



CHAPTER 95
ARTICLE 21 - RETALIATORY EMPLOYMENT DISCRIMINATION

N.C.G.S. § 95-242.

Complaint; investigation; conciliation.

SOURCE General Statutes of North Carolina, as published by the General Assembly	LAST AMENDMENT IN THIS TEXT No amendment history on record	RETRIEVED 21 September 2026, 01:25 UTC	SOURCE FINGERPRINT d04a35588d3e688e5332f8f2 - b9e368e4fc3fe11c87e8e05e - fb12ca0264815be8
---	--	--	---

§ 95-242(a)

AFFIRMATIVE
DEFENSE

An employee allegedly aggrieved by a violation of G.S. 95-241 may file a written complaint with the Commissioner of Labor alleging the violation. A complaint must contain all of the following:

- (1) The name, phone number, address, and email address, if known, of the complainant.
- (2) The name and address of the respondent.
- (3) The name, phone number, and email address, if known, of the human resources manager or other point of contact for the respondent.
- (4) The name, phone number, and email address, if known, of the supervisor of the complainant at the time of the alleged retaliatory action.
- (5) Identification of the protected activity listed in G.S. 95-241(a)(1) engaged in by the complainant prior to the alleged retaliatory action.
- (6) Form 18 from any relevant workers' compensation claim, if one exists.
- (7) A statement of the facts outlining the protected activity engaged in by the complainant prior to the alleged retaliatory action.
- (8) A description of the alleged retaliatory action and any relevant facts known to plaintiff that would explain a legitimate, nondiscriminatory reason for the adverse employment action.
- (9) The date of the most recent alleged retaliatory action.
- (10) The signature of the complainant.

If the complaint is filed by anyone other than the complainant, except an attorney, the filer shall submit a written authorization dated and signed by the complainant allowing the person to file the complaint on the complainant's behalf. The complaint shall be filed through a form on the Department's website, by mail, or by email within 180 days of the alleged violation. If a complainant files a partial complaint within 180 days, the Department shall notify the complainant of any deficiencies and the complainant shall have 30 days to submit a full complaint. Within 20 days following receipt of the complaint, the Commissioner shall forward a copy of the full complaint to the person alleged to have committed the violation and shall initiate an investigation. Any extraneous materials submitted along with the complaint shall not be considered in the investigation and shall be destroyed. Notwithstanding G.S. 132-6 or any other provision of law, extraneous materials shall not be deemed public records and shall not be subject to inspection or examination. Within seven days of receipt of the complaint, the respondent may submit a position statement outlining affirmative defenses. Nothing in this subsection shall be construed to prevent the Commissioner from initiating an investigation prior to receiving a response from the respondent. If the Commissioner determines after the investigation that there is not reasonable cause to believe that the allegation is true, the Commissioner shall dismiss the complaint, promptly notify the employee and the respondent, and issue a right-to-sue letter to the employee that will enable the employee to bring a civil action pursuant to G.S. 95-243. If the Commissioner determines after investigation that there is reasonable cause to believe that the allegation is true, the Commissioner shall attempt to eliminate the alleged violation by informal methods which may consist of conference, conciliation, and persuasion. The Commissioner shall make a determination as soon as possible and, in any event, not later than 90 days after the filing of the complaint.

§ 95-242(b)

If the Commissioner is unable to resolve the alleged violation through the informal methods, the Commissioner shall notify the parties in writing that conciliation efforts have failed. The Commissioner shall then either file a civil action on behalf of the employee pursuant to G.S. 95-243 or issue a right-to-sue letter to the employee enabling the employee to bring a civil action pursuant to G.S. 95-243.

§ 95-242(b1)

The Commissioner may reopen an investigation under this Article for good cause shown within 30 days of receipt of the right-to-sue letter. If an investigation is reopened pursuant to this section, the 90-day time limit set forth in G.S. 95-243(b) shall not commence until the new investigation is complete and either a new right-to-sue

letter is issued or the Commissioner notifies the parties in writing that conciliation efforts have failed.

§ 95-242(c)

An employee may make a written request to the Commissioner for a right-to-sue letter after 90 days following the filing of a complaint if the Commissioner has not issued a notice of conciliation failure and has not commenced an action pursuant to G.S. 95-242.

§ 95-242(d)

Nothing said or done during the use of the informal methods described in subsection (a) of this section may be made public by the Commissioner or used as evidence in a subsequent proceeding under this Article without the written consent of the persons concerned.

§ 95-242(e)

The Commissioner's files and the Commissioner's other records relating to investigations and enforcement proceedings pursuant to this Article shall not be subject to inspection and examination as authorized by G.S. 132-6 while such investigations and proceedings are open or pending in the trial court division.

§ 95-242(f)

In making inspections and investigations under this Article, the Commissioner or his duly authorized agents may, in addition to exercising the authority granted in G.S. 95-4, issue subpoenas to require the attendance and testimony of witnesses and the production of evidence under oath. Witnesses shall be reimbursed for all travel and other necessary expenses which shall be claimed and paid in accordance with the prevailing travel reimbursement requirements of the State. In the case of failure or refusal of any person to obey a subpoena under this Article, the district court judge or superior court judge of the county in which the inspection or investigation is conducted shall, upon the application of the Commissioner, have jurisdiction to issue an order requiring compliance. (1991 (Reg. Sess., 1992), c. 1021, s. 1; 1993, c. 423, s. 2; 2011-366, ss. 9, 10; 2026-13, s. 1.)

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS II
7 AUTHORITIES

Authorities referenced

Every G.S. cross-reference appearing in the text of this section, in order of first appearance. Nothing is characterized; the operative language is quoted from the section itself.

REFERENCE

APPEARS IN

OPERATIVE LANGUAGE IN THIS SECTION

G.S. 95-241	(a)	<i>"allegedly aggrieved by a violation of"</i>
G.S. 95-241(a)(1)	(a)(5)	<i>"of the protected activity listed in"</i>
G.S. 132-6	(a)	<i>"investigation and shall be destroyed. Notwithstanding"</i>
G.S. 95-243	(a)	<i>"bring a civil action pursuant to"</i>
G.S. 95-243(b)	(b1)	<i>"90-day time limit set forth in"</i>
G.S. 95-242	(c)	<i>"not commenced an action pursuant to"</i>
G.S. 95-4	(f)	<i>"to exercising the authority granted in"</i>

APPARATUS III

Citation

FULL SECTION
N.C. Gen. Stat. § 95-242 (2026).

PINPOINT
N.C. Gen. Stat. § 95-242(a) (2026).

Pinpoint keys are set in the left margin of the text rather than line numbers: subsection designators are stable across editions and paper sizes, line numbers are not.

COLOPHON

Provenance

This document reproduces the text of one section of the General Statutes of North Carolina from a source file whose SHA-256 digest is printed on every page. The digest fixes the bytes this export was made from; if the State's file changes, the digest will not match.

The text of the section is unaltered. Subsection designators have been moved from the run of text into the margin. The amendment history and the table of authorities are derived from the section by mechanical extraction — they add no characterization of the law.

This is not the official text. The official text is published by the General Assembly of North Carolina.

