

Note from the Codifier: The OAH website includes notices and the text of proposed temporary rules as required by G.S. 150B-21.1(a1). Prior to the agency adopting the temporary rule, the agency must hold a public hearing no less than five days after the rule and notice have been published and must accept comments for at least 15 business days.
For questions, you may contact the Office of Administrative Hearings at 984-236-1850 or email oah.postmaster@oah.nc.gov.

TITLE 25 – OFFICE OF STATE HUMAN RESOURCES

Notice is hereby given in accordance with G.S. 150B-21.1(a3) that the State Human Resources Commission intends to adopt the rule cited as 25 NCAC 01E .1903.

Codifier of Rules received for publication the following notice and proposed temporary rule(s) on: October 20, 2023

Public Hearing:

Date: November 1, 2023

Time: 10:00 a.m.

Location: <https://ncgov.webex.com/ncgov/j.php?MTID=ma8a8a70131b24b47d70c332b790baa66>

Reason for Proposed Temporary Action: The effective date of a recent act of the General Assembly or of the U.S. Congress, cite: N.C. Sess. Law 2023-134, effective date: October 3, 2023. Explain: The State Human Resources Commission proposes adopting 25 NCAC 01E .1903 as a new temporary rule under its obligation in S.L. 2023-134 at section 7.83(a) clarifying G.S. 126-8.6(c1) effective July 1, 2023. SHRC previously promulgated a temporary rule .1903 as directed by the legislature, adopted on August 25, 2023. Section 7.83(a) of the 2023 Appropriations Act included new language requiring the Commission to adopt rules clarifying employees must have worked for the previous 12-month period or at least 1,040 hours to be eligible to receive paid parental leave. The new statute, added to G.S. § 126-8.6(c1)(1)-(3): "The rules shall provide that the period of minimum service may be met by aggregating employment at any of the following: (1) State agencies, departments, and institutions, including The University of North Carolina; (2) Public school units that provide paid parental leave in accordance with this section; (3) Community colleges located in this State." This section, like the rest of the Appropriations Act, was ratified on September 22, 2023 and became law on October 3, 2023. Therefore, OSHR is proposing the adoption of this new temporary rule for 25 NCAC 01E .1903, with the inclusion of the following language at .1903(c) (1) and (2) to ensure its effectiveness until it is a permanent rule.

Comment Procedures: Comments from the public shall be directed to: Denise Holton Mazza, 116 West Jones Street, Raleigh, NC 27603; phone (984) 236-0823; email Denise.Mazza@nc.gov. The comment period begins October 20, 2023 and ends November 13, 2023.

CHAPTER 01 - OFFICE OF STATE HUMAN RESOURCES

SUBCHAPTER 01E - EMPLOYEE BENEFITS

SECTION .1900 – PAID PARENTAL LEAVE

25 NCAC 01E .1903 ELIGIBILITY FOR PAID PARENTAL LEAVE

(a) This Section applies to all agency employees subject to G.S. 126-8.6, whether or not those employees are exempt from other sections of the State Human Resources Act.

(b) Employees may receive paid parental leave under this Section only if they are in a permanent, time-limited, or probationary appointment. Temporary employees are not eligible for paid parental leave under this Section.

(c) An agency shall allow an employee to take paid parental leave under this Section only if, at the time of the qualifying event, the employee meets each of the following conditions.

- (1) For the immediate 12 preceding months, the employee has been employed without a break in service as defined by 25 NCAC 01D .0114 in a permanent, time-limited, or probationary appointment by:
 - (A) the State of North Carolina agencies, departments, and institutions, including without limitation the University of North Carolina;
 - (B) public school units that provide paid parental leave in accordance with G.S. 126-8.6; or
 - (C) community college institutions of the State of North Carolina, aggregating employment at any of these employers.
- (2) The employee has been in pay status with:
 - (A) the State of North Carolina agencies, departments, and institutions, including without limitation the University of North Carolina;
 - (B) public school units that provide paid parental leave in accordance with G.S. 126-8.6; or
 - (C) community college institutions of the State of North Carolina, for at least 1,040 hours, aggregating employment at any of these employers, during the previous 12-month period.

(d) This Section applies to requests for paid parental leave related to qualifying events occurring on or after July 1, 2023.

Authority G.S. 126-8.6.