GENERAL ASSEMBLY OF NORTH CAROLINA **SESSION 2017**

S

SENATE BILL 463*

Short Title:	Caregiver Relief Act.	(Public)			
Sponsors:	Senators Bryant, Robinson, Foushee (Primary Sponsors); Waddell.	Van Duyn and			
Referred to:	Rules and Operations of the Senate				

March 30, 2017

A BILL TO BE ENTITLED

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 1.7 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, North Carolina in 2015 ranked sixth in the nation in the number of
7	children under 18 living in households where a grandparent provides the child's primary care;
8	and
9	Whereas, there are the almost 102,000 grandparents responsible for their own
10	grandchildren; and
11	Whereas, families provide at least 80% of all care services needed to help their
12	relatives live in their homes; and
13	Whereas, North Carolina's population aged 65 and older is expected to double by
14	2050; and
15	Whereas, North Carolina's workforce is graying, with 40% of the workforce aged 45
16	and older and approximately 10% aged 60 and older, and those older workers have to tend to
17	their own health needs as well as those of the persons that they are caring for; and
18	Whereas, numerous studies have shown that employees suffer severe financial
19	hardship in order to be responsible family members and provide minor children and aging
20	parents with the care they need; and
21	Whereas, North Carolinians who provide direct care for their family members
22	prevent the worsening of illnesses and promote strong recovery; and
23	Whereas, employees with caregiving responsibilities experience poorer health as a
24	result of the strain of balancing work and family duties, including significantly higher incidents
25	of depression, diabetes, hypertension, or pulmonary disease, regardless of age, gender, and
26	work type; and
27	Whereas, it has been found that employees with care responsibilities add additional
28	health care costs to employers due to their own poor health; and
29	Whereas, it has been found that caregiving supports in the workplace can save
30	businesses significant money associated with reduced incidences of absenteeism, crisis in care,
31	workday interruptions, supervisory time, and reduced hours; and
32	Whereas, in this economy, families are relying on broader caregiving arrangements

33 that rely on grandparents, stepparents, in-laws, and siblings; and



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When	eas, the federal Family and Medical Leave Ac	t is a critical caregiving support			
but only access	but only accessible to eligible employees caring for immediate family members and not				
grandparents, gra	andchildren, siblings, or stepparents; Now, there	efore,			
The General Ass	embly of North Carolina enacts:				
SEC	FION 1. Chapter 95 of the General Statutes	s is amended by adding a new			
Article to read:					
	" <u>Article 24.</u>				
	"Caregiver Relief Act.				
	t title; purpose.				
	Article shall be known and may be cited as the				
-	purpose of this Article is to provide for suppor	-			
	rs who provide direct care to certain family m				
	such leave would not be afforded to the caregiv	ers under federal law.			
" <u>§ 95-275. Defin</u>					
	g definitions apply to this Article:				
$\frac{(1)}{(2)}$	<u>Department. – The Department of Labor.</u> Eligible employee. – As defined in the FM	$\mathbf{I} \mathbf{A} \text{ at } 20 \mathbf{II} \mathbf{SC} = 8 2611(2) \mathbf{a} 3$			
(2)	amended.	<u>LA at 29 0.3.C. § 2011(2), as</u>			
<u>(3)</u>	<u>FMLA. – The federal Family and Medical I</u>	eave Act of 1993 29 IISC &			
<u>(5)</u>	2601, et seq., as amended.	<u>Leave Act of 1995, 29 0.5.C. §</u>			
<u>(4)</u>	<u>Grandchild. – The child of a biological, add</u>	opted, or foster child, stepchild,			
	legal ward, or a child of a person standing in				
(5)	Grandparent. – The parent of a parent as def				
<u></u>	amended.	,,,,			
" <u>§ 95-276. Elig</u> i					
	ral Rule. – An employer required to comply w	vith the FMLA shall provide the			
	eligible employee to care for a sibling, grandp				
	at the eligible employee is entitled to under the				
and 2615, as an	nended, with respect to a spouse, son, daug	ghter, or parent of the eligible			
employee for the	e eligible employee's sibling, grandparent, gran	dchild, stepchild, stepparent, or			
parent-in-law.					
	ctions. – An eligible employee who takes leav	-			
	entitled to the same protections and rights that				
	ILA at 29 U.S.C. §§ 2614 and 2615, as amer				
	nd interference, the right to reinstatement, a	nd the right to continuation of			
health care benet		whole shall be taken ' d			
	unt of Leave. – The leave granted under this A				
	er the same conditions, and the same restriction	s on use of feave apply.			
	rcement; applicability. ceability. – Any right or obligation created by	this Article is enforceable by a			
	dition to any other remedies at law or in equity				
	cability. – This Article applies to all employers				
the FMLA."	called apples to an employets	s in this state who are subject to			
	FION 2. G.S. 95-241(a)(1) reads as rewritten:				
SEC"	erson shall discriminate or take any retaliato	ory action against an employee			
"(a) No p	ovee in good faith does or threatens to do any o	• • • • •			
"(a) No p	loyee in good faith does or threatens to do any of File a claim or complaint, initiate any inc	of the following:			
"(a) No p because the emp		of the following: quiry, investigation, inspection,			
"(a) No p because the emp	File a claim or complaint, initiate any inc	of the following: quiry, investigation, inspection,			
"(a) No p because the emp	File a claim or complaint, initiate any inc proceeding or other action, or testify or pro	of the following: quiry, investigation, inspection,			

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1	С.	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	<u>i.</u>	Article 24 of Chapter 95 of the General Statutes."	
8	SECTION 3	. This act becomes effective July 1, 2017, and app	lies to covered
9	employers and eligible en	nployees on or after that date.	