**NC Statutes of Limitation**

North Carolina employers operate under several state-specific anti-discrimination and anti-retaliation laws. These laws cover a variety of protected classes that include race, religion, color, national origin, age, biological sex, disability, HIV or AIDS status, lawful use of lawful products during non-working hours, possession of sickle cell or hemoglobin C trait, genetic testing and information, testimony or assistance with hazardous chemicals proceedings or investigations, jury service, National Guard service, or engaging in activities protected by the NC Retaliatory Employment Discrimination Act (like threatening to file or filing an OSHA complaint or a workers compensation claim).

Many of these protections mirror those at the federal level, but come with their own defenses, nuances, and statutes of limitation. The following chart will help employers understand the limitations of these laws related to the period of time in which claims may be filed.

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| **NC State Law** | **Applies To** | **Protects** | **Statute of Limitations** |
| **Equal Employment Practices Act** (N.C. Gen. Stat. §§ 143-422.1 to 143-422.3) | All NC employers regularly employing 15+ employees | Classes based on race, religion, color, national origin, age, biological sex, disability | Claims must be filed with the EEOC within 180 days of last discriminatory act; for wrongful discharge. |
| **Discrimination Based on Sickle Cell Trait or Hemoglobin C Trait** (N.C. Gen. Stat. § 95-28.1) | All NC employers | Individuals with sickle cell trait or hemoglobin C trait | For wrongful discharge: 3 years |
| **Discrimination Based on Genetic Testing & Genetic Information** (N.C. Gen. Stat. 95-28.1A) | All NC employers | Persons who have requested genetic testing or services or about whom or whose family the employer has obtained genetic information | For wrongful discharge: 3 years |
| **Discrimination Based on the Lawful Use of Lawful Products During Non-Working Hours** (N.C. Gen. Stat. § 95-28.2) | All NC employers regularly employing 3+ employees | Employees and prospective employees engaging in the lawful use of lawful products off employer’s premises during non-working hours when use does not adversely affect job performance or abilities to fulfill responsibilities/safety of others | Civil actions must be brought within 1 year from the date of the alleged violation |
| **Discrimination Based on AIDS or HIV Status** (N.C. Gen. Stat. § 130A-148(i)) | All NC employers | Employees who have AIDS/HIV | Claims must be filed within 180 days after date employee became aware of, or should have become aware of, the discriminatory practice or conduct |
| **Hazardous Chemicals Right to Know Act** (N.C. Gen. Stat. §§ 95-173 to 95-221) | All NC employers | Employees who have assisted the Commissioner of Labor of the Fire Chief with an inspection regarding hazardous chemicals, testified in related hazardous chemical proceedings, or requested information from an employer regarding chemicals at employer’s facility | For wrongful discharge: 3 years |
| **Discrimination Based on Jury Service**(N.C. Gen. Stat. § 9-32) | All NC employers | Employees who have been called for jury duty or are serving as a grand or petit juror | Civil actions must be brought within 1 year from the date of the alleged violation |
| **Discrimination Based on Military Service** (N.C. Gen. Stat. § 127A-202.1) | All NC employers | Any individual who performs, has performed, applied to perform, or has an obligation to perform National Guard Service | For wrongful discharge: 3 years |
| **Persons with Disabilities Protection Act** (N.C. Gen. Stat. §§ 168A-1 to 168A-12) | All NC employers regularly employing 15+ full time employees within NC | Qualified persons with disabilities (absent exemption) | Claims must be brought within 180 days after date employee became aware of, or should have become aware of, the discriminatory practice or conduct |
| **Retaliatory Employment Discrimination Act** (N.C. Gen. Stat. §§ 95-240 to 95-245) | All NC employers | Employees who, in good faith, take or threaten to take action under various NC laws (ex. Workers Compensation Act, Wage and Hour Act, OSHA, etc.) | Claims must be brought to NC DOL within 180 days of violation and suits filed within 90 days after receiving a right-to-sue letter from the NC DOL |

There are many other state and federal provisions that protect both employers and employees in NC. If your organization has questions about suspected discrimination or retaliation or possible legal issues, please feel free to reach out to the Catapult Advice Team.

Written by a contributor from Soule Law Firm.

Reviewed for NC law only.