



# Proposed Permanent Rule

## 16 NCAC 06C .0408 Parental Leave





# Background

- S.L. 2023-14, effective May 16, 2024, provides paid parental leave for employees of State agencies, departments institutions, and the University of North Carolina; **public school employees**; and community college employees.
- The State Human Resources Commission is required to adopt rules on paid parental leave for State employees. G.S. 126.86(b).



# Background

- The State Board of Education must adopt rules for public school employees that are “substantially equivalent” to those adopted by the SHRC. G.S. 126-8.6(e).
- The SBE temporary rule became effective on October 27, 2023.
- The SBE must adopt a permanent rule to replace the temporary rule before July 23, 2024 .



# **CHANGES FROM TEMPORARY RULE**



# Changes in Proposed Permanent Rule

- Establishes October 1st deadline for charter schools to opt in each year to receive reimbursement.
- Divides 8 weeks of leave available to a birthing parent as follows:
  - 4 weeks for mental and physical recuperation.
  - 4 weeks for bonding with the child.



## Changes in Proposed Permanent Rule

- Requires employee taking FMLA for a qualifying event under this rule to exhaust available paid parental leave before using other types of leave.
- Limits parental leave when a child is placed up for adoption or into foster care to 4 weeks for birthing parent.



# Changes in Proposed Permanent Rule

- Establishes rules for miscarriages and stillbirths.
  - If the fetus dies before the 12th week of pregnancy, there is no qualifying event creating a leave entitlement.
  - If the fetus dies after the 12th week of pregnancy but prior to birth, the birthing parent receives 4 weeks of leave for mental and physical recuperation.
  - If the child dies after a completed birth, both birthing and non-birthing parents are entitled to the benefit the full amount of leave they otherwise would have received.



# Proposed Timeline

<b>SBE Proposes Permanent Rule and Fiscal Note</b>	April 4, 2024
<b>Public Comment Period</b>	April 12 – June 14, 2024
<b>Public Hearing</b>	May 31, 2024
<b>SBE Adopts Permanent Rule and Fiscal Note</b>	July 11, 2024
<b>Temporary Rules Take Effect</b>	August 1, 2024*



# Questions?

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