

May 15, 2000

S 1232. STATE EMPLOYEE FMLA. CLARIFYING STATE EMPLOYEES' ELIGIBILITY FOR FAMILY AND MEDICAL LEAVE BENEFITS. Adds new GS 126-8.4, providing that each eligible state employee subject to the State Personnel Act is entitled to a total of 12 workweeks of leave during any 12-month period (1) to care for the employee's child, if the leave is taken within 12 months after the child's birth; (2) 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) 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. To be eligible, the employee must have been employed by the state for at least 12 months and employed by the state for at least 1,250 hours of service during the previous 12-month period. The new section prohibits the discharge, demotion, transfer, or other discrimination against any employee for exercising or attempting to exercise any right under the section, and requires the State Personnel Commission to adopt rules to implement the section. Amends GS 126-34.1(a) to provide that a state employee or former state employee may file in the Office of Administrative Hearings a contested case under Art. 3 of GS Ch. 150B in regard to denial of an eligible employee's request for family and medical leave, or retaliation against an employee for exercising rights under new GS 126-8.4.

Intro. by Miller.

Held Rule 43	GS 126
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