

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2015

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HOUSE BILL 818

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

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

For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

Referred to: Commerce and Job Development, if favorable, Judiciary III.

April 15, 2015

A BILL TO BE ENTITLED

AN ACT TO ENACT THE ELIGIBLE LEAVE FOR EMPLOYEE CAREGIVING TIME ACT.

The General Assembly of North Carolina enacts:

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

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

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

(b) The following definitions apply in this section:

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

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

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

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

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

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

(2) Extend the maximum period of leave to which an employee is entitled under 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.