

GENERAL ASSEMBLY OF NORTH CAROLINA
1987 SESSION

CHAPTER 532
HOUSE BILL 1176

AN ACT TO AMEND THE EMPLOYMENT SECURITY LAW.

The General Assembly of North Carolina enacts:

Section 1. Chapter 96 of the General Statutes is amended by adding a new section to read:

"§ 96-15.1. Protection of witnesses from discharge, demotion, or intimidation.—(a) No person may discharge, demote, or threaten any person because that person has testified or has been summoned to testify in any proceeding under the Employment Security Act.

(b) Any person who violates the provisions of this section shall be liable in a civil action for reasonable damages suffered by any person as a result of the violation, and an employee discharged or demoted in violation of this section shall be entitled to be reinstated to his former position. The burden of proof shall be upon the party claiming a violation to prove a claim under this section.

(c) The General Court of Justice shall have jurisdiction over actions under this section.

(d) The statute of limitations for actions under this section shall be one year pursuant to G.S. 1-54."

Sec. 2. Chapter 96 of the General Statutes is amended by adding a new Section 96-15.2 to read:

"§ 96-15.2. Protection of witness before the Employment Security Commission.—If any person shall by threats, menace, or in any other manner intimidate or attempt to intimidate any person who is summoned or acting as a witness in any proceeding brought under the Employment Security Act, or prevent or deter, or attempt to prevent or deter any person summoned or acting as such witness from attendance upon such proceeding, he shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned in the discretion of the court."

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 1st day of July, 1987.