

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017**

H

1

HOUSE BILL 543*

Short Title: Caregiver Relief Act. (Public)

Sponsors: Representatives Fisher, Farmer-Butterfield, Cunningham, and Insko (Primary Sponsors).

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Aging, if favorable, Commerce and Job Development, if favorable, Regulatory Reform

April 3, 2017

A BILL TO BE ENTITLED

AN ACT AMENDING THE LABOR LAWS TO PROVIDE RELIEF FOR CAREGIVERS IN THIS STATE.

Whereas, there are 1.7 million family caregivers in North Carolina providing care to an adult with limitations in daily activities at some time during the year; and

Whereas, North Carolina in 2015 ranked sixth in the nation in the number of children under 18 living in households where a grandparent provides the child's primary care; and

Whereas, there are the almost 102,000 grandparents responsible for their own grandchildren; and

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

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

Whereas, North Carolina's workforce is graying, with 40% of the workforce aged 45 and older and approximately 10% aged 60 and older, and those older workers have to tend to their own health needs as well as those of the persons that they are caring for; and

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

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

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

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

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

Whereas, in this economy, families are relying on broader caregiving arrangements that rely on grandparents, stepparents, in-laws, and siblings; and



1 Whereas, the federal Family and Medical Leave Act is a critical caregiving support
2 but only accessible to eligible employees caring for immediate family members and not
3 grandparents, grandchildren, siblings, or stepparents; Now, therefore,
4 The General Assembly of North Carolina enacts:

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

7 "Article 24.

8 "Caregiver Relief Act.

9 "§ 95-274. Short title; purpose.

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

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

14 "§ 95-275. Definitions.

15 The following definitions apply to this Article:

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

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

19 (3) FMLA. – The federal Family and Medical Leave Act of 1993, 29 U.S.C. §
20 2601, et seq., as amended.

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

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

25 "§ 95-276. Eligibility.

26 (a) General Rule. – An employer required to comply with the FMLA shall provide the
27 same leave to an eligible employee to care for a sibling, grandparent, grandchild, stepparent, or
28 parent-in-law that the eligible employee is entitled to under the FMLA at 29 U.S.C. §§ 2614
29 and 2615, as amended, with respect to a spouse, son, daughter, or parent of the eligible
30 employee for the eligible employee's sibling, grandparent, grandchild, stepchild, stepparent, or
31 parent-in-law.

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

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

39 "§ 95-277. Enforcement; applicability.

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

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

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

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

47 (1) File a claim or complaint, initiate any inquiry, investigation, inspection,
48 proceeding or other action, or testify or provide information to any person
49 with respect to any of the following:

50 a. Chapter 97 of the General Statutes.

51 b. Article 2A or Article 16 of this Chapter.

- 1 c. Article 2A of Chapter 74 of the General Statutes.
- 2 d. G.S. 95-28.1.
- 3 e. Article 16 of Chapter 127A of the General Statutes.
- 4 f. G.S. 95-28.1A.
- 5 g. Article 52 of Chapter 143 of the General Statutes.
- 6 h. Article 5F of Chapter 90 of the General Statutes.
- 7 i. Article 24 of Chapter 95 of the General Statutes."

8 **SECTION 3.** This act becomes effective July 1, 2017, and applies to covered
9 employers and eligible employees on or after that date.