

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

**SESSION LAW 2001-467
HOUSE BILL 898**

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

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

In the General Assembly read three times and ratified this the 13th day of November, 2001.

s/ Beverly E. Perdue
President of the Senate

s/ James B. Black
Speaker of the House of Representatives

s/ Michael F. Easley
Governor

Approved 7:34 p.m. this 19th day of November, 2001