

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 1377*

Short Title: Discrimination/Nonworking Hours.

(Public)

Sponsors: Representatives Kennedy; Barnhill, Cunningham, Dawkins, Easterling, Gist, Green, Hardaway, Holt, Luebke, McAllister, Michaux, Oldham, Stamey, and Wainwright.

Referred to: Judiciary I.

May 28, 1992

A BILL TO BE ENTITLED

AN ACT TO PROHIBIT DISCRIMINATION AGAINST ANY PERSON FOR ENGAGING IN ANY LAWFUL ACTIVITY DURING NONWORKING HOURS UNRELATED TO EMPLOYMENT.

The General Assembly of North Carolina enacts:

Section 1. Article 3 of Chapter 95 of the General Statutes is amended by adding a new section to read:

"§ 95-28.2. Discrimination against lawful activity during nonworking hours prohibited.

(a) It is an unlawful employment practice for an employer to fail or refuse to hire a prospective employee, or discharge or otherwise discriminate against any employee with respect to compensation, terms, conditions, or privileges of employment because of any lawful activity the prospective employee or the employee engages in outside the premises of the employer during nonworking hours, if that activity does not adversely affect the employee's job performance or the safety of other employees.

(b) An employee who is discharged or otherwise discriminated against, or a prospective employee who is denied employment in violation of subsection (a) of this section, may bring a civil action against the employer who violates the provisions of subsection (a) and obtain any of the following:

(1) Any wages or benefits lost as a result of the violation;

(2) An order of reinstatement without loss of position, seniority, or benefits; or

- 1 (3) An order directing the employer to offer employment to the
2 prospective employee.
- 3 (c) The court shall award reasonable costs, including court costs and attorneys'
4 fees, to the prevailing party in an action brought pursuant to this section."
- 5 Sec. 2. This act becomes effective October 1, 1992.