

8.1 – Parental Leave

8.1.1 Paid Parental Leave for Public School Employees

This policy will become effective for qualifying events occurring on or after July 1, 2023.

8.1.2 Definitions

Child – a newborn biological child or a newly placed adopted, foster, or otherwise legally placed child under the age of 18, whose parent is an eligible employee.

Continuous leave - leave taken over a continuous period for the full amount of leave to which an eligible employee is entitled under this policy.

Eligible employee – a person employed to fill a permanent, probationary, or time-limited position in a public-school unit who meets the eligibility requirements set forth in Section 8.1.3 of this manual. “Eligible employee” shall not include temporary employees or independent contractors.

Intermittent leave - means leave taken in separate periods for a single qualifying event that cumulatively equals the amount of leave to which an eligible employee is ~~entitled~~, entitled under this policy. Intermittent leave may include periods of leave ranging from half of an employee’s regularly scheduled workday to several consecutive workdays.

Parent – the legal guardian or custodian of a child through birth, adoption, foster care, or other legal placement.

Public School Unit (PSU) – a public-school unit that is supported by state funds. Public school units include local boards of education, public charter schools, laboratory schools, schools for the deaf and blind, and all alternative school environments under the direction of a PSU. This policy only applies to a charter school if the board of directors for the charter school has opted to provide for paid parental leave in accordance with G.S. 115C-218.90(a)(6). The board must notify the Office of Charter Schools of its intent to offer paid parental leave no later than October 1 of the fiscal year for which it intends the leave to be available.

Qualifying Event – when an eligible employee becomes a parent to a child.

8.1.3 Eligibility

A ~~permanent, probationary, or time-limited full-time PSU full-time eligible~~ employee who becomes a parent to a child ~~under the age of 18 years by birth, adoption or placement in foster care and meets eligibility requirements may take~~ is entitled to the following paid parental leave:

~~1. Up to eight weeks of paid leave after giving birth to a child; or
Up to four weeks of paid leave after any other qualifying event.~~

1. For a parent who gives birth to a child, up to eight weeks of paid parental leave consisting of:

- a. Four weeks for physical and mental recuperation; and
 - b. Four weeks for bonding with the child.
2. For any other qualifying event, up to four weeks of paid parental leave for bonding with the child.

~~A permanent, probationary, or time-limited~~ part-time eligible employee ~~may take a prorated amount of paid leave~~ is entitled to paid parental leave ~~after giving birth, a qualifying event. Part-time employees receive the same amount of leave as full-time employees.~~ Employees who work less than full-time hours will receive compensation for paid parental leave based on the percentage of the total wages for that job that reflects the actual time worked.

Temporary employees and independent contractors are not eligible for paid parental leave.

To be eligible for paid parental leave, ~~For the immediate twelve months preceding months,~~ the employee must, at the time of the qualifying event, have been employed by in pay status with a North Carolina public school in a permanent, probationary, or time-limited appointment for at least 12 months without a break in service. The employee must have been in pay status for at least 1,040 (or the equivalent number of hours for a part-time employee) in the previous 12-month period to qualify for paid parental leave.

The employee may aggregate periods of employment with different employers offering paid parental leave under G.S. 126-8.6—including other public-school units or state agencies—to satisfy this requirement. Any period of employment by a charter school does not satisfy this requirement unless the governing board of the charter school has elected to provide paid parental leave in accordance with G.S. 115C-218.90(a)(6).

- ~~• Time limited and probationary employees are eligible for paid parental leave.~~
- Periods of worker's compensation or short-term disability in the 12 months preceding the qualifying event do not make the employee ineligible for the paid parental leave.
- Periods of leave without pay, as provided for in other sections of this manual, shall not constitute a break in service, provided the employee meets the 1,040-hour pay status requirement.
- For 10- or 11-month employees, the two months between the conclusion of one contract period and the commencement of the following contract period shall not constitute a break in service.
- For an employee who transitions from one employer providing paid parental leave to another employer providing paid parental leave, the time between the separation from the first employer to the date of hire for the second employer shall not constitute a break in service as long as the transition period does not exceed 31 days.
- Any period in which the employee was absent due to military service in the Armed Forces of the United States shall not constitute a break in service.
- ~~• Temporary employees, and independent contractors are not eligible for paid parental leave.~~
- ~~• For the purposes of establishing eligibility for paid parental leave, a public-school unit employee shall, at the time of the qualifying event, have met the 12-month employment requirement (and 1,040 hours) in any North Carolina PSU, NC state agency, or other public entity providing paid parental leave under G.S.~~

~~126-8.6, with the exception of charter schools that opt not to provide paid parental leave.~~

8.1.4 Documentation of Qualifying Event

Eligible employees must certify that they qualify for paid parental leave. PSUs may offer conditional approval of paid parental leave but require an employee to submit documentation of the birth or placement (if applicable) during the term of the leave. Official documentation may include, but is not limited to:

Qualifying Event	Acceptable Documentation
Adoption	• Adoption Order • Proof of Placement
Birth	• Birth Certificate or Report of Birth • Certified DNA results • Custody Order
Foster Placement	• Foster Care Placement Agreement • Custody Order • Proof of Placement
Other Legal Placement	• Custody Order • Proof of Placement

Documents provided must show the date of birth or placement if the placement date differs from the date of birth. The name of the legal parent(s) must appear on some legal document establishing the birth or placement.

Whenever possible, employees must submit a written request to notify their employing agency ten weeks in advance of their intention to use paid parental leave so that the PSU may secure appropriate coverage. It is the obligation of the PSU to exercise due diligence in securing appropriate coverage for an employee taking paid parental leave. PSUs should develop a local policy related to the proper notification of the intention to use paid parental leave.

8.1.5 Leave Usage

- Paid parental leave may be used only once for a qualifying event within a twelve-month period. Multiple births, adoptions, or other legal placements does not increase the total amount of paid parental leave granted for a qualifying event.
- Unused paid parental leave is forfeited ~~twelve~~ 12 months from the date of the qualifying event.
- Paid parental leave shall result in compensation at 100 percent of the eligible employee's regular, straight-time pay (or the prorated equivalent for part-time employees).
- Paid parental leave shall not accrue or be donated to another employee.
- Paid parental leave shall not be counted against or deducted from the eligible

employee's accrued leave balances.

- 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.
- ~~Paid parental leave may be used only once by an eligible employee within a rolling 12-month period.~~
- Paid parental leave provided under this section shall be reported separately from all other paid leave. Employees and supervisors are responsible for accurately reporting the use of this leave on the employee's time record.
- ~~Paid parental leave may be used at any time during the twelve months following the birth or placement of a child with the eligible employee. The leave must be taken consecutively unless otherwise agreed to by the employee.~~ may be taken on either a continuous or intermittent basis as requested by the employee.
- Paid parental leave shall run concurrently with the Family Medical Leave Act job-protection benefit provided the employer notifies the employee that the leave qualifies for FMLA leave in accordance with Section 8.2.10 of this manual. In addition, an employee shall be eligible for paid parental leave even if the employee has exhausted benefits available under the FMLA. The employee may use any authorized leave or leave without pay to cover any additional absence while on FMLA.
- An employee may use the paid parental leave in conjunction with other leave opportunities as provided in this manual (e.g., Section 4.1.2 (b)).
- A PSU shall not deny, delay, or require intermittent use of paid parental leave to ~~eligible employees, except as agreed to by the employee.~~ an eligible employee without the employee's consent.
- If an eligible employee gives birth to a child and places the child up for adoption or into foster care, or otherwise places the child with another person to serve as the child's parent, the employee shall be entitled to up to four weeks of leave for physical and mental recuperation from the time of the child's birth. In such cases, neither a birthing parent nor a non-birthing parent shall be entitled to additional leave for bonding with the child.

8.1.6 Provisions for Medical Exigencies

If a fetus dies prior to a completed birth, or if a child dies after a completed birth, the following provisions shall apply:

- a. If the fetus dies before the conclusion of the 12th week of pregnancy, there is no qualifying event creating an entitlement to paid parental leave.
- b. If the fetus dies after the conclusion of the 12th week of pregnancy but prior to a completed birth, an eligible employee who carried the child shall be entitled to up to four weeks of leave for physical and mental recuperation. Neither a birthing parent nor a non-birthing parent shall be entitled to additional leave for bonding with the child.
- c. If a child dies after a completed birth, an otherwise eligible employee shall be entitled to the same amount of leave to which the employee would otherwise be entitled.

8.1.7 Unpaid Parental Leave for Public School Employees

All full-time permanent or part-time permanent employees may take a leave of absence

without pay for up to one calendar year from the date of birth or adoption to care for a newborn child or a newly adopted child.

8.1.8 Leave

The employee may elect to use appropriate earned leave during the time of the leave (See Annual Vacation Leave - Section 3.3 and Sick Leave - Section 4.0). For the purposes of educational continuity, with the approval of the local board, the unpaid leave of absence may be extended for the remainder of the school year when the leave would otherwise end in the latter half of the school year.

Spouses who are both employed by the same school system are limited to a combined total of 12 months of parental leave during the year following the birth or adoption.

Whenever possible, an employee should give written advance notice of request for leave of absence. Local boards of education may establish procedures for giving such notice. The local board may also determine when the leave will begin or end, based on a consideration of the welfare of the students and the employee and the need for continuity of service.

8.1.9 Effect on Career Status

Employees with career status approved for a leave of absence retain career status upon return from the authorized leave. A teacher in a full-time, permanent position who did not work for at least 120 workdays in a 215-day school year because the teacher was on sick leave, disability leave or both, that school year shall not be deemed to constitute:

- (a) A consecutive year of service for the teacher, or
- (b) A break in the continuity in consecutive years of service for the teacher.

Legal Reference(s)

G.S. 115C-325
16 NCAC 6C.0405