

1 16 NCAC 06C .0408 is proposed for adoption under temporary procedures as follows:

2
3 **16 NCAC 06C .0408 PARENTAL LEAVE**

4 (a) For the purposes of this Rule, the following definitions shall apply:

5 (1) “Child” means a newborn biological child or a newly placed adopted, foster, or otherwise legally placed
6 child under the age of 18 whose parent is an eligible employee.

7 (2) “Eligible employee” means a person employed to fill a permanent, probationary, or time-limited position
8 in a public-school unit (“PSU”) who meets the eligibility requirements set forth in Paragraph (b) of
9 this Rule. “Eligible employee” shall not include temporary employees or independent contractors.

10 (3) “Parent” means the legal guardian or custodian of a child through birth, adoption, foster care, or other
11 legal placement.

12 (4) “Public school unit” or “PSU” is defined in G.S. 115C-5(7a). This Rule shall only apply to a charter
13 school if the board of directors for the charter school has opted to provide for paid parental leave in
14 accordance with G.S. 115C-218.90(a)(6).

15 (5) “Qualifying event” means when an eligible employee becomes a parent to a child.

16 (b) To be eligible for paid parental leave, a PSU employee shall, at the time of the qualifying event, have been in pay
17 status for at least 1,040 hours with the same PSU and without a break in service within the previous 12-month period.

18 For purposes of this Rule, a break in service shall not include:

19 (1) Any period in the past 12 months during which the employee was receiving workers’ compensation under
20 G.S. 97-1 et seq. or on short-term disability under G.S. 135-105.

21 (2) Any period in which the employee was on leave without pay.

22 (3) For a 10- or 11-month employee whose employment will continue for the following school year, the time
23 between the conclusion of one employment period and the commencement of the following
24 employment period.

25 (c) A full-time eligible employee who becomes a parent to a child shall be entitled to the following:

26 (1) Up to eight (8) weeks of paid parental leave after giving birth to a child; or

27 (2) Up to four (4) weeks of paid parental leave after any other qualifying event.

28 (d) A part-time eligible employee who becomes a parent to a child shall be entitled to a prorated share of paid parental
29 leave based upon the hours in the employee’s regular, weekly schedule compared to the hours worked by a full-time
30 employee in a similar position within the PSU, provided that the prorated share of leave shall not exceed:

31 (1) Eight (8) weeks of paid parental leave after the parent gives birth to a child; or

32 (2) Four (4) weeks of paid parental leave after any other qualifying event.

33 (e) The paid parental leave provided by this Rule shall result in compensation at 100 percent of the eligible employee’s
34 regular, straight-time pay.

35 (f) The paid parental leave provided under this Rule is in addition to any other leave authorized by this Chapter, State
36 or federal law, or policies established by the PSU, provided that the paid parental leave:

1 (1) Shall not be counted against or deducted from an eligible employee's sick, vacation, or other accrued
2 leave.

3 (2) Shall be reported by the PSU separately from all other paid leave.

4 (3) Shall not accrue and is not eligible for donation to another employee.

5 (4) Shall no longer be available to the employee upon separation from employment with the PSU.

6 (5) Shall not be used for calculating the employee's retirement benefits.

7 (g) An eligible employee who requests paid parental leave shall do so in accordance with policies adopted by the
8 employee's PSU, subject to the following:

9 (1) The paid parental leave may be used any time during the 12 months following a qualifying event. A PSU
10 shall not deny, delay, or require intermittent use of paid parental leave to an eligible employee,
11 except by mutual agreement of the PSU and employee.

12 (2) The employee shall provide advanced notice to the PSU of the employee's intent to use paid parental
13 leave in accordance with policies adopted by the PSU. When reasonably possible, the employee
14 shall provide notice at least ten (10) weeks in advance of a qualifying event, but under no
15 circumstances shall a PSU require more than ten (10) weeks' notice.

16 (3) The paid parental leave provided by this Rule may be used only once for a qualifying event within a 12-
17 month period. Multiple births, adoptions, or other legal placements within the same 12-month period
18 shall not entitle an otherwise eligible employee to more than one award of paid parental leave.

19 (4) If both parents of a child are employed by the same PSU, the PSU shall permit both parents to take paid
20 parental leave simultaneously if they so request, subject to Subparagraphs (1) and (2) of this
21 Paragraph.

22 (5) An employee shall forfeit any unused paid parental leave 12 months after the date of the qualifying event.

23 (h) This paid parental leave provided by this Rule applies only to requests for paid parental leave related to qualifying
24 events occurring on or after July 1, 2023. Nothing in this Rule shall prohibit an employer, if authorized, from providing
25 paid parental leave in amounts greater than what is required by this Rule.

27 History Note: Authority G.S. 115C-12(5); 115C-12(8); 115C-12(16); 115C-272; 115C-285; 115C-302.1; 115C-
28 315; 126-8.6.

29 Temporary Adoption Eff. Nov. 7, 2023