



PUBLIC/HOUSE BILLS

H 36 (2019-2020) [INVITE GOVERNOR/STATE OF STATE](#). Filed Feb 6 2019, *A JOINT RESOLUTION INVITING HIS EXCELLENCY, GOVERNOR ROY COOPER, TO ADDRESS A JOINT SESSION OF THE HOUSE OF REPRESENTATIVES AND SENATE.*

Senate amendment changes the date for the directive to invite the Governor to address a joint session of the House and Senate to February 25, 2019 (was, February 18, 2019). Invites the Governor's cabinet members (was, nominees) to the joint session.

Intro. by Lewis.

[JOINT RES](#)

[View summary](#)

[Government, General Assembly, State Government, Executive](#)

H 44 (2019-2020) [FORT FISHER HISTORIC SITE FUNDS](#). Filed Feb 11 2019, *AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF NATURAL AND CULTURAL RESOURCES FOR PROJECTS AT THE FORT FISHER STATE HISTORIC SITE.*

Includes whereas clauses.

Appropriates \$7.5 million for 2019-20 from the General Fund to the Department of Natural and Cultural Resources, Division of Historical Resources, to be used for capital projects at the Fort Fisher State Historic Site.

Appropriates \$500,000 for 2019-20 from the General Fund to the Department of Natural and Cultural Resources, Division of Historical Resources, Office of State Archaeology, to plan facilities for the Underwater Archaeology Branch at the Fort Fisher State Historic Site.

Effective July 1, 2019.

Intro. by Davis.

[APPROP](#)

[View summary](#)

[Government, Budget/Appropriations, Cultural Resources and Museums, State Agencies, Department of Natural and Cultural Resources \(formerly Dept. of Cultural Resources\)](#)

H 46 (2019-2020) [ECONOMIC SECURITY ACT OF 2019](#). Filed Feb 11 2019, *AN ACT TO ADVANCE ECONOMIC SECURITY IN NORTH CAROLINA BY INCREASING THE STATE MINIMUM WAGE IN PHASES TO FIFTEEN DOLLARS PER HOUR OVER FIVE YEARS, MANDATING EQUAL PAY FOR EQUAL WORK, REQUIRING PAID SICK LEAVE AND FAMILY MEDICAL LEAVE, INCREASING THE TIPPED MINIMUM WAGE, ENDING WAGE THEFT, REQUIRING THE FAIR ASSESSMENT OF PERSONS WITH CRIMINAL HISTORIES BY "BANNING THE BOX," REPEALING PUBLIC EMPLOYEE COLLECTIVE BARGAINING RESTRICTIONS, AND REENACTING THE EARNED INCOME TAX CREDIT AND TAX CREDITS FOR CHILD CARE AND CERTAIN EMPLOYMENT-RELATED EXPENSES.*

Section 1.1

Amends GS 95-25.3(a) to delete the provision requiring wages of at least \$6.15 per hour. Replaces deleted text with a provision requiring a minimum wage of (1) \$8.00 per hour, effective Labor Day, September 2, 2019; (2) \$9.50 per hour, effective Labor Day, September 7, 2020; (3) \$11.00 per hour, effective Labor Day, September 6, 2021; (4) \$13.00 per hour, effective Labor Day, September 4, 2022; and (5) \$15.00 per hour, effective Labor Day, September 2, 2024. Each of the provisions states that if the minimum wage in the federal Fair Labor Standards Act is higher than the stated new minimum wage, that the rate specified in the Fair Labor Standards Act is the state minimum wage.

Section 2.1

Enacts Article 2B, entitled Equal Pay Act, to GS Chapter 95 as follows.

Enacts GS 95-25.27 to establish that no employer can pay any person in the employer's employ at wage rates less than the rates paid to employees of the opposite sex in the same establishment for the same quantity and quality of the same classification of work. Establishes that any employer who violates the statute is liable to the employee affected in the amount of the wages that the employee is deprived of by reason of the violation. Defines employer to include the state and any local political subdivision of the state and every person having control or direction of any woman or man employed at any labor, or responsible directly or indirectly for the wages of another who employs more than five employees. Defines an employee as any woman or man in receipt of or entitled to compensation for labor performed for another.

Establishes that nothing in the statute prohibits a variation of rates of pay for male and female employees engaged in the same classification of work based upon seniority; a difference in length of service; ability; skill; difference in duties or services performed, whether regularly or occasionally; difference in the shift or time of day worked; hours of work; or restrictions or prohibitions on lifting or moving objects in excess of specified weight or other reasonable differentiation; or factor or factors other than sex, when exercised in good faith.

Bars an employer who is in violation of the statute from reducing the pay of any employee in order to bring the employer into compliance with Article 2B. Bars an employer from retaliating against any employee who seeks redress pursuant to Article 2B or who participates in the investigation of a complaint under Article 2B.

Enacts GS 95-25.28, which allows an affected employee to file a complaint with the Department of Labor (Department) and requires the Department to investigate the complaint and notify the employer and the employee of the results of the investigation. Allows an employee receiving less than the wage to which the employee is entitled under the statute to recover in a civil action the balance of those wages, together with costs and attorneys' fees, notwithstanding any agreement to work for a lesser wage. Provides that the employee is not required to exhaust administrative remedies before filing the civil action. Establishes that a civil action pursuant to the statute is to be instituted within two years after the date that the alleged violation is discovered by the affected employee.

Section 3.1

Enacts new Article 3A of GS Chapter 95, to be cited as the Healthy Families and Healthy Workplaces Act (HFHW Act). Denotes that state public policy in promoting the general welfare of the people of North Carolina requires the enactment of new Article 3A under the police power of the state.

Provides definitions for the following terms as used in the HFHW Act: (1) child, (2) domestic violence, (3) employee, (4) employ, (5) employer, (6) federal act, (7) health care provider, (8) immediate family member, (9) parent, (10) paid sick time or paid sick days, (11) sexual assault, (12) stalking, and (13) small business.

Provides that the proposed HFHW Act does not apply to (1) bona fide volunteers in an organization where an employer-employee relationship does not exist or (2) any person who is exempt from the Wage and Hour Act under GS 95-25.14(a)(2) through (8), GS 95-25.14(b), GS 95-25.14 (b1), GS 95-25.14(c), and GS 95-25.14(e). Makes an exception regarding domestic workers, providing that they are exempt only if they are employed in the place of residence of their employer.

Provides that paid sick time begins to accrue at the start of employment at a rate of one hour of paid sick time for every 30 hours worked. Provides additional guidelines regarding discretionary advancement of sick time by the employer, limits on the amount of paid sick time accrued and the accrual of paid sick time when there is a separation of employment followed by a rehiring by the same employer. Provides that with the exception of the specified exemptions to the proposed HFHW Act, any employee who works in North Carolina and who must be absent from work for the reasons delineated in proposed new GS 95-31.5(a) is entitled to paid sick time.

Directs that paid sick time is to be provided by an employer to an employee who meets any of the following reasons listed in proposed new GS 95-31.5: (1) to care for a member of the employee's immediate family suffering from health issues or to care for the employee's own health, unless the care is covered under federal law or (2) to allow an employee to address the psychological, physical, or legal effects on himself or herself or an immediate family member of domestic violence, sexual assault, or stalking. Permits the employer to require certification of the qualifying health issue or event when a paid sick time period covers more than three consecutive work days. Provides guidelines for determining what may be deemed acceptable

certification. Provides that an employer may not require certification from a health care provider that is employed by the employer. Prohibits an employer from requiring the disclosure of details relating to domestic violence, sexual assault, stalking, or an employee's medical condition as a condition of providing paid sick time to an employee. Directs an employer to treat as confidential any information that the employer acquires about the employee or the employee's immediate family regarding domestic violence, sexual assault, stalking, or health conditions. Prohibits the employer from requiring an employee to secure a replacement worker as a condition of providing sick time under the proposed HFHW Act. Directs the employee to make a good faith effort, when the use of sick time is foreseeable, to provide the employer with advance notice. States that this act provides minimum requirements regarding paid sick time and should not be construed to limit, preempt, or otherwise affect other applicability of law, regulation, or policy that extends additional or greater protections to employees, nor should this proposed act be construed to discourage employers from adopting more generous paid sick time policies. Provides that employers already offering a paid sick time policy do not have to modify that policy providing that the paid sick time policy currently in place offers an employee, at his or her discretion, the option to take paid sick time that is equivalent to the amount and for the same purposes offered under the proposed HFHW Act.

Requires employers to provide notice to employees, in Spanish and English, of their entitlement to paid sick time as well as other related information. Notice may be provided by supplying each employee with a notice in Spanish and English or by conspicuously displaying a poster in the place of employment in both languages. Prohibits employers from retaliating against employees who request or use paid sick time. Provides that an employee has a right to file a complaint with the Commissioner of Labor (Commissioner) or in the General Court of Justice if an employer (1) denies an employee paid sick time or (2) retaliates against an employee for requesting or taking paid sick time.

Authorizes the Commissioner to enforce and administer the provisions of the proposed HFHW Act. Provides criteria regarding employer's liability for a violation under the proposed HFHW Act, including provisions for the potential awarding of liquidated damages for a violation of the act. Directs that actions under the proposed HFHW Act must be brought within two years pursuant to GS 1-53. Also provides that the rights and remedies created under the HFHW Act are supplementary to all existing common law and statutory rights and remedies. Directs the Commissioner to adopt rules to implement the proposed act. Provides that the provisions of the proposed act are severable.

Makes conforming changes to GS 95-241(a).

Effective July 1, 2019, and applies only to covered employment on or after that date and does not apply to any collective bargaining agreement entered into before July 1, 2019, still in effect on that date.

Section 4.1

Amends the labor laws of North Carolina, effective January 1, 2020, to reduce the amount of tips that may be counted as wages of tipped employees through December 31, 2020, and subsequently requires that no tips may be counted as wages.

Section 5.1

Amends GS 95-25.2 modifying the format of the definitions section and adding subsection (5a) defining employment status, subsection (8a) defining intentional, and subsection (16a) defining willful. Makes technical changes.

Amends GS 95-25.13(1) requiring only written (not oral) notification to employees at the time of hiring and upon any material change of (1) the promised wages and basis upon which wages will be calculated; (2) the method, day, and place for payment; (3) the full name, mailing address, and telephone number of the employer and the federal and state tax identification number of each employer who is not a natural person; and (4) the employment status of the employee.

Amends GS 95-25.22 requiring the court to award liquidated damages in an amount equal to twice the amount found to be due to an employee when the employer has violated provisions relating to minimum wage, overtime, or wage payment unless the employer shows the act or omission constituting a violation was in good faith and the employer had reasonable grounds for believing the act or omission was not a violation of this article.

Amends GS 95-25.22 adding subsection (a2) clarifying liability of an employer found in violation of GS 95-25.13 to be in the form of actual damages, including, but not limited to, lost wages and benefits plus interest.

Amends GS 95-25.22 adding subsection (a3) expanding the forms of damages available to employees to include statutory damages of up to \$500 per employee per violation.

Amends GS 95-25.22(d) to require awarding costs, fees, and attorneys' fees in addition to a judgment awarded to a plaintiff.

Amends GS 95-25.22 adding an exception to the statute of limitations for actions arising out of a willful violation. Such actions may be brought within three years. Actions may also be brought within one year after notification to the employee of final disposition by the state of a complaint for the same violation.

Amends GS 95-25.23 expanding civil penalties to include violations of provisions relating to minimum wage, overtime, youth employment, wage payment, or notification.

Enacts GS 95-25.23D entitling an employee to enumerated liens for the purpose of wage claims and collections under this Article and outlining perfection and priority of liens. Liens recorded pursuant to subsection (f) take precedence over all other debts, decrees, liens, or mortgages against the employer. A successful action to foreclose a lien pursuant to this section entitles the employee to court costs and reasonable attorneys' fees. Provides further regulations of the liens.

Section 6.1

Adds a new Article 17, Fair Assessment of Persons with Criminal Histories, to GS Chapter 126. Defines the following terms as they apply in this Article: (1) criminal history means a state or federal history of conviction for a misdemeanor or felony relevant to an applicant's fitness for public employment but does not include a record of arrest that did not result in a conviction; (2) hiring authority means an agent responsible by law for the hiring of persons for public employment; and (3) public employment means any employment, including seasonal or temporary work, where the State or any local political subdivision of the State is the employer.

Prohibits a hiring authority from (1) asking about or considering the criminal history of an applicant for public employment or (2) including such an inquiry on any initial employment application form until the hiring authority has made a conditional offer of employment to the applicant. Declares that this Article does not apply to public employment in positions where the hiring authority is required by law to consider the applicant's criminal record. Provides that nothing in this Article is to be construed to prevent any hiring authority in its discretion from adopting the provisions of this Article.

Prohibits any person from being disqualified for public employment solely or in part because of a previous conviction except as otherwise required by law or if the conviction is determined to be substantially related to the qualifications, functions, or duties of the position after all of the following factors are considered: (1) the level and seriousness of the crime; (2) the date of the crime; (3) the age of the person at the time of conviction; (4) the circumstances surrounding the commission of the crime; (5) the connection between the criminal conduct and the duties of the position; (6) the prison, jail, probation, parole, rehabilitation, and employment records of the person since the date the crime was committed; and (7) the subsequent commission of a crime by the person. Clarifies that an arrest record that did not result in a conviction cannot be the basis for disqualification from public employment.

Requires a hiring authority to inform an individual of a potential adverse hiring decision based on the background check and provide the applicant an opportunity to provide evidence that the report is incorrect or inaccurate.

Specifies criteria governing data to be collected by the Office of State Personnel.

Declares that the provisions of this Article apply to all applicants for public employment. Makes a conforming change to GS 126-5.

Effective when the act becomes law and applies to applications for employment made on or after that date.

Section 7.1

Repeals GS 95-98 (prohibiting public employee union collective bargaining agreements).

Section 8.1

Reenacts GS 105-151.31 (earned income tax credit), which provides an individual who claims an income tax credit under section 32 of the Internal Revenue Code (IRS Code) for the taxable year with a credit against the tax imposed by the Individual Income Tax Act (Act), as it existed immediately before its specified sunset expiration. Also amends the statute by establishing that the allowable credit against the tax imposed by the Act is to be equal to 5% (was, a percentage of up to 5% based on the taxable year) of the amount of credit the individual qualified for under section 32 of the Code. Amends the sunset provision to repeal the statute effective for taxable years beginning on or after January 1, 2021.

Effective for taxable years on or after January 1, 2020.

Section 9.1

Reenacts GS 105-151.11 (tax credit for child care), which provides an individual who claims an income tax credit under section 21 of the IRS Code for the taxable year to receive a credit against the tax imposed by the Act as it existed immediately before its specified sunset expiration. Makes a conforming change to the statute.

Effective for taxable years beginning on or after January 1, 2019.

Section 10.1

Act is effective when it becomes law, except as otherwise provided.

Intro. by Fisher, Harrison.

[GS 95](#), [GS 105](#), [GS 126](#)

[View summary](#)

[Courts/Judiciary, Criminal Justice, Corrections \(Sentencing/Probation\), Criminal Law and Procedure, Employment and Retirement, Government, Tax](#)

PUBLIC/SENATE BILLS

S 38 (2019-2020) [CLASS SIZE REPORTING/PRINCIPAL](#). Filed Feb 11 2019, *AN ACT TO REQUIRE THAT THE SCHOOL PRINCIPAL REPORT TO THE SUPERINTENDENT ON NONCOMPLIANCE WITH CLASS SIZE REQUIREMENTS IN KINDERGARTEN THROUGH THIRD GRADE.*

Amends GS 115C-47(10) to delete the provision requiring teachers to report when class size requirements have not been met, and to require principals to report noncompliance with class size requirements for kindergarten through third grade to the superintendent on the first school day of each month. Directs the superintendent to report class size noncompliance to the local board of education at the next local board of education meeting. Directs local boards of education to further report exceptions to individual class size maximums on November 1 and February 1 of each year. Applies beginning with the 2019-20 school year.

Intro. by Horner.

[GS 115C](#)

[View summary](#)

[Education, Elementary and Secondary Education](#)

LOCAL/HOUSE BILLS

H 45 (2019-2020) [SCHOOL CALENDAR FLEX./FORSYTH COUNTY](#). Filed Feb 11 2019, *AN ACT TO PROVIDE ADDITIONAL FLEXIBILITY TO THE WINSTON-SALEM/FORSYTH COUNTY BOARD OF EDUCATION IN ADOPTING THE SCHOOL CALENDAR.*

Amends GS 115-C84.2(d) to authorize local boards of education to align the calendar of schools in the local school administrative unit with the calendar of a community college serving the city or county in which the unit is located. Applies only to Winston-Salem/Forsyth County Schools. Applies beginning with the 2019-20 school year.

Intro. by Lambeth, Conrad.

[Forsyth](#)

[View summary](#)

[Education, Elementary and Secondary Education](#)

LOCAL/SENATE BILLS

S 39 (2019-2020) [1ST SENATORIAL DISTRICT LOCAL ACT-1](#). Filed Feb 11 2019, *AN ACT RELATING TO THE 1ST SENATORIAL DISTRICT.*

Blank bill.

Intro. by Steinburg.

Camden, Chowan, Currituck, Dare, Gates, Hertford, Hyde,
Pasquotank, Perquimans, Tyrrell, Washington

[View summary](#)

S 40 (2019-2020) [3RD SENATORIAL DISTRICT LOCAL ACT-1](#). Filed Feb 11 2019, *AN ACT RELATING TO THE 3RD SENATORIAL DISTRICT.*

Blank bill.

Intro. by Smith.

Beaufort, Bertie, Martin, Northampton, Vance, Warren

[View summary](#)

ACTIONS ON BILLS**PUBLIC BILLS****H 36: INVITE GOVERNOR/STATE OF STATE.**

Senate: Amend Adopted A1

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

Senate: Special Message Sent To House

House: Special Message Received For Concurrence in S Amend

House: Placed On Cal For 02/13/2019

H 39: ADOPT THE OSPREY AS STATE RAPTOR.

House: Passed 1st Reading

House: Ref to the Com on State and Local Government, if favorable, Wildlife Resources, if favorable, Rules, Calendar, and Operations of the House

H 40: NC FOLK FESTIVAL FUNDS.

House: Passed 1st Reading

House: Ref to the Com on State and Local Government, if favorable, Appropriations, Agriculture and Natural and Economic Resources, if favorable, Appropriations, if favorable, Rules, Calendar, and Operations of the House

H 41: ALLISON'S LAW/GPS TRACKING PILOT/DV/FUNDS.

House: Passed 1st Reading

House: Ref to the Com on Judiciary, if favorable, Appropriations, Justice and Public Safety, if favorable, Appropriations, if favorable, Rules, Calendar, and Operations of the House

H 43: ESTABLISH STANDARDS FOR SURGICAL TECHNOLOGY.

House: Passed 1st Reading

House: Ref to the Com on Health, if favorable, Rules, Calendar, and Operations of the House

H 44: FORT FISHER HISTORIC SITE FUNDS.

House: Filed

H 46: ECONOMIC SECURITY ACT OF 2019.

House: Filed

S 38: CLASS SIZE REPORTING/PRINCIPAL.

Senate: Filed

LOCAL BILLS

H 38: SCHOOL CALENDAR FLEX/CERTAIN SCHOOL SYSTEMS.

House: Passed 1st Reading

House: Ref to the Com on Education - K-12, if favorable, Rules, Calendar, and Operations of the House

H 42: SCHOOL CALENDAR FLEX/CALDWELL COUNTY.

House: Passed 1st Reading

House: Ref to the Com on Education - K-12, if favorable, Rules, Calendar, and Operations of the House

H 45: SCHOOL CALENDAR FLEX./FORSYTH COUNTY.

House: Filed

S 32: 31ST SENATORIAL DISTRICT LOCAL ACT-1.

Senate: Passed 1st Reading

Senate: Ref To Com On Rules and Operations of the Senate

S 33: 32ND SENATORIAL DISTRICT LOCAL ACT-1.

Senate: Passed 1st Reading

Senate: Ref To Com On Rules and Operations of the Senate

S 34: 19TH SENATORIAL DISTRICT LOCAL ACT-1.

Senate: Passed 1st Reading

Senate: Ref To Com On Rules and Operations of the Senate

S 35: 27TH SENATORIAL DISTRICT LOCAL ACT-1.

Senate: Passed 1st Reading

Senate: Ref To Com On Rules and Operations of the Senate

S 36: 29TH SENATORIAL DISTRICT LOCAL ACT-1.

Senate: Passed 1st Reading

Senate: Ref To Com On Rules and Operations of the Senate

S 37: SCHOOL CALENDAR FLEX/CERTAIN SCHOOL SYSTEMS.

Senate: Passed 1st Reading

Senate: Ref To Com On Rules and Operations of the Senate

S 39: 1ST SENATORIAL DISTRICT LOCAL ACT-1.

Senate: Filed

S 40: 3RD SENATORIAL DISTRICT LOCAL ACT-1.

Senate: Filed

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