

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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SENATE DRS35266-MD-36 (01/30)

Short Title: State Employee Leave/State of Emergency. (Public)

Sponsors: Senators McKissick, Daniel, and Meredith (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE THE GOVERNOR OR THE GENERAL ASSEMBLY TO
3 GRANT UP TO FIVE DAYS OF LEAVE ANNUALLY TO STATE EMPLOYEES
4 AFFECTED BY EMERGENCIES.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 166A-19.10(b) is amended by adding a new subdivision to read:
7 "(b) Powers of the Governor. – The Governor is authorized and empowered to do the
8 following:

9 ...
10 (11) To authorize leave for State employees affected by emergencies in
11 accordance with G.S. 166A-19.76A."

12 SECTION 2. Part 8 of Article 1A of Chapter 166A of the General Statutes is
13 amended by adding a new section to read:

14 "**§ 166A-19.76A. Leave for State employees affected by gubernatorial or legislatively**
15 **declared states of emergency.**

16 (a) Authority. – Whenever a state of emergency is declared pursuant to
17 G.S. 166A-19.20, the issuing authority may authorize up to five days of leave time for State
18 employees affected by the emergency. To authorize leave under this section, the executive
19 order or resolution declaring the state of emergency shall include language authorizing the
20 leave and referring to this section.

21 (b) Additional Terms. – Language in an emergency declaration that authorizes leave
22 pursuant to this section may include terms that govern any of the following matters:

23 (1) Procedures for taking leave.
24 (2) The type of leave available and the maximum amount of leave available per
25 employee. These provisions shall be consistent with subsection (c) of this
26 section.
27 (3) Restrictions on which types of State employees may take leave, if allowing
28 certain employees to take leave would jeopardize critical State functions.

29 (c) Amount of Leave Authorized. – The total amount of leave authorized pursuant to
30 this section shall not exceed any of the following annual limits for any State employee:

31 (1) Two days of uncompensated leave.
32 (2) Three days of compensated leave.
33 (3) Five days of total leave.

34 (d) Inapplicability of Chapter 126. – Leave authorized by this section is not subject to
35 the provisions of Chapter 126 of the General Statutes.



1 (e) Relation to Other Forms of Leave. – Leave taken pursuant to this section shall be
2 subject to G.S. 126-8.6."

3 **SECTION 3.** G.S. 166A-19.76 is amended by adding a new subsection to read:

4 "(e) Relation to Other Forms of Leave. – This section shall not be construed to limit in
5 any way leave authorized pursuant to G.S. 166A-19.76A, and its provisions are intended to
6 supplement rather than limit that section."

7 **SECTION 4.** Article 2 of Chapter 126 of the General Statutes is amended by
8 adding a new section to read:

9 "**§ 126-8.6. Leave for State employees affected by declared states of emergency.**

10 In the event that an issuing authority authorizes leave time for State employees affected by
11 an emergency pursuant to G.S. 166A-19.76A, the emergency leave shall not be (i) permitted to
12 accumulate toward the employee's leave balance or (ii) counted against the employee's
13 accumulated earned leave balance or creditable service towards retirement."

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