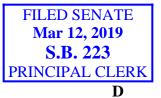
GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2019



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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 |
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| 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 | | |

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| 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. | |