



2023-2024 General Assembly

# HOUSE BILL 600: Regulatory Reform Act of 2023, Sec. 46: Prohibit Discrimination or Retaliation in Employment for Absences of Members of the Civil Air Patrol Performing Authorized Duties

**Committee:**  
**Introduced by:**  
**Analysis of:** Sec. 46 of S.L. 2023-137

**Date:** December 11, 2023  
**Prepared by:** Kyle Evans  
Staff Attorney

**OVERVIEW:** Section 46 of S.L. 2023-137 prevents employers from discriminating against any employee that is a member of the North Carolina Wing-Civil Air Patrol based on that membership or any absence from work required to perform duties with the Civil Air Patrol if certain conditions apply.

This bill was vetoed by the Governor on October 2, 2023, and that veto was overridden by the General Assembly on October 10, 2023. This section became effective on December 1, 2023, and applies to absences occurring on or after that date.

## CURRENT LAW & BILL ANALYSIS:

The Civil Air Patrol is the official auxiliary of the United States Air Force (USAF). The North Carolina Wing-Civil Air Patrol (NCWCAP) operates as a section within the Division of Emergency Management of the Department of Public Safety (DPS) and receives, from State and local governments, their agencies, and private citizens, requests for State approval for assistance in natural or man-made disasters or other emergency situations. These requests are approved or denied by the Secretary of DPS. Members in good standing of the NCWCAP are, while performing duties incident to a State approved mission, considered employees of the DPS only for purposes of workers' compensation.

**Section 46** prevents an employer from discriminating against, discharging, demoting, or otherwise taking adverse employment action against any employee that is a member of the NCWCAP based on that membership or any absence from work required to perform duties with the NCWCAP if all the following apply:

- The absence is necessary to perform duties incident to a State approved mission or to a USAF authorized mission.
- The absence is for no more than seven consecutive scheduled working days.
- The total absences in a calendar year do not exceed more than 14 scheduled working days.

The employer can require the employee to furnish a copy of the employee's mission order and is not required to pay salary or wages to any NCWCAP member during the authorized absence unless the member chooses to use any paid leave that may be available.

**EFFECTIVE DATE:** This bill was vetoed by the Governor on October 2, 2023, and that veto was overridden by the General Assembly on October 10, 2023. This section became effective on December 1, 2023, and applies to absences occurring on or after that date.

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Legislative Analysis  
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