

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

SESSION LAW 2026-13
HOUSE BILL 258

AN ACT TO AMEND THE RETALIATORY EMPLOYMENT DISCRIMINATION ACT TO SPECIFY THE CONTENTS AND FILING METHODS FOR COMPLAINTS, AUTHORIZE RESPONDENTS TO SUBMIT POSITION STATEMENTS, CLARIFY THE TREATMENT OF EXTRANEOUS MATERIALS SUBMITTED WITH COMPLAINTS, AND PROVIDE FOR COMPUTATION OF TIME UNDER THAT ARTICLE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 95-242 reads as rewritten:

"§ 95-242. Complaint; investigation; conciliation.

(a) An employee allegedly aggrieved by a violation of G.S. 95-241 may file a written complaint with the Commissioner of Labor alleging the violation. A complaint must contain all of the following:

- (1) The name, phone number, address, and email address, if known, of the complainant.
- (2) The name and address of the respondent.
- (3) The name, phone number, and email address, if known, of the human resources manager or other point of contact for the respondent.
- (4) The name, phone number, and email address, if known, of the supervisor of the complainant at the time of the alleged retaliatory action.
- (5) Identification of the protected activity listed in G.S. 95-241(a)(1) engaged in by the complainant prior to the alleged retaliatory action.
- (6) Form 18 from any relevant workers' compensation claim, if one exists.
- (7) A statement of the facts outlining the protected activity engaged in by the complainant prior to the alleged retaliatory action.
- (8) A description of the alleged retaliatory action and any relevant facts known to plaintiff that would explain a legitimate, nondiscriminatory reason for the adverse employment action.
- (9) The date of the most recent alleged retaliatory action.
- (10) The signature of the complainant.

If the complaint is filed by anyone other than the complainant, except an attorney, the filer shall submit a written authorization dated and signed by the complainant allowing the person to file the complaint on the complainant's behalf. The complaint shall be filed through a form on the Department's website, by mail, or by email within 180 days of the alleged violation. If a complainant files a partial complaint within 180 days, the Department shall notify the complainant of any deficiencies and the complainant shall have 30 days to submit a full complaint. Within 20 days following receipt of the complaint, the Commissioner shall forward a copy of the ~~complaint~~ full complaint to the person alleged to have committed the violation and shall initiate an investigation. Any extraneous materials submitted along with the complaint shall not be considered in the investigation and shall be destroyed. Notwithstanding G.S. 132-6 or any other provision of law, extraneous materials shall not be deemed public records and shall not be subject to inspection or examination. Within seven days of receipt of the complaint, the



respondent may submit a position statement outlining affirmative defenses. Nothing in this subsection shall be construed to prevent the Commissioner from initiating an investigation prior to receiving a response from the respondent. If the Commissioner determines after the investigation that there is not reasonable cause to believe that the allegation is true, the Commissioner shall dismiss the complaint, promptly notify the employee and the respondent, and issue a right-to-sue letter to the employee that will enable the employee to bring a civil action pursuant to G.S. 95-243. If the Commissioner determines after investigation that there is reasonable cause to believe that the allegation is true, the Commissioner shall attempt to eliminate the alleged violation by informal methods which may consist of conference, conciliation, and persuasion. The Commissioner shall make a determination as soon as possible and, in any event, not later than 90 days after the filing of the complaint.

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SECTION 2. Article 21 of Chapter 95 of the General Statutes is amended by adding a new section to read:

"§ 95-246. Computation of time.

Computation of time under this Article shall be in accordance with G.S. 1A-1, Rule 6."

SECTION 3. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 17th day of June, 2026.

s/ Rachel Hunt
President of the Senate

s/ Mitchell S. Setzer
Speaker Pro Tempore of the House of
Representatives

s/ Josh Stein
Governor

Approved 3:25 p.m. this 22nd day of June, 2026