

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE DRH50474-LR-107 (03/26)

Short Title: Good Faith Immunity/Certain Employers.

(Public)

Sponsors: Representative Blackwood.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT PROVIDING TO EMPLOYERS IMMUNITY AGAINST CLAIMS ASSERTED BY
3 PERSONS DISMISSED FROM EMPLOYMENT DUE TO THE PERSON'S LYING TO
4 THE EMPLOYER IN A SWORN STATEMENT ABOUT SOCIAL SECURITY
5 NUMBERS OR IMMIGRATION STATUS.

6 The General Assembly of North Carolina enacts:

7 SECTION 1. Chapter 1 of the General Statutes is amended by adding a new Article
8 to read:

9 "Article 43F.

10 "Other Immunity.

11 "**§ 1-539.27. Employer immunity in dismissal of employee for lying to employer about**
12 **social security numbers or immigration status.**

13 (a) The following definitions apply in this section:

14 (1) Employee. – Any person who provides services or labor for an employer in
15 this State in exchange for remuneration. The term does not include
16 independent contractors.

17 (2) Employer. – Any person employing an employee.

18 (3) Federal work authorization program. – Any of the electronic verification of
19 work authorization programs operated (i) by the U.S. Department of
20 Homeland Security (Homeland Security) or any such equivalent program
21 operated by Homeland Security to verify information of newly hired
22 employees pursuant to the Immigration Reform and Control Act of 1986,
23 Public Law 99-603 or (ii) pursuant to the federal E-Verify program
24 described in section 401(b) of the Illegal Immigration Reform and
25 Immigration Responsibility Act of 1996 (8 U.S.C. § 1324a note).

26 (4) Social security number verification service. – The program administered by
27 the Social Security Administration to verify the social security numbers of
28 workers, or any of its successor programs.

29 (b) An employer who in good faith dismisses an employee from employment because
30 the employee lied to the employer in a sworn statement given in connection with the
31 employee's contesting a tentative nonconformation from a federal work authorization program
32 or social security number verification service is immune from civil liability and is not liable in
33 civil damages, personally or otherwise, to the former employee for any damages arising out of
34 the dismissal. This immunity shall not apply if the employer acted in bad faith.



1 (c) Immunity pursuant to this section is in addition to any other protections or rights of
2 the employer under the law."

3 **SECTION 2.** This act becomes effective October 1, 2009, and applies to acts or
4 omissions occurring on or after that date.