 and are in addition to any other rights or remedies afforded by contract or under other
30 provisions of law. Nothing in this section shall be construed to do any of the following:

31 (1) Prevent an employer from providing greater sick leave benefits than are
32 provided for under this section.

33 (2) Extend the maximum period of leave to which an employee is entitled under
34 any other State or federal law.



1 (f) The Department of Labor shall adopt rules to implement the provisions of this
2 section, including, but not limited to, regulations to further define employee recourse in cases
3 of violation of this section."

4 **SECTION 2.** G.S. 95-241(a) reads as rewritten:

5 "(a) No person shall discriminate or take any retaliatory action against an employee
6 because the employee in good faith does or threatens to do any of the following:

7 (1) File a claim or complaint, initiate any inquiry, investigation, inspection,
8 proceeding or other action, or testify or provide information to any person
9 with respect to any of the following:

- 10 a. Chapter 97 of the General Statutes.
- 11 b. Article 2A or Article 16 of this Chapter.
- 12 c. Article 2A of Chapter 74 of the General Statutes.
- 13 d. G.S. 95-28.1.
- 14 e. Article 16 of Chapter 127A of the General Statutes.
- 15 f. G.S. 95-28.1A.
- 16 g. Article 52 of Chapter 143 of the General Statutes.
- 17 h. Article 5F of Chapter 90 of the General Statutes.

18 (i) G.S. 95-28.5.

19 (2) Cause any of the activities listed in subdivision (1) of this subsection to be
20 initiated on an employee's behalf.

21 (3) Exercise any right on behalf of the employee or any other employee afforded
22 by Article 2A or Article 16 of this Chapter, by Article 2A of Chapter 74 of
23 the General Statutes, or by Article 52 of Chapter 143 of the General Statutes.

24 (4) Comply with the provisions of Article 27 of Chapter 7B of the General
25 Statutes.

26 (5) Exercise rights under Chapter 50B. Actions brought under this subdivision
27 shall be in accordance with the provisions of G.S. 50B-5.5."

28 **SECTION 3.** This act becomes effective January 1, 2016, and applies to sick leave
29 used on or after that date.