

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

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.

Eligible employee – a person employed to fill permanent 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.

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

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.

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 employee who becomes a parent to a child under the age of 18 years by birth, adoption or placement in foster care may take the following paid parental leave:

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

A permanent, probationary, or time-limited part-time employee may take a prorated amount of paid leave after giving birth. 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. For the immediate twelve months preceding months, the employee must have been employed by a North Carolina public school in a permanent, probationary, or time-limited appointment without a break in service. The employee must have been in pay status for at least 1,040 hours in the previous 12-month period to qualify for paid parental leave.

- 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-month employees, the two months between the conclusion of contract period and the commencement of the following contract period shall not constitute a break in service.
- 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, ~~each PSU is a separate employer. Employees must meet the 12-month employment requirement with the PSU from which they are taking 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	<ul style="list-style-type: none"> • Adoption Order • Proof of Placement
Birth	<ul style="list-style-type: none"> • Birth Certificate or Report of Birth • Certified DNA results • Custody Order
Foster Placement	<ul style="list-style-type: none"> • Foster Care Placement Agreement • Custody Order • Proof of Placement
Other Legal Placement	<ul style="list-style-type: none"> • 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 months from the date of the qualifying event.
- 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 upon by the employee and employer-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 ~~by mutual agreement of the PSU and the employee as agreed to by the employee.~~

8.1.6 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.

8.1.7 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.

8.1.8 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