

GENERAL ASSEMBLY OF NORTH CAROLINA  
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH40441-LR-138

Short Title: No Retaliation Against Mandatory Reporters. (Public)

Sponsors: Representative Greenfield.

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT AMENDING THE LABOR LAWS TO PROVIDE PROTECTION FOR  
3 MANDATORY REPORTERS.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. Chapter 95 of the General Statutes is amended by adding a new Article  
6 to read:

7 "Article 21A.

8 "Protection for Mandatory Reporters.

9 **§ 95-246. Definitions; public policy.**

10 (a) The following definitions apply in this Article:

11 (1) Commissioner. – The North Carolina Commissioner of Labor.

12 (2) Employee. – Any individual employed by an employer who is required by the  
13 General Statutes to serve as a mandatory reporter.

14 (3) Employer. – Any person that employs one or more employees who are  
15 required by the General Statutes to serve as a mandatory reporter.

16 (4) Mandatory reporter. – An individual who is required by law to report  
17 suspected abuse, neglect, or dependency of children, disabled adults, or older  
18 adults or who is covered under one or more of the following mandatory  
19 reporting statutes:

20 a. G.S. 90-5.4. – Duty to report.

21 b. G.S. 90-121.7. – Duty to report certain other acts or events.

22 c. G.S. 77-129. – No discharge of treated or untreated sewage in coastal  
23 waters; duty of marina owner or operator to report unlawful discharge.

24 d. G.S. 143B-1017. – Duty of individuals to notify Center and  
25 law-enforcement agency when missing person has been located.

26 e. G.S. 7B-301. – Duty to report abuse, neglect, dependency, or death  
27 due to maltreatment.

28 f. G.S. 7B-1700.1. – Duty to report abuse, neglect, dependency.

29 g. G.S. 14-208.11A. – Duty to report noncompliance of a sex offender;  
30 penalty for failure to report in certain circumstances.

31 h. G.S. 90-21.20. – Reporting by physicians and hospitals of wounds,  
32 injuries and illnesses.

33 i. G.S. 108A-102. – Duty to report; content of report; immunity.

34 j. G.S. 108A-115. – Duty to report suspected fraud; content of report;  
35 immunity for reporting.

36 k. G.S. 110-105.4. – Duty to report child maltreatment.



1 l. G.S. 122C-66. – Protection from abuse and exploitation; reporting.

2 (5) Protected activity. – Making a good-faith report of suspected abuse, neglect,  
3 exploitation, dependency, fraud, or other conditions that threaten health,  
4 safety, or welfare to the appropriate authorities as required by State law.

5 (6) Retaliatory action. – The discharge, suspension, demotion, disciplinary action,  
6 reduction in salary, transfer, or other adverse employment action taken against  
7 an employee in the terms, conditions, privileges, or benefits of employment.

8 (b) The General Assembly finds that when private employees are required by law to serve  
9 as mandatory reporters, they may face conflicting pressures between their legal duty to report  
10 and concerns about potential adverse employment consequences. These employees must be free  
11 to fulfill their statutory obligations to protect vulnerable persons without intimidation,  
12 harassment, or retaliatory employment action. Therefore, it is the public policy of this State that:

13 (1) Employees required by statute to report suspected abuse, neglect, dependency,  
14 fraud, exploitation, or other conditions that threaten the health, safety, or  
15 welfare of vulnerable persons shall fulfill their statutory reporting duties  
16 without fear of retaliation from their employers.

17 (2) Employees serving as mandatory reporters under North Carolina law who  
18 make good-faith reports as required by statute should be protected from  
19 retaliatory actions in their employment, as their protection is essential to  
20 ensure the effectiveness of the State's mandatory reporting systems and the  
21 protection of the public or vulnerable populations.

22 **"§ 95-247. Protection from retaliation.**

23 (a) No employer shall take retaliatory action against an employee because the employee  
24 engages in a protected activity. An employer takes retaliatory action against an employee when  
25 the employee's protected activity is a substantial motivating factor in the employer's decision to  
26 take adverse employment action against the employee.

27 (b) If an employee is a mandatory reporter, the employer shall provide notice to the  
28 employee of their rights under this Article and provide training on mandatory reporting  
29 obligations with 60 days of hiring and annually thereafter.

30 (c) To qualify for protection under this Article, an employee must document that they  
31 made a mandatory report. When legally permitted, the employee should notify their employer  
32 about the report within five business days of making it. This notification may be made in writing,  
33 by email, or by other documented means of communication. If an employee does not provide  
34 direct notification to their employer, the employee must establish in any subsequent retaliation  
35 claim that the employer had knowledge of the report prior to taking the alleged retaliatory action.

36 (d) This Article shall not be construed to do any of the following:

37 (1) Prevent an employer from taking appropriate disciplinary action against an  
38 employee for legitimate work performance issues unrelated to the employee's  
39 protected activity.

40 (2) Override an employer's obligations to maintain confidentiality of information  
41 as may be required by federal or State law.

42 (3) Diminish or replace any other whistleblower protections provided under State  
43 or federal law.

44 **"§ 95-248. Enforcement.**

45 (a) Any employee who believes that an employer has violated the provisions of this  
46 Article may file a written complaint with the Commissioner. The Commissioner shall investigate  
47 and issue a determination within 90 days of receipt of the complaint. If the Commissioner  
48 determines that a violation of this Article has occurred, the Commissioner may take one or more  
49 of the following actions:

50 (1) Order the employer to cease and desist from the violation.

- 1           (2)    Order reinstatement of the employee to the same position held before the  
2                retaliatory action or an equivalent position.  
3           (3)    Order compensation for lost wages, benefits, and other remuneration.  
4           (4)    Assess a civil penalty against the employer not to exceed five thousand dollars  
5                (\$5,000) per violation.

6           (b)    An employee may bring a civil action against the employer in the General Court of  
7            Justice for violations of this Article within one year after the alleged violation occurred or within  
8            90 days of the Commissioner's determination, whichever is later. A court may award reasonable  
9            costs and attorneys' fees to the prevailing party.

10          (c)    The employee shall have the initial burden of establishing a prima facie case by  
11            preponderance of the evidence that protected activity was a substantial motivating factor in the  
12            retaliatory action. A prima facie case consists of evidence showing (i) the employee engaged in  
13            protected activity, (ii) the employer took adverse action against the employee, and (iii) there is a  
14            causal connection between the protected activity and the adverse action. If the employee  
15            establishes a prima facie case, the burden shifts to the employer to articulate a legitimate,  
16            non-retaliatory reason for the adverse employment action. If the employer meets this burden, the  
17            employee must then demonstrate that the employer's stated reason is a pretext for retaliation.

18          (d)    Any adverse employment action taken against an employee within 60 days of the  
19            employee engaging in protected activity may give rise to a rebuttable presumption that the action  
20            was retaliatory. An employer may rebut this presumption with clear and convincing evidence  
21            that the adverse employment action was taken for legitimate, non-retaliatory reasons. The  
22            existence of regular employee performance documentation created before the employer had  
23            knowledge of a mandatory report may be sufficient evidence to rebut the presumption under this  
24            subsection.

25          (e)    The Commissioner shall establish reasonable confidentiality measures during  
26            investigations, balancing the need to protect sensitive information with the parties' rights to due  
27            process.

28    **"§ 95-249. Miscellaneous provisions.**

29          (a)    For employment contracts executed prior to the effective date of this Article, the  
30            protections provided herein shall be construed as supplemental to existing contractual rights and  
31            shall not be interpreted to nullify valid contractual provisions. Employers may include in new or  
32            renewed employment contracts provisions relating to mandatory reporting procedures that do not  
33            diminish the protections provided by this Article.

34          (b)    This Article creates a narrow exception to the at-will employment doctrine solely for  
35            the purpose of protecting mandatory reporters from retaliation. An employee has no right to  
36            continued employment under this Article beyond the protection from retaliatory action for  
37            engaging in protected activity.

38          (c)    The remedies, procedures, and rights set forth in this Article are in addition to and not  
39            in lieu of any other remedies, procedures, or rights available under any other State or federal law.

40          (d)    If any provision of this Article or its application to any person or circumstance is held  
41            invalid or unenforceable, the remainder of this Article or the application of the provision to other  
42            persons or circumstances is not affected.

43          (e)    The Commissioner shall adopt policies and rules for the implementation and  
44            enforcement of this Article. Beginning January 1, 2026, the Commissioner shall collect and  
45            maintain data on complaints, determinations, and resolutions under this Article and shall report  
46            periodically to the General Assembly."

47            **SECTION 2.** G.S. 95-241(a) is amended by adding a new subdivision to read:

48            "(6) Exercise rights under Article 21A of this Chapter. Actions brought under this  
49            subdivision shall be in accordance with the provisions of G.S. 95-248."

50            **SECTION 3.** This act becomes effective July 1, 2025, and applies to acts or  
51            omissions occurring on or after that date.