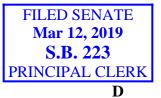
GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2019



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SENATE BILL DRS45096-LR-52B

Short Title:	Caregiver Relief Act.	(Public)
Sponsors:	Senators Robinson, Foushee, and Garrett (Primary Sponsors).	
Referred to:		

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 1.3 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, families provide at least 80% of all care services needed to help their
7	relatives live in their homes; and
8	Whereas, there were more than 98,000 North Carolina grandparents acting as primary
9	caregivers for their grandchildren in 2017; and
10	Whereas, 58% of grandparents who are primary caregivers to their grandchildren are
11	also still participating in the workforce; and
12	Whereas, North Carolina's population aged 65 and older is expected to double by
13	2050; and
14	Whereas, North Carolina's workforce is aging, with more than one million working
15	people aged 50 years and older in 2017; and
16	Whereas, numerous studies have shown that employees suffer severe financial
17	hardship in order to be responsible family members and provide minor children and aging parents
18	with the care they need; and
19	Whereas, North Carolinians who provide direct care for their family members prevent
20	the worsening of illnesses and promote strong recovery; and
21	Whereas, employees with caregiving responsibilities experience negative health
22	outcomes as a result of the strain of balancing work and family duties, including significantly
23	higher incidents of depression, diabetes, hypertension, or pulmonary disease, regardless of age,
24	gender, and work type; and
25	Whereas, it has been found that employees with care responsibilities add additional
26	health care costs to employers due to their own poor health; and
27	Whereas, it has been found that caregiving supports in the workplace can save
28	businesses significant money associated with reduced incidences of absenteeism, crisis in care,
29	workday interruptions, supervisory time, and reduced hours; and
30	Whereas, primary caregiver duties often rest on grandparents, grandchildren,
31	stepparents, stepchildren, uncles, aunts, nieces, nephews, in-laws, and siblings; and
32	Whereas, the federal Family and Medical Leave Act is a critical caregiving support,
33	but is only accessible to eligible employees caring for immediate, nuclear family members; Now,
34	therefore,
35	The General Assembly of North Carolina enacts:



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General Asse	mbly Of North Carolina	Session 2019		
SE	CTION 1. Chapter 95 of the General Statutes is amended	d by adding a new Article		
to read:				
	" <u>Article 24.</u>			
	"Caregiver Relief Act.			
" <u>§ 95-274. Sh</u>	<u>ort title; purpose.</u>			
<u>(a)</u> <u>Th</u>	s Article shall be known and may be cited as the "Caregi	iver Relief Act."		
<u>(b)</u> <u>Th</u>	e purpose of this Article is to provide for supports in the w	vorkplace under State law		
for caregivers	who provide direct care to certain family members i	n need of care in those		
instances when	e such leave would not be afforded to the caregivers und	ler federal law.		
" <u>§ 95-275. De</u>				
The follow	ring definitions apply to this Article:			
<u>(1)</u>	<u>Department. – The Department of Labor.</u>			
<u>(2)</u>	Eligible employee. – As defined in the FMLA at	29 U.S.C. § 2611(2), as		
	amended.			
<u>(3)</u>	FMLA. – The federal Family and Medical Leave A	<u>Act of 1993, 29 U.S.C. §</u>		
	2601, et seq., as amended.			
<u>(4)</u>	Grandchild. – The child of a biological, adopted, of	-		
	legal ward, or a child of a person standing in loco pa	± •		
<u>(5)</u>	Grandparent. – The parent of a parent as defined by	<u>v 29 U.S.C. § 2611(7), as</u>		
	amended.			
" <u>§ 95-276. El</u>				
	neral Rule – An employer required to comply with the	-		
	an eligible employee to care for a grandchild, sibling, don	-		
· ·	ndparent of an employee, or a spouse, domestic partner, o	-		
	dparent of the employee, or a sibling of a spouse, domes	-		
partner of the employee, or any other individual related by blood to the employee or whose close				
	th the employee is the equivalent of a family relationship t			
	under the FMLA at 29 U.S.C. §§ 2614 and 2615, as am	_		
-	laughter, or parent of the eligible employee for the el			
-	oling, spouse, domestic partner, civil union partner, pare	- -		
	spouse, domestic partner, or civil union partner of a par			
	sibling of a spouse, domestic partner, or civil union pa			
•	vidual related by blood to the employee or whose cle e equivalent of a family relationship.	use association with the		
	tections. – An eligible employee who takes leave provide	ad under subsection (a) of		
	entitled to the same protections and rights that an eligible			
	LA at 29 U.S.C. §§ 2614 and 2615, as amended, in	1 •		
	and interference, the right to reinstatement, and the right			
care benefits.	and interference, the right to remistatement, and the right			
	nount of Leave. – The leave granted under this Article sl	hall he taken in the same		
	der the same conditions, and the same restrictions on use			
	forcement; applicability.	<u>o or iouvo appry.</u>		
	Forceability. – Any right or obligation created by this A	rticle is enforceable by a		
	addition to any other remedies at law or in equity.	niere is enforceable by a		
	plicability. – This Article applies to all employers in this	State who are subject to		
the FMLA."	successive, and there applies to an employers in this	state who are subject to		
	CTION 2. G.S. 95-241(a)(1) reads as rewritten:			
	person shall discriminate or take any retaliatory acti-	on against an employee		
• •	pologe in good faith does or threatens to do any of the fo	U I I		

	General Assem	bly Of I	North Carolina	Session 2019
1	(1)	File	a claim or complaint, initiate any inquiry, investigati	ion, inspection,
2		proce	eding or other action, or testify or provide information	n to any person
3		with	respect to any of the following:	• •
4		a.	Chapter 97 of the General Statutes.	
5		b.	Article 2A or Article 16 of this Chapter.	
6		c.	Article 2A of Chapter 74 of the General Statutes.	
7		d.	G.S. 95-28.1.	
8		e.	Article 16 of Chapter 127A of the General Statutes.	
9		f.	G.S. 95-28.1A.	
10		g.	Article 52 of Chapter 143 of the General Statutes.	
11		h.	Article 5F of Chapter 90 of the General Statutes.	
12		<u>i.</u>	Article 24 of Chapter 95 of the General Statutes."	
13	SEC	ΓΙΟΝ 3	B. This act becomes effective July 1, 2019, and app	lies to covered
14	employers and el	ligible e	mployees on or after that date.	