

SURVIVOR STATE EMPLOYMENT GUIDE

NORTH CAROLINA

INTRODUCTION

The resource below is for informational purposes only and may not reflect new protections enacted after its publication date. While this resource is not intended to provide legal advice, it can be used as a starting point to guide you in identifying workplace protections for survivors of domestic violence, sexual assault, and stalking in your state. Note that in addition to possible other protections enacted since this resource was last updated, there may be local or federal protections available. Employers may also provide additional protections that may be reflected in employee handbooks or policies.

ANTI-DISCRIMINATION PROTECTIONS

While there is no broad protection against discrimination based on status as a victim of domestic violence, sexual assault, or stalking, under North Carolina law (**N.C. Gen. Stat. § 50B-5.5 & § 95-270(a)**), an employer cannot discharge, demote, or deny a promotion, or discipline an employee because the employee took reasonable time off from work to obtain or attempt to obtain relief for domestic violence.

REASONABLE ACCOMMODATIONS

At the time of publication, North Carolina has not enacted a state law affording reasonable accommodations for domestic violence, sexual assault, or stalking. However, individuals may be eligible for reasonable accommodations under other laws or policies, including those that might afford reasonable accommodations for a disability related to domestic violence or sexual assault. Note that federal law, local law and/or employers' internal policies may provide other applicable protections.

LEAVE/TIME OFF WORK

At the time of publication, North Carolina law does not require employers to provide paid or unpaid sick leave, leave to address sexual assault or stalking or leave to participate in the justice system as a crime victim. However, under North Carolina law (**N.C. Gen. Stat. § 50B-5.5 & § 95-270(a)**), workers can take "reasonable time off" to obtain or attempt to obtain relief for domestic violence. An employee who is absent from work must follow their usual time-off policy or procedure unless an emergency prevents the employee from doing so. An employer may require documentation of the emergency that prevented advanced notice or of the reason for the need for time off. Domestic violence is defined in **N.C. Gen. Stat. § 50B-1**.

Under North Carolina law, (**N.C. Gen. Stat. § 15A-825(4)**), victims of crime are entitled to appropriate employer intercession services (help from the criminal justice system to gain the employer's cooperation) in order to ensure the employee can participate in the criminal justice process while minimizing lost pay or other benefits.

Note that individuals may also be eligible to take time off under their employer's policy, including vacation time, sick time, personal days, under other state laws or protections, or under federal protections such as the Family and Medical Leave Act, which may afford unpaid leave for a severe medical condition.

UNEMPLOYMENT INSURANCE

While North Carolina law used to have a protection in place to prevent victims of domestic violence from being disqualified from receiving unemployment benefits if they left their employment as a result of the abuse, this protection was repealed (**N.C. Gen. Stat. § 96-14.8(2)**) in 2013. No protection exists as of the time of publication of this resource.