

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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SENATE BILL DRS55048-LRxfa-99E

Short Title: Working Families Act.

(Public)

Sponsors: Senators Marcus, Meyer, and Mohammed (Primary Sponsors).

Referred to:

A BILL TO BE ENTITLED

AN ACT REDUCING PARENT COPAYMENTS FOR SUBSIDIZED CHILD CARE, REENACTING THE CHILD TAX CREDIT, INCREASING THE STATE MINIMUM WAGE TO FIFTEEN DOLLARS PER HOUR ON LABOR DAY 2023 AND GRANTING LOCAL GOVERNMENTS FLEXIBILITY TO SET A HIGHER LOCAL MINIMUM WAGE, INCREASING THE INCOME ELIGIBILITY LIMIT FOR THE PROPERTY TAX HOMESTEAD CIRCUIT BREAKER, CREATING A HOMEBUYERS' ASSISTANCE PROGRAM WITH THE NORTH CAROLINA HOUSING FINANCE AGENCY FOR FIRST-TIME HOMEBUYERS WHO WORK AS PUBLIC SERVANTS, AND ENACTING THE NORTH CAROLINA PAID FAMILY LEAVE INSURANCE ACT TO HELP WORKING FAMILIES AND CREATING THE EMPLOYER GRANT FUND TO OFFSET COSTS INCURRED BY EMPLOYERS AND APPROPRIATING FUNDS FOR THAT PURPOSE.

The General Assembly of North Carolina enacts:

CHILD CARE SUBSIDIES

SECTION 1.1.(a) Section 9C.4(b) of S.L. 2021-180 reads as rewritten:

"**SECTION 9C.4.(b)** Fees for families who are required to share in the cost of care are established based on ~~ten percent (10%)~~ seven percent (7%) of gross family income. When care is received at the blended rate, the copayment shall be eighty-three percent (83%) of the full-time copayment. Copayments for part-time care shall be seventy-five percent (75%) of the full-time copayment."

SECTION 1.1.(b) This section becomes effective July 1, 2023.

REENACT CHILD TAX CREDIT

SECTION 2.1.(a) G.S. 105-153.10 is reenacted as it existed immediately before its expiration and reads as rewritten:

"**§ 105-153.10. Credit for children.**

(a) Credit. – ~~A taxpayer who is allowed a federal child tax credit under section 24 of the Code for the taxable year is allowed a credit against the tax imposed by this Part for each dependent child for whom the taxpayer is allowed the federal credit. A taxpayer is allowed a credit against the tax imposed by this Part for each qualifying child of the taxpayer. A "qualifying child" is defined by section 152(c) of the Code.~~ The amount of credit allowed under this section for the taxable year is equal to the amount listed in the table below based on the taxpayer's adjusted gross income, as calculated under the Code:

Filing Status

AGI

Credit Amount



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1	Married, filing jointly	Up to \$40,000	\$125.00 <u>\$250.00</u>
2		Over \$40,000	
3		Up to \$100,000	\$100.00 <u>\$125.00</u>
4		Over \$100,000	0
5	Head of Household	Up to \$32,000	\$125.00 <u>\$250.00</u>
6		Over \$32,000	
7		Up to \$80,000	\$100.00 <u>\$125.00</u>
8		Over \$80,000	0
9	Single	Up to \$20,000	\$125.00 <u>\$250.00</u>
10		Over \$20,000	
11		Up to \$50,000	\$100.00 <u>\$125.00</u>
12		Over \$50,000	0
13	Married, filing separately	Up to \$20,000	\$125.00 <u>\$250.00</u>
14		Over \$20,000	
15		Up to \$50,000	\$100.00 <u>\$125.00</u>
16		Over \$50,000	0.

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21 (b) Limitations. – A nonresident or part-year resident who claims the credit allowed by
22 this section shall reduce the amount of the credit by multiplying it by the fraction calculated under
23 G.S. 105-134.5(b) or (c), as appropriate. The credit allowed under this section may not exceed the
24 amount of tax imposed by this Part for the taxable year reduced by the sum of all credits allowed,
25 except payments of tax made by or on behalf of the taxpayer. G.S. 105-153.4. Married individuals
26 qualifying for a credit under this section who file separate returns may not collectively claim
27 more than the maximum credit allowed under a joint return.

28 (c) Credit Refundable. – If the credit allowed by this section exceeds the amount of tax
29 imposed by this Part for the taxable year reduced by the sum of all credits allowable, the Secretary
30 must refund the excess to the taxpayer. The refundable excess is governed by the provisions
31 governing a refund of an overpayment by the taxpayer of the tax imposed in this Part. In
32 computing the amount of tax against which multiple credits are allowed, nonrefundable credits
33 are subtracted before refundable credits."

34 **SECTION 2.1.(b)** This section is effective for taxable years beginning on or after
35 January 1, 2023.

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37 **INCREASE STATEWIDE MINIMUM WAGE AND ALLOW HIGHER LOCAL**
38 **MINIMUM WAGE**

39 **SECTION 3.1.(a)** Effective Labor Day, September 4, 2023, G.S. 95-25.3(a) reads
40 as rewritten:

41 "(a) Every employer shall pay to each employee who in any workweek performs any work,
42 wages of at least ~~six dollars and fifteen cents (\$6.15)~~ fifteen dollars (\$15.00) per hour or the
43 minimum wage set forth in paragraph 1 of section 6(a) of the Fair Labor Standards Act, 29 U.S.C.
44 206(a)(1), as that wage may change from time to time, whichever is higher, except as otherwise
45 provided in this section. A local government may adopt an ordinance establishing a local
46 minimum wage within its territorial jurisdiction that is higher than the statewide minimum wage;
47 then, in that case, every employer in the jurisdiction shall instead pay the higher local minimum
48 wage."

49 **SECTION 3.1.(b)** This section is effective when it becomes law.

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51 **INCOME ELIGIBILITY/PROPERTY TAX HOMESTEAD CIRCUIT BREAKER**

1 **SECTION 4.1.(a)** G.S. 105-277.1B reads as rewritten:

2 "**§ 105-277.1B. Property tax homestead circuit breaker.**

3 (a) Classification. – A permanent residence owned and occupied by a qualifying owner
4 is designated a special class of property under Article V, Section 2(2) of the North Carolina
5 Constitution and is taxable in accordance with this section.

6 ...

7 (f) Tax Limitation. – A qualifying owner may defer the portion of the principal amount
8 of tax that is imposed for the current tax year on his or her permanent residence and exceeds the
9 percentage of the qualifying owner's income set out in the table in this subsection. If a permanent
10 residence is subject to tax by more than one taxing unit and the total tax liability exceeds the tax
11 limit imposed by this section, then both the taxes due under this section and the taxes deferred
12 under this section must be apportioned among the taxing units based upon the ratio each taxing
13 unit's tax rate bears to the total tax rate of all units.

Income Over	Income Up To	Percentage
-0-	Income Eligibility Limit	4.0%
Income Eligibility Limit	150% <u>180%</u> of Income Eligibility Limit	5.0%
...."		

14 **SECTION 4.1.(b)** This section is effective for taxes imposed for taxable years
15 beginning on or after July 1, 2023.

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21 **HOMEBUYERS' ASSISTANCE PROGRAM**

22 **SECTION 5.1.(a)** As used in this section, the following definitions apply:

- 23 (1) Active duty member. – As defined in G.S. 58-58-335(1).
- 24 (2) Emergency medical services personnel. – As defined in G.S. 131E-155.
- 25 (3) Firefighter. – As defined in G.S. 58-84-5.
- 26 (4) First-time homebuyer. – An individual who meets all of the following criteria:
 - 27 a. Is purchasing the subject residential property.
 - 28 b. Will reside in the subject residential property as a principal residence.
 - 29 c. Has had no ownership interest, sole or joint, in a residential property
30 during the three-year period preceding the date of the purchase of the
31 subject residential property.
- 32 (5) Law enforcement officer. – An individual employed by the State or a local
33 government in this State as a sheriff, deputy sheriff, police officer, or member
34 of the State highway patrol.
- 35 (6) Public servant. – An active duty member or veteran, or a law enforcement
36 officer, teacher, firefighter, or emergency medical services personnel
37 employed in this State.
- 38 (7) Teacher. – An individual whose major responsibility is to either teach or
39 directly supervise teaching, as classified by the State Board of Education, in a
40 public school unit, as that term is defined in G.S. 115C-5.
- 41 (8) Veteran. – As defined in G.S. 122C-465(3).

42 **SECTION 5.1.(b)** The Housing Finance Agency (Agency) shall establish a program
43 operating under the Homeownership Assistance Fund, authorized under G.S. 122A-5.7, that
44 provides assistance to first-time homebuyers that are employed full time as public servants in this
45 State. The Agency shall provide, in the form of reimbursement or direct payment, monies to be
46 used for down payment assistance and to offset mortgage insurance premiums charged to
47 program participants. First-time homebuyers shall be limited to the lesser of the sum of
48 twenty-five thousand dollars (\$25,000) or ten percent (10%) of the purchase price for down
49 payment assistance, mortgage insurance premium assistance, and closing costs. The Agency may
50 provide for mortgage insurance payment assistance at least monthly, but for no longer than 60
51 months for any single first-time homebuyer.

1 SECTION 5.1.(c) The Agency is hereby empowered to adopt, modify, or repeal
 2 rules and regulations governing the provision of down payment assistance and mortgage
 3 insurance assistance provided pursuant to this section.

4 SECTION 5.1.(d) There is appropriated from the General Fund to the
 5 Homeownership Assistance Fund, authorized under G.S. 122A-5.7, the sum of one hundred fifty
 6 million dollars (\$150,000,000) in recurring funds for the 2023-2024 fiscal year to be used for the
 7 purposes provided in this act.

8 SECTION 5.1.(e) This section becomes effective July 1, 2023.
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10 PAID FAMILY LEAVE INSURANCE

11 SECTION 6.1.(a) Effective January 1, 2024, the General Statutes are amended by
 12 adding a new Chapter to read:

13 **Chapter 96A.**

14 **"Paid Family Leave Insurance Act."**

15 **"§ 96A-1. Short title; definitions."**

16 (a) This Chapter shall be known and may be cited as the "North Carolina Paid Family
 17 Leave Insurance Act."

18 (b) The following definitions apply in this Chapter:

19 (1) Application year. – The 12-month period beginning on the first day of the
 20 calendar week in which an individual files an application for family and
 21 medical leave insurance benefits.

22 (2) Assistant Secretary. – The Assistant Secretary of Commerce in charge of the
 23 Division of Employment Security.

24 (3) Covered individual. – Any person who does all of the following:

25 a. Meets the monetary eligibility criteria set forth in G.S. 96-14.1(b) or
 26 is self-employed, elects coverage, and meets the requirements of
 27 G.S. 96A-13.

28 b. Meets the administrative requirements outlined in this Chapter and in
 29 the rules adopted under this Chapter.

30 c. Submits an application.

31 (4) Covered service member. – Either:

32 a. A member of the Armed Forces, including a member of the National
 33 Guard or Reserves, who is (i) undergoing medical treatment,
 34 recuperation, or therapy, (ii) otherwise in outpatient status, or (iii)
 35 otherwise on the temporary disability retired list for a serious injury or
 36 illness that was incurred by the member in the line of duty on active
 37 duty in the Armed Forces or a serious injury or illness that existed
 38 before the beginning of the member's active duty and was aggravated
 39 by service in the line of duty on active duty in the Armed Forces; or
 40 b. A former member of the Armed Forces, including a former member of
 41 the National Guard or Reserves, who is undergoing medical treatment,
 42 recuperation, or therapy for a serious injury or illness that was incurred
 43 by the member in the line of duty on active duty in the Armed Forces
 44 or a serious injury or illness that existed before the beginning of the
 45 member's active duty and was aggravated by service in the line of duty
 46 on active duty in the Armed Forces and manifested before or after the
 47 member was discharged or released from service.

48 (5) Division. – The Division of Employment Security of the Department of
 49 Commerce.

50 (6) Employee. – Any individual employed by an employer.

- 1 (7) Employer. – Any person acting directly or indirectly in the interest of an
2 employer in relation to an employee. As used in this subdivision, "person"
3 means an individual, partnership, association, corporation, business trust,
4 legal representative, or any organized group of persons. For the purposes of
5 this Chapter, it also means the State of North Carolina, any city, town, county,
6 municipality, or any State or local agency or instrumentality of government.
7 The term does not include the government of the United States and any agency
8 of the United States (including the United States Postal Service and Postal
9 Rate Commission).
- 10 (8) Family and medical leave insurance benefits. – The benefits provided under
11 the terms of this Chapter.
- 12 (9) Family member. – Any of the following:
- 13 a. Regardless of age, a biological, adopted, or foster child, stepchild, or
14 legal ward, a child of a domestic partner, a child to whom the employee
15 stands in loco parentis, or a person to whom the employee stood in
16 loco parentis when the person was a minor.
- 17 b. A biological, adoptive, or foster parent, stepparent, or legal guardian
18 of an employee or an employee's spouse or domestic partner or a
19 person who stood in loco parentis when the employee or the
20 employee's spouse or domestic partner was a minor.
- 21 c. A person to whom the employee is legally married under the laws of
22 any state or a domestic partner of an employee as registered under the
23 laws of any state or political subdivision.
- 24 d. A grandparent, grandchild, or sibling (whether a biological, foster,
25 adoptive, or step relationship) of the employee or the employee's
26 spouse or domestic partner.
- 27 e. Any other individual related by blood or whose close association with
28 the employee is the equivalent of a family relationship.
- 29 (10) Health care provider. – Any person licensed under federal or North Carolina
30 law to provide medical or emergency services, including, but not limited to,
31 doctors, nurses and emergency room personnel, or certified midwives.
- 32 (11) Next of kin. – As defined in section 101(17) of the Family and Medical Leave
33 Act, 29 U.S.C. § 2611(17).
- 34 (12) Qualifying exigency leave. – Leave based on a need arising out of a covered
35 individual's family member's active duty service or notice of an impending
36 call or order to active duty in the Armed Forces, including, but not limited to,
37 providing for the care or other needs of the military member's child or other
38 family member, making financial or legal arrangements for the military
39 member, attending counseling, attending military events or ceremonies,
40 spending time with the military member during a rest and recuperation leave
41 or following return from deployment, or making arrangements following the
42 death of the military member.
- 43 (13) Retaliatory personnel action. – Denial of any right guaranteed under this
44 Chapter, including, but not limited to, any threat, discharge, suspension,
45 demotion, reduction of hours, any other adverse action against an employee
46 for the exercise of any right guaranteed herein, or reporting or threatening to
47 report an employee's suspected citizenship or immigration status or the
48 suspected citizenship or immigration status of a family member of the
49 employee to a federal, State, or local agency. Retaliatory personnel actions
50 shall also include interference with or punishment for in any manner

1 participating in or assisting an investigation, proceeding, or hearing under this
2 Chapter.

3 (14) Serious health condition. – An illness, injury, impairment, pregnancy,
4 recovery from childbirth, or physical or mental condition that involves
5 inpatient care in a hospital, hospice, or residential medical care facility, or
6 continuing treatment by a health care provider.

7 (15) State average weekly wage. – The average weekly insured wage as defined in
8 G.S. 96-1(b)(2).

9 **"§ 96A-2. Eligibility for benefits.**

10 Beginning January 1, 2025, family and medical leave insurance benefits are payable to an
11 individual who:

12 (1) Meets the definition of "covered individual" as defined by G.S. 96A-1(b)(3);
13 and

14 (2) Meets one of the following requirements:

15 a. Because of birth, adoption, or placement through foster care, is caring
16 for a new child during the first year after the birth, adoption, or
17 placement of that child;

18 b. Is caring for a family member with a serious health condition;

19 c. Has a serious health condition;

20 d. Is caring for a covered service member who is the covered individual's
21 next of kin or other family member; or

22 e. Because of any "qualifying exigency leave" arising out of the fact that
23 the family member of the covered individual is on active duty (or has
24 been notified of an impending call or order to active duty) in the
25 Armed Forces.

26 **"§ 96A-3. Duration of benefits.**

27 (a) The maximum number of weeks during which family and medical leave insurance
28 benefits are payable under G.S. 96A-2(2)c. in an application year is 18 weeks.

29 (b) The maximum number of weeks during which family and medical leave insurance
30 benefits are payable under G.S. 96A-2(2)a., (2)b., or (2)e. in an application year is 12 weeks.

31 (c) The maximum number of weeks during which family and medical leave insurance
32 benefits are payable under G.S. 96A-2(2)d. in an application year is 26 weeks.

33 (d) The first payment of benefits must be made to an individual within two weeks after
34 the claim is filed, and subsequent payments must be made every two weeks thereafter.

35 **"§ 96A-4. Amount of benefits.**

36 (a) The amount of family and medical leave insurance benefits shall be determined as
37 follows:

38 (1) The weekly benefit shall be determined as follows: (i) the portion of the
39 covered individual's average weekly wage that is equal to or less than one
40 hundred percent (100%) of the State average weekly wage shall be replaced
41 at a rate of ninety percent (90%) and (ii) the portion of an employee's or
42 self-employed individual's average weekly wage that is more than one
43 hundred percent (100%) of the State average weekly wage shall be replaced
44 at a rate of fifty percent (50%).

45 (2) The maximum benefit shall be one hundred percent (100%) of the statewide
46 average weekly wage.

47 (3) The minimum weekly benefit shall not be less than one hundred dollars
48 (\$100.00) per week except that if the covered individual's average weekly
49 wage is less than one hundred dollars (\$100.00) per week, the weekly benefit
50 shall be the employee's full wage.

1 (4) For purposes of this section, a covered individual's average weekly wage shall
2 be the average weekly wage during the 12 months preceding submission of
3 the application (or the average weekly wage during the time the covered
4 individual worked, if it was less than 12 months).

5 (b) Family and medical leave insurance benefits are not payable for less than eight hours
6 of family and medical leave taken in one workweek.

7 **"§ 96A-5. Contributions.**

8 (a) Payroll contributions shall be authorized in order to finance the payment of benefits
9 under the family and medical leave insurance program.

10 (b) Beginning on January 1, 2024, for each employee, an employer shall remit to the Paid
11 Family and Medical Leave Fund (Fund), established under G.S. 96A-16, contributions in the
12 form and manner determined by the Division. Annually, not later than October 1, the Assistant
13 Secretary shall fix the contribution rate for the coming calendar year in the manner described in
14 this subsection. For calendar years 2024 and 2025, the Assistant Secretary shall do so based on
15 sound actuarial principles. For calendar year 2026 and thereafter, the Assistant Secretary shall
16 first certify and publish the following information:

17 (1) The total amount of family and medical leave insurance benefits paid by the
18 Division during the previous fiscal year;

19 (2) The total amount remaining in the Fund at the close of the fiscal year;

20 (3) The total amount equal to one hundred forty percent (140%) of the previous
21 fiscal year's expenditure for family and medical leave insurance benefits paid
22 and for the administration of the family and medical leave insurance program;

23 (4) The amount by which the total amount remaining in the Fund at the close of
24 the previous fiscal year is less than or greater than one hundred forty percent
25 (140%) of the previous fiscal year's expenditure for family and medical leave
26 insurance benefits paid and for the administration of the family and medical
27 leave insurance program; and

28 (5) The amount by which the contribution rate shall be adjusted to ensure that the
29 Fund shall maintain or achieve an annualized amount of not less than one
30 hundred forty percent (140%) of the previous fiscal year's expenditure for
31 family and medical leave insurance benefits paid and for the administration of
32 the family and medical leave insurance program. The contribution rate
33 adjustment, if any, made as the result of the Assistant Secretary's certification
34 and report under this subsection shall supersede the rate previously set forth
35 and shall become effective on January 1 of the following calendar year.

36 (c) A self-employed individual who is electing coverage under G.S. 96A-13 shall be
37 responsible for the employee's share of contributions set forth in subsection (b) of this section on
38 that individual's income from self-employment.

39 (d) An employer shall not deduct more than fifty percent (50%) of the contribution
40 required for an employee by subsection (b) of this section from that employee's wages and shall
41 remit the full contribution required under said subsection to the Fund.

42 **"§ 96A-6. Reduced leave schedule.**

43 (a) A covered individual shall be entitled, at the option of the covered individual, to take
44 paid family and medical leave on an intermittent or reduced leave schedule in which all of the
45 leave authorized under this Chapter is not taken sequentially. Family and medical leave insurance
46 benefits for intermittent or reduced leave schedules shall be prorated.

47 (b) The covered individual shall make a reasonable effort to schedule paid family and
48 medical leave under this section so as not to unduly disrupt the operations of the employer. The
49 covered individual shall provide the employer with prior notice of the schedule on which the
50 covered individual will take the leave, to the extent practicable. Paid family and medical leave

1 taken under this section shall not result in a reduction of the total amount of leave to which an
2 employee is entitled beyond the amount of leave actually taken.

3 (c) Nothing in this section shall be construed to entitle a covered individual to more leave
4 than required under G.S. 96A-3.

5 **"§ 96A-7. Leave and employment protection.**

6 (a) Any covered individual who exercises his or her right to family and medical leave
7 insurance benefits shall, upon the expiration of that leave, be entitled to be restored by the
8 employer to the position held by the covered individual when the leave commenced, or to a
9 position with equivalent seniority, status, employment benefits, pay, and other terms and
10 conditions of employment, including fringe benefits and service credits that the covered
11 individual had been entitled to at the commencement of leave.

12 (b) During any leave taken pursuant to G.S. 96A-2, the employer shall maintain any
13 health care benefits the covered individual had prior to taking such leave for the duration of the
14 leave as if the covered individual had continued in employment continuously from the date he or
15 she commenced the leave until the date the family and medical leave insurance benefits
16 terminate; provided, however, that the covered individual shall continue to pay the covered
17 individual's share of the cost of health benefits as required prior to the commencement of the
18 leave.

19 (c) Any employer who violates this section or G.S. 96A-8 shall be liable to any eligible
20 employee affected as follows:

21 (1) For damages equal to the amount of (i) any wages, salary, employment
22 benefits, or other compensation denied or lost to such employee by reason of
23 the violation, or (ii) in a case in which wages, salary, employment benefits, or
24 other compensation have not been denied or lost to the employee, any actual
25 monetary losses sustained by the employee as a direct result of the violation,
26 such as the cost of providing care, up to a sum equal to 12 weeks of wages or
27 salary for the employee, (iii) the interest on the amount described in clause (i)
28 of this subdivision calculated at the prevailing rate, and (iv) an additional
29 amount as liquidated damages equal to the sum of the amount described in
30 clause (i) of this subdivision and the interest described in clause (ii) of this
31 subdivision, except that if an employer who has violated this section or
32 G.S. 96A-8 proves to the satisfaction of the court that the act or omission
33 which violated the section was in good faith and that the employer had
34 reasonable grounds for believing that the act or omission was not a violation,
35 the court may, in the discretion of the court, reduce the amount of the liability
36 to the amount and interest determined under clauses (i) and (ii) of this
37 subdivision, respectively.

38 (2) For such equitable relief as may be appropriate, including employment,
39 reinstatement, and promotion.

40 (d) An action to recover the damages or equitable relief prescribed in subsection (c) of
41 this section may be maintained against any employer (including a public agency) in any federal
42 or State court of competent jurisdiction by any one or more employees for and on behalf of the
43 employees or the employees and other employees similarly situated.

44 (e) The court in such an action shall, in addition to any judgment awarded to the plaintiff,
45 allow a reasonable attorney's fee, reasonable expert witness fees, and other costs of the action to
46 be paid by the defendant.

47 (f) Except as provided by subsection (g) of this section, an action may be brought under
48 this section not later than two years after the date of the last event constituting the alleged
49 violation for which the action is brought.

1 (g) In the case of an action brought for a willful violation of this section or G.S. 96A-8,
2 the action may be brought within three years of the date of the last event constituting the alleged
3 violation for which such action is brought.

4 **"§ 96A-8. Retaliatory personnel actions prohibited.**

5 (a) It shall be unlawful for an employer or any other person to interfere with, restrain,
6 deny the exercise of, or the attempt to exercise any right protected under this Chapter.

7 (b) An employer, temporary help company, employment agency, employee organization,
8 or other person shall not take retaliatory personnel action or otherwise discriminate against a
9 person because he or she exercised rights protected under this Chapter. Such rights include, but
10 are not limited to, the right to request, file for, apply for, or use benefits provided for under this
11 Chapter; to take leave from work under this Chapter; communicate to the employer or any other
12 person or entity an intent to file a claim, a complaint with the Division or courts, or an appeal; or
13 has testified or is about to testify or has assisted in any investigation, hearing, or proceeding under
14 this Chapter, at any time, including during the period in which the person receives family and
15 medical leave insurance benefits under this Chapter; inform any person about any employer's
16 alleged violation of this Chapter; and the right to inform any person of his or her rights under this
17 Chapter.

18 (c) It shall be unlawful for an employer's absence control policy to count paid family and
19 medical leave taken under this Chapter as an absence that may lead to or result in discipline,
20 discharge, demotion, suspension, or any other adverse action.

21 (d) Protections of this section shall apply to any person who mistakenly, but in good faith,
22 alleges violations of this Chapter.

23 (e) This section shall be enforced as provided in subsections (c) through (g) of
24 G.S. 96A-7.

25 **"§ 96A-9. Coordination of benefits.**

26 (a) Leave taken with wage replacement under this Chapter that also qualifies as leave
27 under the Family and Medical Leave Act shall run concurrently with leave taken under the
28 Family and Medical Leave Act.

29 (b) An employer may require that payment made pursuant to this Chapter be made
30 concurrently or otherwise coordinated with payment made or leave allowed under the terms of
31 disability or family care leave under a collective bargaining agreement or employer policy. The
32 employer must give employees written notice of this requirement.

33 (c) This Chapter does not diminish an employer's obligation to comply with any of the
34 following that provide more generous leave:

35 (1) A collective bargaining agreement;

36 (2) An employer policy; or

37 (3) Any law.

38 (d) An individual's right to leave under this Chapter may not be diminished by a collective
39 bargaining agreement entered into or renewed, or an employer policy adopted or retained, after
40 the effective date of this Chapter. Any agreement by an individual to waive his or her rights under
41 this Chapter is void as against public policy.

42 **"§ 96A-10. Notice.**

43 (a) Each employer shall provide written notice to each employee upon hiring and
44 annually thereafter. An employer shall also provide written notice to an employee when the
45 employee requests leave under this Chapter or when the employer acquires knowledge that an
46 employee's leave may be for a qualifying reason under G.S. 96A-2. Such notice shall include (i)
47 the employee's right to family and medical leave insurance benefits under this Chapter and the
48 terms under which it may be used, (ii) the amount of family and medical leave insurance benefits,
49 (iii) the procedure for filing a claim for benefits, (iv) the right to job protection and benefits
50 continuation under G.S. 96A-7, (v) that discrimination and retaliatory personnel actions against
51 a person for requesting, applying for, or using family and medical leave insurance benefits is

1 prohibited under G.S. 96A-8, and (vi) that the employee has a right to file a complaint for
2 violations of this Chapter. An employer shall also display and maintain a poster in a conspicuous
3 place accessible to employees at the employer's place of business that contains the information
4 required by this section in English, Spanish, and any language that is the first language spoken
5 by at least five percent (5%) of the employer's workforce, provided that such notice has been
6 provided by the Division. The Assistant Secretary may adopt regulations to establish additional
7 requirements concerning the means by which employers shall provide such notice.

8 (b) Employees shall provide notice to their employers as soon as practicable of their
9 intention to take leave under this Chapter.

10 **"§ 96A-11. Enforcement.**

11 (a) The Assistant Secretary shall establish a system for appeals in the case of a denial of
12 family and medical leave insurance benefits. In establishing such system, the Assistant Secretary
13 may utilize any and all procedures and appeals mechanisms established under G.S. 96-15.

14 (b) Judicial review of any decision with respect to family and medical leave insurance
15 benefits shall be permitted in a court of competent jurisdiction after a party aggrieved thereby
16 has exhausted all administrative remedies established by the Assistant Secretary.

17 (c) The Assistant Secretary shall implement procedures to ensure confidentiality of all
18 information related to any claims filed or appeals taken to the maximum extent permitted by
19 applicable laws.

20 **"§ 96A-12. Erroneous payments and disqualification for benefits.**

21 (a) A covered individual is disqualified from family and medical leave insurance benefits
22 for one year if the individual is determined by the Assistant Secretary to have willfully made a
23 false statement or misrepresentation regarding a material fact or willfully failed to report a
24 material fact to obtain benefits under this Chapter.

25 (b) If family and medical leave insurance benefits are paid erroneously or as a result of
26 willful misrepresentation, or if a claim for family and medical leave insurance benefits is rejected
27 after benefits are paid, the Division may seek repayment of benefits from the recipient. The
28 Assistant Secretary shall exercise his or her discretion to waive, in whole or in part, the amount
29 of any such payments where the recovery would be against equity and good conscience.

30 **"§ 96A-13. Elective coverage.**

31 (a) A self-employed person, including a sole proprietor, partner, or joint venturer, may
32 elect coverage under this Chapter for an initial period of not less than three years. The
33 self-employed person must file a notice of election in writing with the Assistant Secretary, as
34 required by the Division. The election becomes effective on the date of filing the notice. As a
35 condition of election, the self-employed person must agree to supply any information concerning
36 income that the Division deems necessary.

37 (b) A self-employed person who has elected coverage may withdraw from coverage
38 within 30 days after the end of the three-year period of coverage, or at such other times as the
39 Assistant Secretary may prescribe by rule, by filing written notice with the Assistant Secretary,
40 such withdrawal to take effect not sooner than 30 days after filing the notice.

41 **"§ 96A-14. Family and medical leave insurance program.**

42 (a) The Division shall establish and administer a family and medical leave insurance
43 program and begin collecting contributions as specified in this Chapter. By January 1, 2025, the
44 Division shall start receiving claims from and paying family and medical leave insurance benefits
45 to covered individuals.

46 (b) The Division shall establish reasonable procedures and forms for filing claims for
47 benefits under this Chapter and shall specify what supporting documentation is necessary to
48 support a claim for benefits, including any documentation required from a health care provider
49 for proof of a serious health condition.

50 (c) The Division shall notify the employer within five business days of a claim being
51 filed pursuant to this Chapter.

1 (d) The Division shall use information sharing and integration technology to facilitate the
2 disclosure of relevant information or records, so long as an individual consents to the disclosure
3 as required under State law.

4 (e) Information contained in the files and records pertaining to an individual under this
5 Chapter are confidential and not open to public inspection other than to public employees in the
6 performance of their official duties. However, the individual or an authorized representative of
7 an individual may review the records or receive specific information from the records upon the
8 presentation of the individual's signed authorization.

9 (f) The Department of Commerce shall adopt rules as necessary to implement this
10 Chapter.

11 **"§ 96A-15. Federal income tax.**

12 If the Internal Revenue Service determines that family and medical leave insurance benefits
13 under this Chapter are subject to federal income tax, the Division must advise an individual filing
14 a new claim for family and medical leave insurance benefits, at the time of filing such claim, that
15 the Internal Revenue Service has determined that benefits are subject to federal income tax and
16 that requirements exist pertaining to estimated tax payments.

17 **"§ 96A-16. Family and medical leave insurance account fund; establishment and**
18 **investment.**

19 (a) The Paid Family and Medical Leave Fund (Fund) is created in the custody of the
20 Division. Expenditures from the Fund may be used only for the purposes of the family and
21 medical leave insurance benefits program. Only the Assistant Secretary of the Division or the
22 Assistant Secretary's designee may authorize expenditures from the Fund.

23 (b) Whenever, in the judgment of the Division, there shall be in the Fund an amount of
24 funds in excess of that amount deemed by the Division to be sufficient to meet the current
25 expenditures properly payable therefrom, the Division shall have full power to invest, reinvest,
26 manage, contract, sell, or exchange investments acquired with such excess funds in the manner
27 prescribed by North Carolina law.

28 **"§ 96A-17. Employer Grant Fund.**

29 There is created in the Department of Commerce the Employer Grant Fund to offset the costs
30 of the program for employers that demonstrate the need for financial assistance in meeting the
31 requirements of this Chapter. The Employer Grant Fund shall consist of appropriations from the
32 General Fund. Donations from public agencies and private sources may be accepted if the
33 donations are unconditional and unrestricted. The Department of Commerce shall adopt rules for
34 the administration of the grant funds.

35 **"§ 96A-18. Reports.**

36 Beginning January 1, 2026, the Division shall report to the General Assembly by April 1 of
37 each year on projected and actual program participation by purpose listed in G.S. 96A-2, gender
38 of beneficiary, premium rates, fund balances, outreach efforts, and, for leaves taken under
39 G.S. 96A-2, family members for whom leave was taken to provide care.

40 **"§ 96A-19. Public education.**

41 The Division shall conduct a public education campaign to inform workers and employers
42 regarding the availability of family and medical leave insurance benefits. Outreach information
43 shall be available in English, Spanish, French, German, Vietnamese, Chinese, Arabic, Korean,
44 Tagalog, Hindi, Gujarati, Russian, Hmong, and other languages spoken by more than five percent
45 (5%) of the State's population.

46 **"§ 96A-20. Sharing technology.**

47 The Division is encouraged to use State data collection and technology to the extent possible
48 and to integrate the program with existing State policies.

49 **"§ 96A-21. Severability.**

1 If any provision of this Chapter or its application to any person or circumstance is held
2 invalid, the remainder of the Chapter or the application of the provision to other persons or
3 circumstances is not affected."

4 **SECTION 6.1.(b)** All rules necessary for implementation of this section shall be
5 adopted by October 1, 2023.

6 **SECTION 6.1.(c)** There is appropriated from the General Fund to the Department
7 of Commerce, Employer Grant Fund, the sum of nineteen million dollars (\$19,000,000) for the
8 2023-2024 fiscal year and the sum of thirty million dollars (\$30,000,000) in the 2024-2025 fiscal
9 year to offset employer costs of the Paid Family Medical Leave Act as enacted by this section.

10 **SECTION 6.1.(d)** This section becomes effective July 1, 2023.

11
12 **EFFECTIVE DATE**

13 **SECTION 7.1.** Except as otherwise provided, this act is effective when it becomes
14 law.