

FAILED



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 259

AMENDMENT NO. A26
(to be filled in by
Principal Clerk)

H259-ALR-8 [v.3]

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Amends Title [NO]
Fourth Edition

Date _____, 2023

Senator Robinson

1 moves to amend the bill on page 151, by inserting between lines 14 and 15 the following new
2 section to read:

3 **"FUNDS FOR CHILD CARE COMPENSATION GRANTS**

4 **SECTION 9D.12.** Notwithstanding the Committee Report referenced in Section 43.2
5 of this act or any other provision of law to the contrary, funds appropriated in this act from the
6 ARPA Temporary Savings Fund to the Department of Health and Human Services are increased
7 by the sum of one hundred million dollars (\$100,000,000) in nonrecurring funds for the
8 2023-2024 fiscal year to provide funds for the compensation grants portion of the child care
9 stabilization grants, as authorized under Section 3.2(a) of S.L. 2021-25."; and

10
11 moves to amend the bill on page 144, line 43, by deleting "ten percent (10%)" and substituting
12 "seven percent (7%)"; and

13
14 moves to amend the bill on page 388, lines 22-23, by inserting between those lines the following
15 language:

16 **"REENACT CHILD TAX CREDIT**

17 **SECTION 42.20(a)** G.S. 105-153.10 is reenacted as it existed immediately before
18 its expiration and reads as rewritten:

19 "(a) Credit. ~~A taxpayer who is allowed a federal child tax credit under section 24 of the~~
20 ~~Code for the taxable year is allowed a credit against the tax imposed by this Part for each~~
21 ~~dependent child for whom the taxpayer is allowed the federal credit. A taxpayer is allowed a~~
22 credit against the tax imposed by this Part for each qualifying child of the taxpayer. A "qualifying
23 child" is defined by Section 152(c) of the Code. The amount of credit allowed under this section
24 for the taxable year is equal to the amount listed in the table below based on the taxpayer's
25 adjusted gross income, as calculated under the Code:

26 Filing Status	27 AGI	28 Credit Amount
29 Married, filing jointly	Up to \$40,000	\$125.00 <u>\$250.00</u>
	Over \$40,000	
	Up to \$100,000	\$100.00 <u>\$125.00</u>
31 Over \$100,000	Over \$100,000	0
32 Head of Household	Up to \$32,000	\$125.00 <u>\$250.00</u>



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1		Over \$32,000	
2		Up to \$80,000	\$100.00 <u>\$125.00</u>
3		Over \$80,000	0
4			
5	Single	Up to \$20,000	\$125.00 <u>\$250.00</u>
6		Over \$20,000	
7		Up to \$50,000	\$100.00 <u>\$125.00</u>
8		Over \$50,000	0
9			
10	Married, filing separately	Up to \$20,000	\$125.00 <u>\$250.00</u>
11		Over \$20,000	
12		Up to \$50,000	\$100.00 <u>\$125.00</u>
13		Over \$50,000	0.
14			

15 (b) Limitations. – A nonresident or part-year resident who claims the credit allowed by
16 this section shall reduce the amount of the credit by multiplying it by the fraction calculated under
17 ~~G.S. 105-134.5(b) or (c), as appropriate. G.S. 105-153.4. The credit allowed under this section~~
18 ~~may not exceed the amount of tax imposed by this Part for the taxable year reduced by the sum~~
19 ~~of all credits allowed, except payments of tax made by or on behalf of the taxpayer. Married~~
20 ~~individuals qualifying for a credit under this section who file separate returns may not collectively~~
21 ~~claim more than the maximum credit allowed under a joint return.~~

22 (c) Credit Refundable. – If the credit allowed by this section exceeds the amount of tax
23 imposed by this Part for the taxable year reduced by the sum of all credits allowable, the Secretary
24 must refund the excess to the taxpayer. The refundable excess is governed by the provisions
25 governing a refund of an overpayment by the taxpayer of the tax imposed in this Part. In
26 computing the amount of tax against which multiple credits are allowed, nonrefundable credits
27 are subtracted before refundable credits."

28 **SECTION 42.20(b)** This section is effective for taxable years beginning on or after
29 January 1, 2023.

30
31 **CIRCUIT BREAKER INCOME LIMIT INCREASE**

32 **SECTION 42.21(a)** G.S. 105-277.1B reads as rewritten:

33 **"§ 105-277.1B. Property tax homestead circuit breaker.**

34 (a) Classification. – A permanent residence owned and occupied by a qualifying owner
35 is designated a special class of property under Article V, Section 2(2) of the North Carolina
36 Constitution and is taxable in accordance with this section.

37 ...

38 (f) Tax Limitation. – A qualifying owner may defer the portion of the principal amount
39 of tax that is imposed for the current tax year on his or her permanent residence and exceeds the
40 percentage of the qualifying owner's income set out in the table in this subsection. If a permanent
41 residence is subject to tax by more than one taxing unit and the total tax liability exceeds the tax
42 limit imposed by this section, then both the taxes due under this section and the taxes deferred

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1 under this section must be apportioned among the taxing units based upon the ratio each taxing
2 unit's tax rate bears to the total tax rate of all units.

3 Income Over	4 Income Up To	5 Percentage
4 -0-	Income Eligibility Limit	4.0%
5 Income Eligibility Limit	150% <u>180%</u> of Income Eligibility Limit	5.0%
6"		

7 **SECTION 42.21(b)** Section 42.21(a) of this act is effective for taxes imposed for
8 taxable years beginning on or after July 1, 2023."; and

9
10 moves to amend the bill on page 56, lines 25-26, by inserting the following between those lines:
11 **"INCREASE STATEWIDE MINIMUM WAGE AND ALLOW HIGHER LOCAL**
12 **MINIMUM WAGE**

13 **SECTION 5.9.(a)** Effective Labor Day, September 4, 2023, G.S. 95-25.3(a) reads
14 as rewritten:

15 "(a) Every employer shall pay to each employee who in any workweek performs any work,
16 wages of at least ~~six dollars and fifteen cents (\$6.15)~~ fifteen dollars (\$15.00) per hour or the
17 minimum wage set forth in paragraph 1 of section 6(a) of the Fair Labor Standards Act, 29 U.S.C.
18 206(a)(1), as that wage may change from time to time, whichever is higher, except as otherwise
19 provided in this section. A local government may adopt an ordinance establishing a local
20 minimum wage within its territorial jurisdiction that is higher than the statewide minimum wage;
21 then, in that case, every employer in the jurisdiction shall instead pay the higher local minimum
22 wage."

23 **SECTION 5.9.(b)** This section is effective when it becomes law."; and
24 moves to amend the bill on page 323, between lines 48-49, by adding the following new section
25 to read:

26 **"HOMEBUYERS' ASSISTANCE PROGRAM**

27 **SECTION 29.4.(a)** As used in this section, the following definitions apply:

- 28 (1) Active duty member. – As defined in G.S. 58-58-335(1).
- 29 (2) Emergency medical services personnel. – As defined in G.S. 131E-155.
- 30 (3) Firefighter. – As defined in G.S. 58-84-5.
- 31 (4) First-time homebuyer. – An individual who meets all of the following criteria:
 - 32 a. Is purchasing the subject residential property.
 - 33 b. Will reside in the subject residential property as a principal residence.
 - 34 c. Has had no ownership interest, sole or joint, in a residential property
35 during the three-year period preceding the date of the purchase of the
36 subject residential property.
- 37 (5) Law enforcement officer. – An individual employed by the State or a local
38 government in this State as a sheriff, deputy sheriff, police officer, or member
39 of the State highway patrol.
- 40 (6) Public servant. – An active duty member or veteran, or a law enforcement
41 officer, teacher, firefighter, or emergency medical services personnel
42 employed in this State.

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1 (7) Teacher. – An individual whose major responsibility is to either teach or
2 directly supervise teaching, as classified by the State Board of Education, in a
3 public school unit, as that term is defined in G.S. 115C-5.

4 (8) Veteran. – As defined in G.S. 122C-465(3).

5 **SECTION 29.4.(b)** The Housing Finance Agency (Agency) shall establish a
6 program operating under the Homeownership Assistance Fund, authorized under G.S. 122A-5.7,
7 that provides assistance to first-time homebuyers that are employed full time as public servants
8 in this State. The Agency shall provide, in the form of reimbursement or direct payment, monies
9 to be used for down payment assistance and to offset mortgage insurance premiums charged to
10 program participants. First-time homebuyers shall be limited to the lesser of the sum of
11 twenty-five thousand dollars (\$25,000) or ten percent (10%) of the purchase price for down
12 payment assistance, mortgage insurance premium assistance, and closing costs. The Agency may
13 provide for mortgage insurance payment assistance at least monthly, but for no longer than 60
14 months for any single first-time homebuyer.

15 **SECTION 29.4.(c)** The Agency is hereby empowered to adopt, modify, or repeal
16 rules and regulations governing the provision of down payment assistance and mortgage
17 insurance assistance provided pursuant to this section."; and

18
19 moves to amend the bill on page 10, line 9, by reducing the amount of the unappropriated
20 balance remaining by one hundred fifty million dollars (\$150,000,000) in recurring funds for
21 the 2023-2024 fiscal and appropriating those funds to the Housing Finance Agency for the
22 purpose of providing assistance to first-time homebuyers as provided in Section 29.4 of this
23 act; and

24
25 moves to amend the bill on page 56, lines 25-26, by inserting the following between those lines:
26 **"PAID FAMILY LEAVE INSURANCE**

27 **SECTION 5.10.(a)** Effective January 1, 2024, the General Statutes are amended by
28 adding a new Chapter to read:

29 **"Chapter 96A.**

30 **"Paid Family Leave Insurance Act.**

31 **§ 96A-1. Short title; definitions.**

32 (a) This Chapter shall be known and may be cited as the "North Carolina Paid Family
33 Leave Insurance Act."

34 (b) The following definitions apply in this Chapter:

35 (1) Application year. – The 12-month period beginning on the first day of the
36 calendar week in which an individual files an application for family and
37 medical leave insurance benefits.

38 (2) Assistant Secretary. – The Assistant Secretary of Commerce in charge of the
39 Division of Employment Security.

40 (3) Covered individual. – Any person who does all of the following:

41 a. Meets the monetary eligibility criteria set forth in G.S. 96-14.1(b) or
42 is self-employed, elects coverage, and meets the requirements of
43 G.S. 96A-13.

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- 1 b. Meets the administrative requirements outlined in this Chapter and in
2 the rules adopted under this Chapter.
- 3 c. Submits an application.
- 4 (4) Covered service member. – Either:
- 5 a. A member of the Armed Forces, including a member of the National
6 Guard or Reserves, who is (i) undergoing medical treatment,
7 recuperation, or therapy, (ii) otherwise in outpatient status, or (iii)
8 otherwise on the temporary disability retired list for a serious injury or
9 illness that was incurred by the member in the line of duty on active
10 duty in the Armed Forces or a serious injury or illness that existed
11 before the beginning of the member's active duty and was aggravated
12 by service in the line of duty on active duty in the Armed Forces; or
13 b. A former member of the Armed Forces, including a former member of
14 the National Guard or Reserves, who is undergoing medical treatment,
15 recuperation, or therapy for a serious injury or illness that was incurred
16 by the member in the line of duty on active duty in the Armed Forces
17 or a serious injury or illness that existed before the beginning of the
18 member's active duty and was aggravated by service in the line of duty
19 on active duty in the Armed Forces and manifested before or after the
20 member was discharged or released from service.
- 21 (5) Division. – The Division of Employment Security of the Department of
22 Commerce.
- 23 (6) Employee. – Any individual employed by an employer.
- 24 (7) Employer. – Any person acting directly or indirectly in the interest of an
25 employer in relation to an employee. As used in this subdivision, "person"
26 means an individual, partnership, association, corporation, business trust,
27 legal representative, or any organized group of persons. For the purposes of
28 this Chapter, it also means the State of North Carolina, any city, town, county,
29 municipality, or any State or local agency or instrumentality of government.
30 The term does not include the government of the United States and any agency
31 of the United States (including the United States Postal Service and Postal
32 Rate Commission).
- 33 (8) Family and medical leave insurance benefits. – The benefits provided under
34 the terms of this Chapter.
- 35 (9) Family member. – Any of the following:
- 36 a. Regardless of age, a biological, adopted, or foster child, stepchild, or
37 legal ward, a child of a domestic partner, a child to whom the employee
38 stands in loco parentis, or a person to whom the employee stood in
39 loco parentis when the person was a minor.
- 40 b. A biological, adoptive, or foster parent, stepparent, or legal guardian
41 of an employee or an employee's spouse or domestic partner or a
42 person who stood in loco parentis when the employee or the
43 employee's spouse or domestic partner was a minor.

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- 1 c. A person to whom the employee is legally married under the laws of
2 any state or a domestic partner of an employee as registered under the
3 laws of any state or political subdivision.
4 d. A grandparent, grandchild, or sibling (whether a biological, foster,
5 adoptive, or step relationship) of the employee or the employee's
6 spouse or domestic partner.
7 e. Any other individual related by blood or whose close association with
8 the employee is the equivalent of a family relationship.
9 (10) Health care provider. – Any person licensed under federal or North Carolina
10 law to provide medical or emergency services, including, but not limited to,
11 doctors, nurses and emergency room personnel, or certified midwives.
12 (11) Next of kin. – As defined in section 101(17) of the Family and Medical Leave
13 Act, 29 U.S.C. § 2611(17).
14 (12) Qualifying exigency leave. – Leave based on a need arising out of a covered
15 individual's family member's active duty service or notice of an impending
16 call or order to active duty in the Armed Forces, including, but not limited to,
17 providing for the care or other needs of the military member's child or other
18 family member, making financial or legal arrangements for the military
19 member, attending counseling, attending military events or ceremonies,
20 spending time with the military member during a rest and recuperation leave
21 or following return from deployment, or making arrangements following the
22 death of the military member.
23 (13) Retaliatory personnel action. – Denial of any right guaranteed under this
24 Chapter, including, but not limited to, any threat, discharge, suspension,
25 demotion, reduction of hours, any other adverse action against an employee
26 for the exercise of any right guaranteed herein, or reporting or threatening to
27 report an employee's suspected citizenship or immigration status or the
28 suspected citizenship or immigration status of a family member of the
29 employee to a federal, State, or local agency. Retaliatory personnel actions
30 shall also include interference with or punishment for in any manner
31 participating in or assisting an investigation, proceeding, or hearing under this
32 Chapter.
33 (14) Serious health condition. – An illness, injury, impairment, pregnancy,
34 recovery from childbirth, or physical or mental condition that involves
35 inpatient care in a hospital, hospice, or residential medical care facility, or
36 continuing treatment by a health care provider.
37 (15) State average weekly wage. – The average weekly insured wage as defined in
38 G.S. 96-1(b)(2).

39 **"§ 96A-2. Eligibility for benefits.**

40 Beginning January 1, 2025, family and medical leave insurance benefits are payable to an
41 individual who:

- 42 (1) Meets the definition of "covered individual" as defined by G.S. 96A-1(b)(3);
43 and

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1 (2) Meets one of the following requirements:

- 2 a. Because of birth, adoption, or placement through foster care, is caring
3 for a new child during the first year after the birth, adoption, or
4 placement of that child;
5 b. Is caring for a family member with a serious health condition;
6 c. Has a serious health condition;
7 d. Is caring for a covered service member who is the covered individual's
8 next of kin or other family member; or
9 e. Because of any "qualifying exigency leave" arising out of the fact that
10 the family member of the covered individual is on active duty (or has
11 been notified of an impending call or order to active duty) in the
12 Armed Forces.

13 **"§ 96A-3. Duration of benefits.**

14 (a) The maximum number of weeks during which family and medical leave insurance
15 benefits are payable under G.S. 96A-2(2)c. in an application year is 18 weeks.

16 (b) The maximum number of weeks during which family and medical leave insurance
17 benefits are payable under G.S. 96A-2(2)a., (2)b., or (2)e. in an application year is 12 weeks.

18 (c) The maximum number of weeks during which family and medical leave insurance
19 benefits are payable under G.S. 96A-2(2)d. in an application year is 26 weeks.

20 (d) The first payment of benefits must be made to an individual within two weeks after
21 the claim is filed, and subsequent payments must be made every two weeks thereafter.

22 **"§ 96A-4. Amount of benefits.**

23 (a) The amount of family and medical leave insurance benefits shall be determined as
24 follows:

25 (1) The weekly benefit shall be determined as follows: (i) the portion of the
26 covered individual's average weekly wage that is equal to or less than one
27 hundred percent (100%) of the State average weekly wage shall be replaced
28 at a rate of ninety percent (90%) and (ii) the portion of an employee's or
29 self-employed individual's average weekly wage that is more than one
30 hundred percent (100%) of the State average weekly wage shall be replaced
31 at a rate of fifty percent (50%).

32 (2) The maximum benefit shall be one hundred percent (100%) of the statewide
33 average weekly wage.

34 (3) The minimum weekly benefit shall not be less than one hundred dollars
35 (\$100.00) per week except that if the covered individual's average weekly
36 wage is less than one hundred dollars (\$100.00) per week, the weekly benefit
37 shall be the employee's full wage.

38 (4) For purposes of this section, a covered individual's average weekly wage shall
39 be the average weekly wage during the 12 months preceding submission of
40 the application (or the average weekly wage during the time the covered
41 individual worked, if it was less than 12 months).

42 (b) Family and medical leave insurance benefits are not payable for less than eight hours
43 of family and medical leave taken in one workweek.

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1 **"§ 96A-5. Contributions.**

2 (a) Payroll contributions shall be authorized in order to finance the payment of benefits
3 under the family and medical leave insurance program.

4 (b) Beginning on January 1, 2024, for each employee, an employer shall remit to the Paid
5 Family and Medical Leave Fund (Fund), established under G.S. 96A-16, contributions in the
6 form and manner determined by the Division. Annually, not later than October 1, the Assistant
7 Secretary shall fix the contribution rate for the coming calendar year in the manner described in
8 this subsection. For calendar years 2024 and 2025, the Assistant Secretary shall do so based on
9 sound actuarial principles. For calendar year 2026 and thereafter, the Assistant Secretary shall
10 first certify and publish the following information:

11 (1) The total amount of family and medical leave insurance benefits paid by the
12 Division during the previous fiscal year;

13 (2) The total amount remaining in the Fund at the close of the fiscal year;

14 (3) The total amount equal to one hundred forty percent (140%) of the previous
15 fiscal year's expenditure for family and medical leave insurance benefits paid
16 and for the administration of the family and medical leave insurance program;

17 (4) The amount by which the total amount remaining in the Fund at the close of
18 the previous fiscal year is less than or greater than one hundred forty percent
19 (140%) of the previous fiscal year's expenditure for family and medical leave
20 insurance benefits paid and for the administration of the family and medical
21 leave insurance program; and

22 (5) The amount by which the contribution rate shall be adjusted to ensure that the
23 Fund shall maintain or achieve an annualized amount of not less than one
24 hundred forty percent (140%) of the previous fiscal year's expenditure for
25 family and medical leave insurance benefits paid and for the administration of
26 the family and medical leave insurance program. The contribution rate
27 adjustment, if any, made as the result of the Assistant Secretary's certification
28 and report under this subsection shall supersede the rate previously set forth
29 and shall become effective on January 1 of the following calendar year.

30 (c) A self-employed individual who is electing coverage under G.S. 96A-13 shall be
31 responsible for the employee's share of contributions set forth in subsection (b) of this section on
32 that individual's income from self-employment.

33 (d) An employer shall not deduct more than fifty percent (50%) of the contribution
34 required for an employee by subsection (b) of this section from that employee's wages and shall
35 remit the full contribution required under said subsection to the Fund.

36 **"§ 96A-6. Reduced leave schedule.**

37 (a) A covered individual shall be entitled, at the option of the covered individual, to take
38 paid family and medical leave on an intermittent or reduced leave schedule in which all of the
39 leave authorized under this Chapter is not taken sequentially. Family and medical leave insurance
40 benefits for intermittent or reduced leave schedules shall be prorated.

41 (b) The covered individual shall make a reasonable effort to schedule paid family and
42 medical leave under this section so as not to unduly disrupt the operations of the employer. The
43 covered individual shall provide the employer with prior notice of the schedule on which the

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1 covered individual will take the leave, to the extent practicable. Paid family and medical leave
2 taken under this section shall not result in a reduction of the total amount of leave to which an
3 employee is entitled beyond the amount of leave actually taken.

4 (c) Nothing in this section shall be construed to entitle a covered individual to more leave
5 than required under G.S. 96A-3.

6 **"§ 96A-7. Leave and employment protection.**

7 (a) Any covered individual who exercises his or her right to family and medical leave
8 insurance benefits shall, upon the expiration of that leave, be entitled to be restored by the
9 employer to the position held by the covered individual when the leave commenced, or to a
10 position with equivalent seniority, status, employment benefits, pay, and other terms and
11 conditions of employment, including fringe benefits and service credits that the covered
12 individual had been entitled to at the commencement of leave.

13 (b) During any leave taken pursuant to G.S. 96A-2, the employer shall maintain any
14 health care benefits the covered individual had prior to taking such leave for the duration of the
15 leave as if the covered individual had continued in employment continuously from the date he or
16 she commenced the leave until the date the family and medical leave insurance benefits
17 terminate; provided, however, that the covered individual shall continue to pay the covered
18 individual's share of the cost of health benefits as required prior to the commencement of the
19 leave.

20 (c) Any employer who violates this section or G.S. 96A-8 shall be liable to any eligible
21 employee affected as follows:

22 (1) For damages equal to the amount of (i) any wages, salary, employment
23 benefits, or other compensation denied or lost to such employee by reason of
24 the violation, or (ii) in a case in which wages, salary, employment benefits, or
25 other compensation have not been denied or lost to the employee, any actual
26 monetary losses sustained by the employee as a direct result of the violation,
27 such as the cost of providing care, up to a sum equal to 12 weeks of wages or
28 salary for the employee, (iii) the interest on the amount described in clause (i)
29 of this subdivision calculated at the prevailing rate, and (iv) an additional
30 amount as liquidated damages equal to the sum of the amount described in
31 clause (i) of this subdivision and the interest described in clause (ii) of this
32 subdivision, except that if an employer who has violated this section or
33 G.S. 96A-8 proves to the satisfaction of the court that the act or omission
34 which violated the section was in good faith and that the employer had
35 reasonable grounds for believing that the act or omission was not a violation,
36 the court may, in the discretion of the court, reduce the amount of the liability
37 to the amount and interest determined under clauses (i) and (ii) of this
38 subdivision, respectively.

39 (2) For such equitable relief as may be appropriate, including employment,
40 reinstatement, and promotion.

41 (d) An action to recover the damages or equitable relief prescribed in subsection (c) of
42 this section may be maintained against any employer (including a public agency) in any federal

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1 or State court of competent jurisdiction by any one or more employees for and on behalf of the
2 employees or the employees and other employees similarly situated.

3 (e) The court in such an action shall, in addition to any judgment awarded to the plaintiff,
4 allow a reasonable attorney's fee, reasonable expert witness fees, and other costs of the action to
5 be paid by the defendant.

6 (f) Except as provided by subsection (g) of this section, an action may be brought under
7 this section not later than two years after the date of the last event constituting the alleged
8 violation for which the action is brought.

9 (g) In the case of an action brought for a willful violation of this section or G.S. 96A-8,
10 the action may be brought within three years of the date of the last event constituting the alleged
11 violation for which such action is brought.

12 **"§ 96A-8. Retaliatory personnel actions prohibited.**

13 (a) It shall be unlawful for an employer or any other person to interfere with, restrain,
14 deny the exercise of, or the attempt to exercise any right protected under this Chapter.

15 (b) An employer, temporary help company, employment agency, employee organization,
16 or other person shall not take retaliatory personnel action or otherwise discriminate against a
17 person because he or she exercised rights protected under this Chapter. Such rights include, but
18 are not limited to, the right to request, file for, apply for, or use benefits provided for under this
19 Chapter; to take leave from work under this Chapter; communicate to the employer or any other
20 person or entity an intent to file a claim, a complaint with the Division or courts, or an appeal; or
21 has testified or is about to testify or has assisted in any investigation, hearing, or proceeding under
22 this Chapter, at any time, including during the period in which the person receives family and
23 medical leave insurance benefits under this Chapter; inform any person about any employer's
24 alleged violation of this Chapter; and the right to inform any person of his or her rights under this
25 Chapter.

26 (c) It shall be unlawful for an employer's absence control policy to count paid family and
27 medical leave taken under this Chapter as an absence that may lead to or result in discipline,
28 discharge, demotion, suspension, or any other adverse action.

29 (d) Protections of this section shall apply to any person who mistakenly, but in good faith,
30 alleges violations of this Chapter.

31 (e) This section shall be enforced as provided in subsections (c) through (g) of
32 G.S. 96A-7.

33 **"§ 96A-9. Coordination of benefits.**

34 (a) Leave taken with wage replacement under this Chapter that also qualifies as leave
35 under the Family and Medical Leave Act shall run concurrently with leave taken under the
36 Family and Medical Leave Act.

37 (b) An employer may require that payment made pursuant to this Chapter be made
38 concurrently or otherwise coordinated with payment made or leave allowed under the terms of
39 disability or family care leave under a collective bargaining agreement or employer policy. The
40 employer must give employees written notice of this requirement.

41 (c) This Chapter does not diminish an employer's obligation to comply with any of the
42 following that provide more generous leave:

43 (1) A collective bargaining agreement;

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1 (2) An employer policy; or

2 (3) Any law.

3 (d) An individual's right to leave under this Chapter may not be diminished by a collective
4 bargaining agreement entered into or renewed, or an employer policy adopted or retained, after
5 the effective date of this Chapter. Any agreement by an individual to waive his or her rights under
6 this Chapter is void as against public policy.

7 **"§ 96A-10. Notice.**

8 (a) Each employer shall provide written notice to each employee upon hiring and
9 annually thereafter. An employer shall also provide written notice to an employee when the
10 employee requests leave under this Chapter or when the employer acquires knowledge that an
11 employee's leave may be for a qualifying reason under G.S. 96A-2. Such notice shall include (i)
12 the employee's right to family and medical leave insurance benefits under this Chapter and the
13 terms under which it may be used, (ii) the amount of family and medical leave insurance benefits,
14 (iii) the procedure for filing a claim for benefits, (iv) the right to job protection and benefits
15 continuation under G.S. 96A-7, (v) that discrimination and retaliatory personnel actions against
16 a person for requesting, applying for, or using family and medical leave insurance benefits is
17 prohibited under G.S. 96A-8, and (vi) that the employee has a right to file a complaint for
18 violations of this Chapter. An employer shall also display and maintain a poster in a conspicuous
19 place accessible to employees at the employer's place of business that contains the information
20 required by this section in English, Spanish, and any language that is the first language spoken
21 by at least five percent (5%) of the employer's workforce, provided that such notice has been
22 provided by the Division. The Assistant Secretary may adopt regulations to establish additional
23 requirements concerning the means by which employers shall provide such notice.

24 (b) Employees shall provide notice to their employers as soon as practicable of their
25 intention to take leave under this Chapter.

26 **"§ 96A-11. Enforcement.**

27 (a) The Assistant Secretary shall establish a system for appeals in the case of a denial of
28 family and medical leave insurance benefits. In establishing such system, the Assistant Secretary
29 may utilize any and all procedures and appeals mechanisms established under G.S. 96-15.

30 (b) Judicial review of any decision with respect to family and medical leave insurance
31 benefits shall be permitted in a court of competent jurisdiction after a party aggrieved thereby
32 has exhausted all administrative remedies established by the Assistant Secretary.

33 (c) The Assistant Secretary shall implement procedures to ensure confidentiality of all
34 information related to any claims filed or appeals taken to the maximum extent permitted by
35 applicable laws.

36 **"§ 96A-12. Erroneous payments and disqualification for benefits.**

37 (a) A covered individual is disqualified from family and medical leave insurance benefits
38 for one year if the individual is determined by the Assistant Secretary to have willfully made a
39 false statement or misrepresentation regarding a material fact or willfully failed to report a
40 material fact to obtain benefits under this Chapter.

41 (b) If family and medical leave insurance benefits are paid erroneously or as a result of
42 willful misrepresentation, or if a claim for family and medical leave insurance benefits is rejected
43 after benefits are paid, the Division may seek repayment of benefits from the recipient. The

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1 Assistant Secretary shall exercise his or her discretion to waive, in whole or in part, the amount
2 of any such payments where the recovery would be against equity and good conscience.

3 **"§ 96A-13. Elective coverage.**

4 (a) A self-employed person, including a sole proprietor, partner, or joint venturer, may
5 elect coverage under this Chapter for an initial period of not less than three years. The
6 self-employed person must file a notice of election in writing with the Assistant Secretary, as
7 required by the Division. The election becomes effective on the date of filing the notice. As a
8 condition of election, the self-employed person must agree to supply any information concerning
9 income that the Division deems necessary.

10 (b) A self-employed person who has elected coverage may withdraw from coverage
11 within 30 days after the end of the three-year period of coverage, or at such other times as the
12 Assistant Secretary may prescribe by rule, by filing written notice with the Assistant Secretary,
13 such withdrawal to take effect not sooner than 30 days after filing the notice.

14 **"§ 96A-14. Family and medical leave insurance program.**

15 (a) The Division shall establish and administer a family and medical leave insurance
16 program and begin collecting contributions as specified in this Chapter. By January 1, 2025, the
17 Division shall start receiving claims from and paying family and medical leave insurance benefits
18 to covered individuals.

19 (b) The Division shall establish reasonable procedures and forms for filing claims for
20 benefits under this Chapter and shall specify what supporting documentation is necessary to
21 support a claim for benefits, including any documentation required from a health care provider
22 for proof of a serious health condition.

23 (c) The Division shall notify the employer within five business days of a claim being
24 filed pursuant to this Chapter.

25 (d) The Division shall use information sharing and integration technology to facilitate the
26 disclosure of relevant information or records, so long as an individual consents to the disclosure
27 as required under State law.

28 (e) Information contained in the files and records pertaining to an individual under this
29 Chapter are confidential and not open to public inspection other than to public employees in the
30 performance of their official duties. However, the individual or an authorized representative of
31 an individual may review the records or receive specific information from the records upon the
32 presentation of the individual's signed authorization.

33 (f) The Department of Commerce shall adopt rules as necessary to implement this
34 Chapter.

35 **"§ 96A-15. Federal income tax.**

36 If the Internal Revenue Service determines that family and medical leave insurance benefits
37 under this Chapter are subject to federal income tax, the Division must advise an individual filing
38 a new claim for family and medical leave insurance benefits, at the time of filing such claim, that
39 the Internal Revenue Service has determined that benefits are subject to federal income tax and
40 that requirements exist pertaining to estimated tax payments.

41 **"§ 96A-16. Family and medical leave insurance account fund; establishment and**
42 **investment.**

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1 (a) The Paid Family and Medical Leave Fund (Fund) is created in the custody of the
2 Division. Expenditures from the Fund may be used only for the purposes of the family and
3 medical leave insurance benefits program. Only the Assistant Secretary of the Division or the
4 Assistant Secretary's designee may authorize expenditures from the Fund.

5 (b) Whenever, in the judgment of the Division, there shall be in the Fund an amount of
6 funds in excess of that amount deemed by the Division to be sufficient to meet the current
7 expenditures properly payable therefrom, the Division shall have full power to invest, reinvest,
8 manage, contract, sell, or exchange investments acquired with such excess funds in the manner
9 prescribed by North Carolina law.

10 **"§ 96A-17. Employer Grant Fund.**

11 There is created in the Department of Commerce the Employer Grant Fund to offset the costs
12 of the program for employers that demonstrate the need for financial assistance in meeting the
13 requirements of this Chapter. The Employer Grant Fund shall consist of appropriations from the
14 General Fund. Donations from public agencies and private sources may be accepted if the
15 donations are unconditional and unrestricted. The Department of Commerce shall adopt rules for
16 the administration of the grant funds.

17 **"§ 96A-18. Reports.**

18 Beginning January 1, 2026, the Division shall report to the General Assembly by April 1 of
19 each year on projected and actual program participation by purpose listed in G.S. 96A-2, gender
20 of beneficiary, premium rates, fund balances, outreach efforts, and, for leaves taken under
21 G.S. 96A-2, family members for whom leave was taken to provide care.

22 **"§ 96A-19. Public education.**

23 The Division shall conduct a public education campaign to inform workers and employers
24 regarding the availability of family and medical leave insurance benefits. Outreach information
25 shall be available in English, Spanish, French, German, Vietnamese, Chinese, Arabic, Korean,
26 Tagalog, Hindi, Gujarati, Russian, Hmong, and other languages spoken by more than five percent
27 (5%) of the State's population.

28 **"§ 96A-20. Sharing technology.**

29 The Division is encouraged to use State data collection and technology to the extent possible
30 and to integrate the program with existing State policies.

31 **"§ 96A-21. Severability.**

32 If any provision of this Chapter or its application to any person or circumstance is held
33 invalid, the remainder of the Chapter or the application of the provision to other persons or
34 circumstances is not affected.'

35 **SECTION 5.10.(b)** All rules necessary for implementation of this section shall be
36 adopted by October 1, 2023."; and

37
38 further moves to amend page 10, line 9, by reducing the unappropriated balance remaining by
39 the sum of nineteen million dollars (\$19,000,000) in the 2023-2024 fiscal year and the sum of
40 thirty million dollars (\$30,000,000) in the 2024-2025 fiscal year and appropriating said sums to
41 the Department of Commerce, Employer Grant Fund, to offset employer costs of the Paid Family
42 Medical Leave Act.; and by adjusting the appropriate totals accordingly; and
43

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1 moves to amend the bill on page 56, lines 25-26, by inserting the following between the lines:

2 **"PROHIBIT DISCRIMINATION IN THE PAYMENT OF WAGES ON THE BASIS OF**
3 **THE GENDER OF THE EMPLOYEE**

4 **SECTION 5.11.(a)** Article 2A of Chapter 95 of the General Statutes is amended by
5 adding a new section to read:

6 **'§ 95-25.6A. Discrimination in payment of wages on basis of gender of employee prohibited.**

7 (a) Definitions. – The following definitions apply in this section:

8 (1) Comparable work. – Work that is substantially similar in that it requires
9 substantially similar skill, effort, and responsibility and is performed under
10 similar working conditions; however, a job title or job description alone does
11 not determine comparability.

12 (2) Working conditions. – The circumstances customarily taken into
13 consideration in setting salary or wages, including reasonable shift
14 differentials, physical surroundings, and hazards encountered in performing a
15 job.

16 (b) Comparable Pay Required. – No employer shall discriminate in any way on the basis
17 of gender in the payment of salary or wages, including benefits and other compensation, or pay
18 any person salary or wage rates less than the rates paid to employees of a different gender for
19 comparable work, except that the following variations in salary and wages, including benefits or
20 other compensation, are not prohibited by this section if the variations are based upon:

21 (1) A bona fide system that rewards seniority with the employer, if time spent on
22 leave due to a pregnancy-related condition and protected parental, family, and
23 medical leave shall not reduce seniority.

24 (2) A bona fide merit system.

25 (3) A bona fide system that measures earnings by quantity or quality of
26 production or sales.

27 (4) The geographic location in which a job is performed.

28 (5) Education, training, or experience to the extent such factors are reasonably
29 related to the particular job in question and consistent with business necessity.

30 (6) Travel, if the travel is a regular and necessary condition of the particular job.

31 An employer who is paying a wage differential in violation of this section shall not reduce
32 the pay of any employee in order to comply with this section.

33 (c) Unlawful Practices. – It is an unlawful practice for an employer to do any of the
34 following:

35 (1) Require, as a condition of employment, that an employee refrain from
36 inquiring about, discussing, or disclosing information about either the
37 employee's own wages, including benefits or other compensation, or about
38 any other employee's wages.

39 (2) Screen job applicants based upon their wage, including benefits or other
40 compensation, or salary histories, including by requiring that an applicant's
41 prior wages, including benefits or other compensation or salary history, satisfy
42 minimum or maximum criteria.

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1 (3) Seek the salary history of any prospective employee from any current or
2 former employer. A prospective employee may provide written authorization
3 to a prospective employer to confirm prior wages only after any offer of
4 employment with compensation has been made to the prospective employee.

5 (4) Discharge or in any manner retaliate against any employee because the
6 employee (i) opposed any act or practice made unlawful by this section, (ii)
7 made or is about to make a complaint or has caused or is about to cause to be
8 instituted any proceeding under this section, (iii) testified or is about to testify,
9 assist, or participate in any manner in an investigation or proceeding under
10 this section, or (iv) disclosed the employee's wages, benefits, or other
11 compensation or has inquired about or discussed the wages of any other
12 employee.

13 (d) Violations. – Any employer who violates this section shall be liable to the employee
14 affected in the amount of the employee's unpaid salary or wages, including benefits or other
15 compensation. Any agreement between the employer and an employee to work for less than the
16 wage to which the employee is entitled under this section shall be no defense to an action. An
17 employee's previous wage or salary history shall not be a defense to an action. The court may, in
18 addition to any judgment awarded to the plaintiff, allow a reasonable attorneys' fee and the costs
19 of the action to be paid by the defendant.

20 Any action arising under this section shall be commenced within three years after the date of
21 the alleged violation. For the purposes of this section, a violation occurs when (i) a discriminatory
22 compensation decision is made or other practice is adopted, (ii) an employee becomes subject to
23 a discriminatory compensation decision or other practice, or (iii) an employee is affected by
24 application of a discriminatory compensation decision or practice, including each time wages,
25 benefits, or other compensation are paid, resulting in whole or in part from such a decision or
26 practice.

27 (e) Notices. – Employers shall post a notice in their workplaces notifying employees of
28 their rights under this section. The notice shall be posted in a conspicuous place in at least one
29 location where employees congregate.'

30 **SECTION 5.11.(b)** This act becomes effective January 1, 2024."; and

31
32 further moves to adjust the appropriate totals accordingly.

SIGNED _____
Amendment Sponsor

**The official copy of this document, with signatures
and vote information, is available in the
Senate Principal Clerk's Office**