GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2019

S

SENATE BILL 223

	Short Title:	Caregiver Relief Act.	(Public)					
	Sponsors:	Senators Robinson, Foushee, and Garrett (Primary Spons	sors).					
- -	Referred to:	Rules and Operations of the Senate						
		March 13, 2019						
1		A BILL TO BE ENTITLED						
2	AN ACT AM	IENDING THE LABOR LAWS TO PROVIDE RELIEF	FOR CAREGIVERS IN					
3	THIS ST	THIS STATE.						
4	W	hereas, there are 1.3 million family caregivers in North Ca	arolina providing care to					
5		limitations in daily activities at some time during the year						
6	W	hereas, families provide at least 80% of all care servic	es needed to help their					
7	relatives live	in their homes; and						
8		hereas, there were more than 98,000 North Carolina grand	parents acting as primary					
9	•	their grandchildren in 2017; and						
10		hereas, 58% of grandparents who are primary caregivers to	o their grandchildren are					
11	1	cipating in the workforce; and						
12		hereas, North Carolina's population aged 65 and older is	s expected to double by					
13	2050; and							
14		hereas, North Carolina's workforce is aging, with more th	nan one million working					
15	1 1 0	50 years and older in 2017; and						
16		Whereas, numerous studies have shown that employees suffer severe financia						
17	hardship in order to be responsible family members and provide minor children and aging parents							
18		with the care they need; and						
19		hereas, North Carolinians who provide direct care for their	family members prevent					
20	the worsening of illnesses and promote strong recovery; and							
21		hereas, employees with caregiving responsibilities exp						
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	•	vork type; and						
25		hereas, it has been found that employees with care respon-	nsibilities add additional					
26		osts to employers due to their own poor health; and						
27		hereas, it has been found that caregiving supports in t	-					
28	•	gnificant money associated with reduced incidences of ab-	senteeism, crisis in care,					
29	workday interruptions, supervisory time, and reduced hours; and							
30		hereas, primary caregiver duties often rest on grand						
31		tepchildren, uncles, aunts, nieces, nephews, in-laws, and s	-					
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:							



	General Assem	ably Of North Carolina	Session 2019					
	SEC	TION 1. Chapter 95 of the General Statutes is amen	ided by adding a new Article					
	to read:							
		" <u>Article 24.</u>						
		"Caregiver Relief Act.						
	"§ 95-274. Short title; purpose.							
		Article shall be known and may be cited as the "Car						
		purpose of this Article is to provide for supports in the						
		who provide direct care to certain family member						
		such leave would not be afforded to the caregivers u	<u>under federal law.</u>					
" <u>§ 95-275. Definitions.</u>								
	The following	ng 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	<u>at 29 U.S.C. § 2611(2), as</u>					
		amended.						
	<u>(3)</u>	FMLA. – The federal Family and Medical Leave	<u>e Act of 1993, 29 U.S.C. §</u>					
		<u>2601, et seq., as amended.</u>						
	<u>(4)</u>	<u>Grandchild. – The child of a biological, adopted</u>						
		legal ward, or a child of a person standing in loco	± •					
	<u>(5)</u>	<u>Grandparent. – The parent of a parent as defined</u>	by 29 U.S.C. § 2611(7), as					
		amended.						
	" <u>§ 95-276. Elig</u>							
		eral Rule – An employer required to comply with the second s						
		n eligible employee to care for a grandchild, sibling, c	-					
		dparent of an employee, or a spouse, domestic partne	-					
		parent of the employee, or a sibling of a spouse, dom	-					
	partner of the employee, or any other individual related by blood to the employee or whose close							
association with the employee is the equivalent of a family relationship that the eligible employee								
is entitled to under the FMLA at 29 U.S.C. §§ 2614 and 2615, as amended, with respect to a spouse, son, daughter, or parent of the eligible employee for the eligible employee's child,								
1	*	ing, spouse, domestic partner, civil union partner, p	• • •					
	-	spouse, domestic partner, or civil union partner of a						
employee, or a sibling of a spouse, domestic partner, or civil union partner of the employee, or any other individual related by blood to the employee or whose close association with the								
employee is the equivalent of a family relationship.								
	· ·	ections. – An eligible employee who takes leave prov	vided under subsection (a) of					
		ntitled to the same protections and rights that an elig						
		A at 29 U.S.C. §§ 2614 and 2615, as amended,						
		and interference, the right to reinstatement, and the right						
	care benefits.							
•		ount of Leave. – The leave granted under this Article	e shall be taken in the same					
		ler the same conditions, and the same restrictions on						
		orcement; applicability.						
		prceability. – Any right or obligation created by this	Article is enforceable by a					
		ddition to any other remedies at law or in equity.						
	(b) Applicability. – This Article applies to all employers in this State who are subject to							
	(b) Appl	<u>neubling</u> : <u>This Fittele applies to an employeds in t</u>	uns state who are subject to					
	(b) <u>Appl</u> the FMLA."	neusinty. This ratio applies to an employers in t	uns state who are subject to					
	the FMLA."	CTION 2. G.S. 95-241(a)(1) reads as rewritten:						
	the FMLA." SEC							

	General Assem	Session 2019		
1	(1)	File	a claim or complaint, initiate any inquiry, investigation	on, inspection,
2			eding or other action, or testify or provide information	· · ·
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. This act becomes effective July 1, 2019, and appl	ies to covered
14	employers and e	ligible	employees on or after that date.	