

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

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HOUSE BILL 398

Short Title: Enact KinCare & Safe Days. (Public)

Sponsors: Representatives Cunningham, Carney, Quick, and K. Brown (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Rules, Calendar, and Operations of the House

March 17, 2025

A BILL TO BE ENTITLED
AN ACT AMENDING THE WAGE AND HOUR ACT TO ALLOW EMPLOYEES TO USE
SICK LEAVE FOR THE CARE OF FAMILY MEMBERS.

The General Assembly of North Carolina enacts:

SECTION 1. This act shall be known and may be cited as the "KinCare Act."

SECTION 2. Article 2A of Chapter 95 of the General Statutes is amended by adding
a new section to read:

"§ 95-25.12A. Sick leave plans.

(a) The following definitions apply in this section:

- (1) Child. – A biological, foster, or adopted child; a stepchild; a legal ward; a child of a domestic partner; or a child of a person standing in loco parentis.
- (2) Employer. – Any person employing another under any appointment or contract of hire. The term includes the State and any political subdivision of the State.
- (3) Family member. – A child, grandchild, sibling, spouse, domestic partner, civil union partner, parent, or grandparent of an employee; or a spouse, domestic partner, or civil union partner of a parent or grandparent of the 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.
- (4) Parent. – A biological, foster, or adoptive parent; a stepparent; or a legal guardian.
- (5) Sick leave. – Accrued increments of compensated or uncompensated job protected leave provided by an employer to an employee as a benefit of the employment for use by the employee during an absence from the employment for any of the following reasons:
 - a. The employee is physically or mentally unable to perform his or her duties due to illness, injury, or a medical condition of the employee.
 - b. The absence is for the purpose of obtaining preventive health care or professional diagnosis or treatment for a medical condition of the employee.
 - c. The absence is for other medical reasons of the employee, such as pregnancy or obtaining a physical examination.
 - d. The absence is necessary due to circumstances resulting from the employee, or a family member of the employee, being a victim of



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1 stalking or domestic or sexual violence, if the leave is to allow the
2 employee to obtain for the employee or the family member medical
3 attention needed to recover from physical or psychological injury or
4 disability caused by stalking or domestic or sexual violence, services
5 from a designated domestic violence agency or other victim services
6 organization, psychological or other counseling, relocation, or legal
7 services, including obtaining a restraining order or preparing for, or
8 participating in, any civil or criminal legal proceeding related to the
9 stalking or domestic or sexual violence.

10 (b) Any employer who provides compensated or uncompensated job protected sick leave
11 for employees shall permit an employee to use, in any calendar year, the employee's accrued and
12 available sick leave entitlement to attend to the care of a family member for no more than five
13 consecutive days. All conditions and restrictions placed by the employer upon the use by an
14 employee of sick leave also shall apply to the use by an employee of sick leave to attend to the
15 care of a family member.

16 (c) This section does not extend the maximum period of leave to which an employee is
17 entitled under the federal Family and Medical Leave Act of 1993 (29 U.S.C. § 2606, et seq.),
18 regardless of whether the employee receives sick leave compensation during that leave.

19 (d) This section does not apply to any of the following:

20 (1) Any benefit provided under an employee welfare benefit plan subject to the
21 federal Employee Retirement Income Security Act of 1974 (Public Law
22 93-406, as amended).

23 (2) Any insurance benefit, workers' compensation benefit, unemployment
24 compensation disability benefit, or other benefit not payable from the
25 employer's general assets.

26 (e) The rights and remedies specified in this section are cumulative and nonexclusive and
27 are in addition to any other rights or remedies afforded by contract or under other provisions of
28 law."

29 **SECTION 3.** G.S. 95-241(a)(1) reads as rewritten:

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

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

- 35 a. Chapter 97 of the General Statutes.
36 b. Article 2A or Article 16 of this Chapter.
37 c. Article 2A of Chapter 74 of the General Statutes.
38 d. G.S. 95-28.1.
39 e. Article 16 of Chapter 127A of the General Statutes.
40 f. G.S. 95-28.1A.
41 g. Article 52 of Chapter 143 of the General Statutes.
42 h. Article 5F of Chapter 90 of the General Statutes.
43 i. G.S. 95-25.12A."

44 **SECTION 4.** This act becomes effective October 1, 2025.