

25 NCAC 01E .1901 is adopted as published in 38:18 NCR 1205-1208 as follows:

25 NCAC 01E .1901 DEFINITIONS

For the purposes of this Section, the following definitions shall apply:

(1) "Agency" means any State agency, department, institution, office, board, or commission, including institutions and offices of the University of North Carolina, but excluding the legislative branch, the judicial branch, community college institutions, and public schools.

(2) "Child" means a child as defined at G.S. 126-8.6(a)(1).

(3) "Parent" means:

(a) the mother or father of a child through birth or legal adoption; or

(b) an individual who cares for a child through foster or other legal placement under the direction of a government authority.

(4) "Qualifying event" means when an employee becomes a parent to a child.

History Note: Authority G.S. 126-5(c19); 126-8.6;

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25 NCAC 01E .1902 is adopted as published in 38:18 NCR 1205-1208 as follows:

25 NCAC 01E .1902 RELATIONSHIP TO OTHER RULES AND POLICIES

(a) This Section states the terms and conditions only for paid parental leave that is provided under G.S. 126-8.6 by an agency, as defined in Rule .1901 of this Section.

(b) The paid parental leave provided under this Section is in addition to any other leave authorized by state or federal law.

History Note: Authority G.S. 126-8.6;

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25 NCAC 01E .1903 is adopted with changes as published in 38:18 NCR 1205-1208 as follows:

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, aggregating employment at any of these employers; 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. Carolina, aggregating employment at any of these employers.

(2) The employee has been in pay status with; for at least 1,040 hours during the previous 12-month period, aggregating employment at any of these employers:

(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. 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.

History Note: Authority G.S. 126-8.6;

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25 NCAC 01E .1904 is adopted as published in 38:18 NCR 1205-1208 as follows:

25 NCAC 01E .1904 LEAVE AVAILABLE TO FULL-TIME EMPLOYEES

(a) Full-time employees eligible for paid parental leave under this Section may take, in their discretion, up to the following amounts of leave:

(1) For a parent who gives birth to a child, eight total weeks of paid parental leave, made up of:

(A) Four weeks for physical and mental recuperation, and

(B) Four additional weeks for bonding with the child.

(2) For any other qualifying event, four weeks of paid parental leave for bonding with the child.

(b) Each week of paid parental leave under this Section shall result in compensation at 100 percent of the eligible employee's regular pay on a straight-time basis (without including overtime pay or paid time off, on the employee's regular weekly schedule).

History Note: Authority G.S. 126-8.6;

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25 NCAC 01E .1905 is adopted as published in 38:18 NCR 1205-1208 as follows:

25 NCAC 01E .1905 LEAVE AVAILABLE TO PART-TIME EMPLOYEES

(a) Part-time employees (regardless whether they work half-time or more) shall receive paid parental leave under this Section if they meet all other requirements for eligibility.

(b) Part-time employees eligible for paid parental leave under this Section may take, in their discretion, a prorated amount of leave based on the hours worked in the employee's regular, weekly schedule compared to the hours worked by a full-time employee in a similar position at that agency.

(c) Each week of paid parental leave under this Section shall result in compensation at 100 percent of the eligible employee's regular pay on a straight-time basis (without including overtime pay or paid time off, on the employee's regular weekly schedule).

History Note: Authority G.S. 126-8.6;

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25 NCAC 01E .1906 is adopted as published in 38:18 NCR 1205-1208 as follows:

25 NCAC 01E .1906 USE OF OTHER LEAVE

The paid parental leave provided under this Section shall not be counted against or deducted from the employee's sick, vacation, bonus, or other accrued leave. For agency employees, the paid parental leave provided under this Section is in addition to any other leave authorized by law, rule, or policy, including but not limited to leave without pay provided under 25 NCAC 01E .1110, voluntary shared leave under G.S. 126-8.3 and 25 NCAC 01E .1300, or family and medical leave. However, when an employee becomes eligible, as described in 25 NCAC 01E .1400, for family and medical leave, the paid parental leave under this Section shall run concurrently with the family and medical leave.

History Note: Authority G.S. 126-8.6;

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25 NCAC 01E .1907 is adopted as published in 38:18 NCR 1205-1208 as follows:

25 NCAC 01E .1907 REQUESTING USE OF PAID PARENTAL LEAVE

(a) Eligible employees may take paid parental leave in one continuous period or may take intermittent use of paid parental leave. Requests for intermittent use of paid parental leave are subject to the agency's approval as stated in Paragraph (d) of this Rule.

(b) Whenever possible, eligible employees shall notify their employing agencies at least 10 weeks in advance of their intention to use paid parental leave. This requirement is so that agencies can secure backfill coverage.

(c) The agency shall not deny, delay, or require intermittent use of paid parental leave to employees who gave birth and seek to use paid parental leave in one continuous period.

(d) For all other employees, the agency may delay providing paid parental leave or may provide paid parental leave intermittently if it determines that providing the leave will cause a public safety concern, meaning a significant impairment to the agency's ability to conduct its operations in a manner that protects the health and safety of North Carolinians. For example, the extension of paid parental leave to an eligible employee who did not give birth may constitute a public safety concern if:

(1) Providing the paid parental leave would result in agency staffing levels below what is required by federal or state law to maintain operational safety; or

(2) Providing the paid parental leave may impact the health or safety of staff, patients, residents, offenders, or other individuals the agency is required by law to protect; and

(3) The agency has been unable to secure supplemental staffing after requesting or diligently exploring alternative staffing options.

(e) If the agency determines that it must delay paid parental leave, or make paid parental leave intermittent, because of a public safety concern under Paragraph (d) of this Rule, the agency shall provide paid parental leave as soon as practical following the qualifying event.

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25 NCAC 01E .1908 is adopted as published in 38:18 NCR 1205-1208 as follows:

25 NCAC 01E .1908 LEAVE ADMINISTRATION

(a) Paid parental leave under this Section may be used only once by an eligible employee within a rolling 12-month period.

(b) The birth or other qualifying event of twins, triplets, or other multiple children shall produce only one award of paid parental leave under this Section.

(c) Both parents may receive paid parental leave under this Section if they are both eligible agency employees. Both parents may take their leave simultaneously or at different times, subject to Rule .1907 of this Section.

(d) Employees shall submit documentation that they will use paid parental leave for a qualifying event under this Section. An agency may take appropriate action if an employee fraudulently requested or used paid parental leave. This action may include revoking approval and disciplinary action up to and including dismissal, pursuant to 25 NCAC 01J .0600.

(e) Employees shall not be paid for the leave provided by this Section upon separation from the employer. The leave provided by this Section shall not be used for calculating an employee's retirement benefits and shall not accrue or be donated as voluntary shared leave.

(f) Paid parental leave provided under this Section shall be reported separately from all other paid leave. Employees and supervisors are responsible for accurate reporting of the use of this leave on the employee's time record.

History Note: Authority G.S. 126-4(6); 126-8.6; 126-35(a);

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25 NCAC 01E .1909 is adopted **with changes** as published in 38:18 NCR 1205-1208 as follows:

25 NCAC 01E .1909 LEAVE ADMINISTRATION FOR ADOPTIONS OR FOSTER CARE PLACEMENTS

(a) When a child is given up for adoption or placed in foster care, from that point forward:

(1) The birth parent shall continue to be eligible for the paid parental leave listed in Rule .1904(a)(1)(A) of this Section for physical and mental recuperation; and

(2) Each parent shall not be eligible for further use of the paid parental leave listed in Rule .1904(a)(1)(B) of this Section for bonding with the child.

(b) When a prospective adoptive parent or foster parent expects an adoption or placement, but it does not occur, it does not produce paid parental leave under this Section. However, agencies ~~can be encouraged to be flexible and~~ allow adequate time for bereavement to the persons who would have become parents, using sick leave, vacation leave, bonus leave, compensatory time, and any other leave options that may be available to the employee.

History Note: Authority G.S. 126-8.6;

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25 NCAC 01E .1910 is adopted **with changes** as published in 38:18 NCR 1205-1208 as follows:

25 NCAC 01E .1910 MISCARRIAGE OR STILLBIRTH

(a) When a fetus dies before 12 weeks of the pregnancy were complete, it is not a qualifying event for paid parental leave under this Section.

(b) When a fetus dies after the 12th completed week of pregnancy, but before childbirth is complete:

(1) If the birth parent meets the eligibility requirements in Rule .1903 of this Section, the birth parent may receive the paid parental leave listed in Rule .1904(a)(1)(A) of this Section. This leave is four weeks for a full-time eligible state employee.

(2) The parents shall not receive the paid parental leave for bonding with the child that is listed in Rule .1904(a)(1)(B) and Rule .1904(a)(2) of this Section.

(c) When a child dies after childbirth is complete, each parent of the child who meets the eligibility requirements in Rule .1903 of this Section shall receive the full paid parental leave listed in Rule .1904(a)(1) and (a)(2). The paid parental leave will not be ended at the time of the child's death.

(d) In any of the situations above, agencies **canare encouraged to be flexible and** allow adequate time to the parents for bereavement and recovery, using sick leave, vacation leave, bonus leave, compensatory time, and any other leave options that may be available to the employee.

History Note: Authority G.S. 126-8.6;

Permanent Adoption _____, 2024.