

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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HOUSE BILL 737

Short Title: Protect and Support the Unemployed. (Public)

Sponsors: Representatives D. Ross, Hamilton, Harrison, and Hanes (Primary Sponsors).
For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

Referred to: Regulatory Reform Subcommittee on Local Government.

April 11, 2013

1 A BILL TO BE ENTITLED
2 AN ACT TO PROTECT AND SUPPORT THE UNEMPLOYED.
3 The General Assembly of North Carolina enacts:

4 **SECTION 1.(a)** Article 3B of Chapter 105 of the General Statutes is amended by
5 adding a new section to read:

6 "**§ 105-129.16H. Credit for hiring unemployed individuals.**

7 (a) Credit. – A taxpayer who employs an individual who was unemployed for a
8 continuous period of 12 months immediately preceding the date of hire is allowed a credit. The
9 credit shall be equal to five percent (5%) of that individual's salary after the first 12 months of
10 employment with the taxpayer. The credit is allowed if the individual was in the employ of the
11 taxpayer for all 12 months of the taxable year. A credit is allowed for two taxable years.

12 (b) Documentation. – In order to claim the credit allowed by this section, the taxpayer
13 must make available to the Department a written certification from the Division of
14 Employment Security of the North Carolina Department of Commerce containing the name and
15 social security number of the unemployed individual that was hired to qualify for the credit."

16 **SECTION 1.(b)** This section is effective for taxable years beginning on or after
17 January 1, 2014.

18 **SECTION 2.** Article 3 of Chapter 95 is amended by adding a new section to read:
19 "**§ 95-28.1B. Discrimination against persons based on their status as unemployed.**

20 (a) No public or private employer shall do any of the following:

21 (1) Deny employment to any individual because of the individual's status as
22 unemployed.

23 (2) Publish in print, on the Internet, or in any other media an advertisement or
24 announcement for any job that includes:

25 a. Any provision indicating that current employment status is a
26 requirement or qualification for a job; or

27 b. Any provision indicating that an employer will not consider an
28 applicant for employment based on the person's current employment
29 status.

30 (3) Direct or request that a private personnel service, job listing service, or other
31 individual or entity take current employment status into account in screening
32 or referring applicants for employment.

33 For the purposes of this section, the phrase "status as unemployed" means when any
34 individual (i) does not have a job, (ii) is available and searching for work, and (iii) has been
35 unemployed for a period of more than 12 continuous months immediately preceding the date of



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1 application for employment or at the time of the action alleged to have violated this section.
2 The term "public or private employer" means any person, firm, corporation, unincorporated
3 association, State agency, unit of local government, a private personnel service as defined in
4 Article 5A of this Chapter, a job listing service as defined in Article 5B of this Chapter, or any
5 public or private entity employing individuals in this State.

6 (b) A prospective employee who is denied employment in violation of this section may
7 bring a civil action within one year from the alleged violation against an entity or individual
8 who violates the provisions of subsection (a) of this section and obtain an amount equal to the
9 sum of (i) any actual damage sustained by such person as a result of such violation, (ii) such
10 equitable relief as may be appropriate, and (iii) civil penalties the court may allow, but not less
11 than one thousand dollars (\$1,000) nor greater than five thousand dollars (\$5,000) for each
12 violation.

13 (c) The court, in any action brought under this section may, in addition to any judgment
14 awarded plaintiff, order costs and fees of the action and reasonable attorneys' fees to be paid by
15 the defendant.

16 (d) Nothing in this section is intended to preclude consideration of an individual's
17 employment history, or from examining the reasons underlying an individual's status as
18 employed, in assessing an individual's ability to perform a job or otherwise making
19 employment decisions about that individual.

20 (e) The remedies provided by this section shall be cumulative and in addition to any
21 other remedies allowed by law."

22 **SECTION 3.** G.S. 95-241(a)(1) is amended by adding a new sub-subdivision to
23 read:

24 "(a) No person shall discriminate or take any retaliatory action against an employee
25 because the employee in good faith does or threatens to do any of the following:

- 26 (1) File a claim or complaint, initiate any inquiry, investigation, inspection,
27 proceeding or other action, or testify or provide information to any person
28 with respect to any of the following:

29 ...

30 i. G.S. 95-28.1B."

31 **SECTION 4.** This act is effective when it becomes law.