

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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HOUSE BILL DRH30153-LR-52C*

Short Title: Caregiver Relief Act.

(Public)

Sponsors: Representative Fisher.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT AMENDING THE LABOR LAWS TO PROVIDE RELIEF FOR CAREGIVERS IN
3 THIS STATE.

4 Whereas, there are 1.3 million family caregivers in North Carolina providing care to
5 an adult with limitations in daily activities at some time during the year; and

6 Whereas, families provide at least 80% of all care services needed to help their
7 relatives live in their homes; and

8 Whereas, there were more than 98,000 North Carolina grandparents acting as primary
9 caregivers for their grandchildren in 2017; and

10 Whereas, 58% of grandparents who are primary caregivers to their grandchildren are
11 also still participating in the workforce; and

12 Whereas, North Carolina's population aged 65 and older is expected to double by
13 2050; and

14 Whereas, North Carolina's workforce is aging, with more than one million working
15 people aged 50 years and older in 2017; and

16 Whereas, numerous studies have shown that employees suffer severe financial
17 hardship in order to be responsible family members and provide minor children and aging parents
18 with the care they need; and

19 Whereas, North Carolinians who provide direct care for their family members prevent
20 the worsening of illnesses and promote strong recovery; and

21 Whereas, employees with caregiving responsibilities experience negative health
22 outcomes as a result of the strain of balancing work and family duties, including significantly
23 higher incidents of depression, diabetes, hypertension, or pulmonary disease, regardless of age,
24 gender, and work type; and

25 Whereas, it has been found that employees with care responsibilities add additional
26 health care costs to employers due to their own poor health; and

27 Whereas, it has been found that caregiving supports in the workplace can save
28 businesses significant money associated with reduced incidences of absenteeism, crisis in care,
29 workday interruptions, supervisory time, and reduced hours; and

30 Whereas, primary caregiver duties often rest on grandparents, grandchildren,
31 stepparents, stepchildren, uncles, aunts, nieces, nephews, in-laws, and siblings; and

32 Whereas, the federal Family and Medical Leave Act is a critical caregiving support,
33 but is only accessible to eligible employees caring for immediate, nuclear family members; Now,
34 therefore,

35 The General Assembly of North Carolina enacts:



1 **SECTION 1.** Chapter 95 of the General Statutes is amended by adding a new Article
2 to read:

3 "Article 24.
4 "Caregiver Relief Act.

5 "§ 95-274. Short title; purpose.

6 (a) This Article shall be known and may be cited as the "Caregiver Relief Act."

7 (b) The purpose of this Article is to provide for supports in the workplace under State law
8 for caregivers who provide direct care to certain family members in need of care in those
9 instances where such leave would not be afforded to the caregivers under federal law.

10 "§ 95-275. Definitions.

11 The following definitions apply to this Article:

12 (1) Department. – The Department of Labor.

13 (2) Eligible employee. – As defined in the FMLA at 29 U.S.C. § 2611(2), as
14 amended.

15 (3) FMLA. – The federal Family and Medical Leave Act of 1993, 29 U.S.C. §
16 2601, et seq., as amended.

17 (4) Grandchild. – The child of a biological, adopted, or foster child, stepchild,
18 legal ward, or a child of a person standing in loco parentis to the employee.

19 (5) Grandparent. – The parent of a parent as defined by 29 U.S.C. § 2611(7), as
20 amended.

21 "§ 95-276. Eligibility.

22 (a) General Rule – An employer required to comply with the FMLA shall provide the
23 same leave to an eligible employee to care for a grandchild, sibling, domestic partner, civil union
24 partner, or grandparent of an employee, or a spouse, domestic partner, or civil union partner of a
25 parent or grandparent of the employee, or a sibling of a spouse, domestic partner, or civil union
26 partner of the employee, or any other individual related by blood to the employee or whose close
27 association with the employee is the equivalent of a family relationship that the eligible employee
28 is entitled to under the FMLA at 29 U.S.C. §§ 2614 and 2615, as amended, with respect to a
29 spouse, son, daughter, or parent of the eligible employee for the eligible employee's child,
30 grandchild, sibling, spouse, domestic partner, civil union partner, parent, or grandparent of an
31 employee, or a spouse, domestic partner, or civil union partner of a parent or grandparent of the
32 employee, or a sibling of a spouse, domestic partner, or civil union partner of the employee, or
33 any other individual related by blood to the employee or whose close association with the
34 employee is the equivalent of a family relationship.

35 (b) Protections. – An eligible employee who takes leave provided under subsection (a) of
36 this section is entitled to the same protections and rights that an eligible employee is entitled to
37 under the FMLA at 29 U.S.C. §§ 2614 and 2615, as amended, including protection from
38 discrimination and interference, the right to reinstatement, and the right to continuation of health
39 care benefits.

40 (c) Amount of Leave. – The leave granted under this Article shall be taken in the same
41 manner and under the same conditions, and the same restrictions on use of leave apply.

42 "§ 95-277. Enforcement; applicability.

43 (a) Enforceability. – Any right or obligation created by this Article is enforceable by a
44 civil action in addition to any other remedies at law or in equity.

45 (b) Applicability. – This Article applies to all employers in this State who are subject to
46 the FMLA."

47 **SECTION 2.** G.S. 95-241(a)(1) reads as rewritten:

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

- 1 (1) File a claim or complaint, initiate any inquiry, investigation, inspection,
2 proceeding or other action, or testify or provide information to any person
3 with respect to any of the following:
4 a. Chapter 97 of the General Statutes.
5 b. Article 2A or Article 16 of this Chapter.
6 c. Article 2A of Chapter 74 of the General Statutes.
7 d. G.S. 95-28.1.
8 e. Article 16 of Chapter 127A of the General Statutes.
9 f. G.S. 95-28.1A.
10 g. Article 52 of Chapter 143 of the General Statutes.
11 h. Article 5F of Chapter 90 of the General Statutes.
12 i. Article 24 of Chapter 95 of the General Statutes."

13 **SECTION 3.** This act becomes effective July 1, 2019, and applies to covered
14 employers and eligible employees on or after that date.