

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2001

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HOUSE BILL 898  
Committee Substitute Favorable 4/18/01  
Third Edition Engrossed 4/24/01  
Senate Judiciary I Committee Substitute Adopted 10/17/01

Short Title: State Emp. Federal Remedy Restoration Act.

(Public)

Sponsors:

Referred to:

March 29, 2001

A BILL TO BE ENTITLED

AN ACT TO ENACT THE STATE EMPLOYEE FEDERAL REMEDY  
RESTORATION ACT.

The General Assembly of North Carolina enacts:

**SECTION 1.** Chapter 143 of the General Statutes is amended by adding a  
new Article to read:

"Article 31D.

"State Employee Federal Remedy Restoration Act.

**"§ 143-300.35. State Employee Federal Remedy Restoration Act.**

(a) The sovereign immunity of the State is waived for the limited purpose of  
allowing State employees, except for those in exempt policy-making positions  
designated pursuant to G.S. 126-5(d), to maintain lawsuits in State and federal courts  
and obtain and satisfy judgments against the State or any of its departments, institutions,  
or agencies under:

(1) The Fair Labor Standards Act, 29 U.S.C. § 201, et seq.

(2) The Age Discrimination in Employment Act, 29 U.S.C. § 621, et seq.

(3) The Family and Medical Leave Act, 29 U.S.C. § 2601, et seq.

(4) The Americans with Disabilities Act, 42 U.S.C. § 12101, et seq.

(b) The amount of monetary relief a State employee receives under subsection (a)  
of this section shall not exceed the amounts authorized under G.S. 143-299.2 or the  
amounts authorized under the applicable federal law under this section, whichever is  
less."

**SECTION 2.** G.S. 126-34.1(a) is amended by adding a new subdivision to  
read:

"(11) Violation of any of the following federal statutes as applied to the  
employee:

a. The Fair Labor Standards Act, 29 U.S.C. § 201, et seq.

- 1                    b.    The Age Discrimination in Employment Act, 29 U.S.C. § 621,  
2    et seq.  
3                    c.    The Family Medical Leave Act, 29 U.S.C. § 2601, et seq.  
4                    d.    The Americans with Disabilities Act, 42 U.S.C. § 12101, et  
5    seq."

6                    **SECTION 3.** This act becomes effective October 1, 2001, and applies to  
7 causes of action arising on or after that date.