

Permanent Amendment for Publication in the NCAC

25 NCAC 01E .1601 is amended as published in 34:23 NCR as follows:

**25 NCAC 01E .1601      ~~COMMUNITY SERVICE LEAVE PURPOSE~~**

(a) A supervisor may approve ~~Community Volunteer Service~~ and ~~Child Involvement~~ Leave for employees as follows:

- (1) for parents for involvement with their child in ~~the schools a~~ [School] "school" as defined in in Rule .1602 in this Subchapter;
- (2) for any employee to volunteer in ~~the schools a~~ [School] school or in a ~~Community Volunteer Service~~ Organization as defined ~~in~~ in Rule .1602 in this Subchapter; or
- (3) for any employee to volunteer in a ~~Public University, Community College,~~ [School] school or Statestate agency as defined in Rule .1602 of this Subchapter provided that the service is outside of the employee's normal scope of duties and responsibilities and that the employee is not receiving any form of compensation for the services rendered.

(b) A supervisor may approve special provisions for volunteer work ~~as follows:~~

- ~~(1) — tutoring and mentoring in public or non-public school as defined in Rule .1602 in this Subchapter; or~~
  - ~~(2) — volunteering in a literacy program in a public school as defined in Rule .1602 in this Subchapter.~~
- for serving as a tutor, [mentor] mentor, or volunteer in a literacy program in a [School] school. ~~as defined in Rule .1602 of this Subchapter.~~

*History Note: Authority G.S. 126-4;*

*Eff. April 1, 2001;*

*Amended Eff. April 1, 2015; August 1, 2010; October 1, 2004;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016; 2016;*

*Amended Eff. November 1, 2020.*

25 NCAC 01E .1602 is amended as published in 34:23 NCR as follows:

**25 NCAC 01E .1602 DEFINITIONS**

When used in this Section, these terms have the following meaning:

- (1) "School" ~~An elementary school, a middle school, a high school, [an accredited community college, university, vocational or trade school, ] or a child care program that is authorized to operate under the laws of the State of North Carolina. [ state in which it is located. ]~~
- (2) "Public University" ~~A constituent institution of the University of North Carolina.~~
- (3) "Community College" ~~An educational institution that is a member of the North Carolina Community College System.~~
- (4)(2) "State Agency" ~~A State government agency that is authorized to operate under the laws of the State of North Carolina. [ state in which it is located. ]~~
- (5)(3)(1) "Child" ~~A~~means dependent son or daughter who is a biological child, an adopted child, a foster child, a step-child, a legal ward, or a child of an employee standing in loco parentis.
- (4)(2) "Child Involvement" ~~[—The]means the act of supporting one's [Child]child through attendance or participation in activities related to the [Child's]child's education at [his/her]his or her [School.]school.~~
- (9)(3) "Literacy Program" ~~[—The]means act of volunteering in an elementary, [middle]middle, or high school to assist students with reading or writing skills in accordance with established academic standards.~~
- (4)(4) "School" ~~[—An]means elementary school, a middle school, a high school, an accredited community college, university, vocational or trade school, or a child care program that is authorized to operate under the laws of the State of North Carolina. state in which it is located.~~
- (4)(2)(5) "State Agency" ~~[—A]means a Statestate government agency that is authorized to operate under the laws of the State of North Carolina. state in which it is located.~~
- (8)(6) "Tutoring and Mentoring" ~~[—The]means the act of volunteering in an elementary, [middle]middle, or high school to support a student who is more likely than other students to struggle academically.~~
- (6)(5)(7) "Community Service Organization" "Volunteer Service Organization" ~~—Ameans a~~ non-profit, non-partisan community organization that is designated as an IRS Code 501(c)(3) civic, [charitable]charitable, or humanitarian agency, or a human service organization licensed or accredited by the State of North Carolina state in which it is located to serve citizens with special needs including children, youth, and the elderly.
- (7)(6)(8) "Community [Volunteer] "Volunteer Service" ~~—Themmeans the act of supportingserving citizens of North Carolina and the broader community without expectation of compensation for services through volunteer service.~~

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(8) ~~(7)~~ (9) "Volunteer" ~~means a~~ person who willingly chooses to perform hours of service for civic, charitable, or humanitarian reasons without promise or expectation of compensation for services provided.

~~(8) "Tutoring and Mentoring" The act of volunteering in an elementary, middle or high school to support a student who is more likely than other students to struggle academically.~~

~~(9) "Literacy Program" The act of volunteering in an elementary, middle or high school to assist students with reading or writing skills in accordance with established academic standards.~~

*History Note: Authority G.S. 126-4;*

*Eff. April 1, 2001;*

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25 NCAC 01E .1604 is amended as published in 34:23 NCR as follows:

**25 NCAC 01E .1604      USES OF COMMUNITY-VOLUNTEER SERVICE AND CHILD INVOLVEMENT LEAVE**

Community Volunteer Service and Child Involvement Leave may be used for:

- (1) meeting with a teacher or administrator concerning the employee's child;
- (2) attending any function sponsored by the school in which the employee's child is participating. This provision shall only be utilized in conjunction with nonathletic programs that are a part or supplement to the school's academic or artistic program;
- (3) ~~donating time to perform~~ performing school-approved volunteer work approved by a teacher, school administrator, or program administrator;
- (4) ~~donating time to perform~~ performing a service for a ~~community service organization~~. Volunteer Service Organization. ~~It does not~~ Service shall not include attendance or participation in an event in which no service is performed;
- (5) performing volunteer work for a ~~public~~ university that is approved by a university administrator or other university official;
- (6) performing volunteer work for a community college that is approved by a community college administrator or other community college official; ~~or~~
- (7) performing volunteer work for a non-profit vocational or trade school that is approved by a school administrator or other school official; or
- (8) performing volunteer work for a ~~State~~ state agency that is approved by the agency head or ~~his/her~~ his or her designee.

*History Note: Authority G.S. 126-4;*

*Eff. April 1, 2001;*

*Amended Eff. August 1, 2010;*

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25 NCAC 01E .1605 is amended as published in 34:23 NCR as follows:

**25 NCAC 01E .1605 COMMUNITY SERVICE LEAVE ADMINISTRATION**

Each agency shall administer the ~~Community Service leave~~ Volunteer Service and Child Involvement Leave program as follows:

- (1) Employees ~~must~~ shall receive approval from their supervisor to use ~~community service leave~~ Volunteer Service and Child Involvement Leave. The agency may require that the leave be taken at a time other than the one requested, based on the needs of the agency. The agency may require proof that community service leave taken is being utilized within the purpose of this ~~Subchapter~~ Section.
- (2) Leave shall only be requested and approved for ~~community service~~ Volunteer Service that occurs during the employee's regularly scheduled hours of work. Agencies with shift employees regularly scheduled to work evening or night shift ~~with a shift schedule in excess of eight hours~~ may allow the use of ~~community service leave~~ Volunteer Service and Child Involvement Leave in situations where the employee's participation in ~~community service~~ Volunteer Service and Child Involvement Leave outside of the ~~normal~~ normal work schedule significantly impacts the employee's normal sleep ~~period~~ period, and if the agency can maintain [sufficient] coverage at the workplace.
- (3) ~~Reasonable travel~~ Travel time may be included in approved time for ~~community service~~ Volunteer Service and Child Involvement Leave, but only for the time that intersects the employee's regular work schedule.
- (4) If an employee transfers to another State agency, any balance of the ~~community service leave~~ Volunteer Service and Child Involvement Leave not used shall be transferred to the new agency. Under the tutoring and mentoring or literacy leave option, the employee shall secure approval from the new supervisor to continue with that option prior to the transfer.
- (5) Leave not taken in a calendar year is forfeited; it shall not be carried over into the next calendar year.
- (6) Employees shall not be paid for this leave upon separation from State government.
- (7) The use of ~~community service leave~~ Volunteer Service and Child Involvement Leave shall be reported separately from all other paid leave. Employees and supervisors are responsible for accurate reporting of the use of ~~community service leave~~ Volunteer Service and Child Involvement Leave on the employee's time record.

*History Note: Authority G.S. 126-4;*

*Eff. July 18, 2002;*

*Amended Eff. April 1, 2015;*

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25 NCAC 01E .1607 is amended as published in 34:23 NCR as follows:

**25 NCAC 01E .1607 SPECIAL LEAVE PROVISIONS**

(a) Agency heads may establish a policy providing time off with pay to employees participating in volunteer emergency and rescue services. Each agency head shall determine that a ~~bonafide~~ bona fide need for such services exists within a given area. A ~~bonafide~~ bona fide need is defined as real or eminent danger to life or property.

Volunteer emergency and rescue services leave shall not exceed 15 work days in any 12-month period, and [should] shall be entered as Other Management Approved Leave for timekeeping purposes.

(b) Each policy shall require proof of the employee's membership in an emergency volunteer organization and that the performance of such emergency services will not ~~unreasonably~~ hinder agency activity for which the employee is responsible.

(c) Blood, Bone Marrow Marrow, and Organ Donorship - Employees may be given ~~reasonable~~ time off with pay for whole blood donation, pheresis ~~procedure~~ procedure, and bone marrow transplant. Employees may be given up to 30 days with pay for organ donation. Leave granted under this [subparagraph] Paragraph [should] shall be entered as Other Management Approved Leave for timekeeping purposes.

*History Note: Authority G.S. 126-4;*

*Temporary Adoption Eff. March 18, 2002 (This temporary adoption replaces a permanent rulemaking originally proposed to be eff. July 1, 2002);*

*Eff. August 1, 2004;*

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