

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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HOUSE PRINCIPAL CLERK

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HOUSE DRH10314-LR-137A (04/02)

Short Title: Labor/Provide Relief for Caregivers. (Public)

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

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE LABOR LAW REGARDING PARENTAL INVOLVEMENT
3 LEAVE AND TO MANDATE SOME UNPAID CAREGIVER LEAVE UNDER
4 CERTAIN CIRCUMSTANCES.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 95-28.3 reads as rewritten:

7 "§ 95-28.3. Leave for parent involvement in schools, schools and caregiving purposes.

8 (a) It is the belief of the General Assembly that parent involvement is an essential
9 component of school success and positive student outcomes. Therefore, employers shall grant
10 four hours per year leave to any employee who is a parent, guardian, or person standing in loco
11 parentis of a school-aged child so that the employee may attend or otherwise be involved at that
12 child's school. However, any leave under this section is subject to the following conditions:

- 13 (1) The leave shall be at a mutually agreed upon time between the employer and
14 the employee.
15 (2) The employer may require an employee to provide the employer with a
16 written request for the leave at least 48 hours before the time desired for the
17 leave.
18 (3) The employer may require that the employee furnish written verification
19 from the child's school that the employee attended or was otherwise involved
20 at that school during the time of the leave.

21 For the purpose of this section, "school" means any (i) public school, (ii) private church
22 school, church of religious charter, or nonpublic school described in Parts 1 and 2 of Article 39
23 of Chapter 115C of the General Statutes that regularly provides a course of grade school
24 instruction, (iii) preschool, and (iv) child care facility as defined in G.S. 110-86(3).

25 (a1) It is the belief of the General Assembly that caregiving is an essential component of
26 family life. Therefore, employers shall grant, within a 12-month period, four hours of unpaid
27 leave for short-term caregiving responsibilities for immediate family members. However, any
28 leave under this section is subject to the following conditions:

- 29 (1) The purpose of the leave must be (i) to accompany the employee's
30 immediate family member to routine medical appointments or other
31 professional services related to the immediate family member's care and
32 wellbeing, (ii) to care for an immediate family member due to illness, injury,
33 or a medical condition, or (iii) to respond to a medical emergency involving
34 the employee's immediate family member.
35 (2) The leave shall be at a mutually agreed upon time between the employer and
36 the employee.



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- 1 (3) The employer may require an employee to provide the employer with a
2 written request for the leave at least 48 hours before the time desired for the
3 leave.
4 (4) The employer may require that the employee furnish written verification of
5 the appointment or emergency.

6 For the purposes of this section, "immediate family member" means an employee's spouse,
7 parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and
8 in-law relationships.

9 (b) Employers shall not discharge, demote, or otherwise take an adverse employment
10 action against an employee who requests or takes leave under this section. Nothing in this
11 section shall require an employer to pay an employee for leave taken under this section.

12 (c) An employee who is demoted or discharged or who has had an adverse employment
13 action taken against him or her in violation of this section may bring a civil action within one
14 year from the date of the alleged violation against the employer who violates this section and
15 obtain either of the following:

- 16 (1) Any wages or benefits lost as a result of the violation; or
17 (2) An order of reinstatement without loss of position, seniority, wages, or
18 benefits.

19 The burden of proof shall be upon the employee."

20 **SECTION 2.** G.S. 95-241(a) reads as rewritten:

21 "(a) No person shall discriminate or take any retaliatory action against an employee
22 because the employee in good faith does or threatens to do any of the following:

- 23 (1) File a claim or complaint, initiate any inquiry, investigation, inspection,
24 proceeding or other action, or testify or provide information to any person
25 with respect to any of the following:
26 a. Chapter 97 of the General Statutes.
27 b. Article 2A or Article 16 of this Chapter.
28 c. Article 2A of Chapter 74 of the General Statutes.
29 d. G.S. 95-28.1.
30 e. Article 16 of Chapter 127A of the General Statutes.
31 f. G.S. 95-28.1A.
32 g. Article 52 of Chapter 143 of the General Statutes.
33 h. Article 5F of Chapter 90 of the General Statutes.
34 i. G.S. 95-28.3.
35 (2) Cause any of the activities listed in subdivision (1) of this subsection to be
36 initiated on an employee's behalf.
37 (3) Exercise any right on behalf of the employee or any other employee afforded
38 by Article 2A or Article 16 of this Chapter, by Article 2A of Chapter 74 of
39 the General Statutes, or by Article 52 of Chapter 143 of the General Statutes.
40 (4) Comply with the provisions of Article 27 of Chapter 7B of the General
41 Statutes.
42 (5) Exercise rights under Chapter 50B. Actions brought under this subdivision
43 shall be in accordance with the provisions of G.S. 50B-5.5."

44 **SECTION 3.** This act becomes effective January 1, 2016.