

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2015

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HOUSE BILL 816

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

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

*For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.*

Referred to: Commerce and Job Development, if favorable, Judiciary III.

April 15, 2015

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.



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

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

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

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

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

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

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

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

- 25               (1)    File a claim or complaint, initiate any inquiry, investigation, inspection,  
26               proceeding or other action, or testify or provide information to any person  
27               with respect to any of the following:  
28                   a.    Chapter 97 of the General Statutes.  
29                   b.    Article 2A or Article 16 of this Chapter.  
30                   c.    Article 2A of Chapter 74 of the General Statutes.  
31                   d.    G.S. 95-28.1.  
32                   e.    Article 16 of Chapter 127A of the General Statutes.  
33                   f.    G.S. 95-28.1A.  
34                   g.    Article 52 of Chapter 143 of the General Statutes.  
35                   h.    Article 5F of Chapter 90 of the General Statutes.  
36                   i.    G.S. 95-28.3.

- 37               (2)    Cause any of the activities listed in subdivision (1) of this subsection to be  
38               initiated on an employee's behalf.
- 39               (3)    Exercise any right on behalf of the employee or any other employee afforded  
40               by Article 2A or Article 16 of this Chapter, by Article 2A of Chapter 74 of  
41               the General Statutes, or by Article 52 of Chapter 143 of the General Statutes.
- 42               (4)    Comply with the provisions of Article 27 of Chapter 7B of the General  
43               Statutes.
- 44               (5)    Exercise rights under Chapter 50B. Actions brought under this subdivision  
45               shall be in accordance with the provisions of G.S. 50B-5.5."

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