

5.4.19 State of North Carolina Paid Parental Leave

Last Revised: January 2024

Policy: Piedmont Community College (PCC) provides paid parental leave to eligible employees in accordance with N.C.G.S 126-8.6.

Purpose/Definitions:

Purpose

The purpose of this policy is to outline the procedures by which the College will provide State of North Carolina paid parental leave to eligible employees.

Definitions

Break in Service—occurs when an employee is not in pay status for more than 31 calendar days. Educational Leave without pay (PCC Policy 5.4.1) and Other Types of Leave without Pay (PCC Policy 5.4.3) do not constitute a break in service.

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.

Parent—the mother or father of a child through birth or legal adoption, or an individual who cares for a child through foster or other legal placement under the direction of a government authority.

Pay status—in accordance with 25 NCAC 01D .0105,

- an employee shall be deemed to be in pay status when working, when on paid leave, when exhausting vacation or sick leave, or when on workers' compensation leave. Lump sum payment of vacation leave upon separation shall not constitute paid leave status.
- an employee shall not be deemed to be in pay status after the last day of work if separated because of resignation, dismissal, death, retirement, reduction in force, or in accordance with any rule.

Paid parental leave—a leave with pay option directed by the State of North Carolina in accordance with N.C.G.S. 126-8.6 for an eligible employee who becomes a parent to a child.

Public safety concern—a significant impairment to the College’s ability to conduct its operations in a manner that protects the health and safety of North Carolinians.

Qualifying event—when an employee becomes a parent to a child.

Approval Authority/Monitoring Authority: Piedmont Community College’s Board of Trustees has approval authority for this policy. The Vice President, Administrative Services/CFO has monitoring authority for this policy.

Procedure:

Section 1: Eligibility for Paid Parental Leave

1.1. Employees who become parents via childbirth, adoption, foster care, or another legal placement are eligible for paid parental leave if:

1.1.1. The employee is in a permanent, time-limited, or probationary appointment.

1.1.1.1. Temporary employees are not eligible for paid parental leave.

1.1.2. At the time of the qualifying event, the employee meets each of the following conditions:

1.1.2.1. For the immediate 12 preceding months, the employee has been employed without a break in service by the State of North Carolina in a permanent, time-limited, or probationary appointment.

1.1.2.1.1. Employment does not need to be with the same state agency.

1.1.2.1.2. Periods of worker’s compensation or short-term disability months preceding the qualifying events do not make the employee ineligible for paid parental leave.

1.1.2.1.3. Periods of leave without pay as defined in 25 NCAC 01E .1100, shall not constitute a break in service.

1.1.2.2. The employee has been in pay status with the State of North Carolina for at least 1,040 hours during the previous 12-month period becoming eligible for Family and Medical Leave.

1.1.2.2.1. Exhaustion of Family and Medical Leave does not affect eligibility for paid parental leave.

Section 2: Leave Available to Full-Time Employees

- 2.1. Full-time employees eligible for paid parental leave may take, in their discretion, up to the following amounts of leave:
 - 2.1.1. Eight weeks of paid leave after a parent gives birth to a child.
 - 2.1.2. Four weeks of paid leave after any other qualifying event.
- 2.2. Each week of paid parental leave shall result in compensation at 100% of the eligible employee's regular, straight-time weekly pay excluding shift differential, premium pay, or overtime.

Section 3: Leave Available to Permanent Part-Time Employees

- 3.1. Part-time employees (regardless of whether they work half-time or more) shall receive paid parental leave if the employee meets all other requirements for eligibility.
- 3.2. Part-time employees eligible for paid parental leave may take, in their discretion, a prorated leave amount to be determined at the time of request.
 - 3.2.1. For example, an employee who works 30 hours per week would receive 6 weeks for birth and 3 weeks for other qualifying event (75% of full-time employment amount).
- 3.3. Each week of paid parental leave shall result in compensation at 100% of the eligible employee's regular, straight-time weekly pay excluding shift differential, premium pay, or overtime.

Section 4: Use of Other Leave

- 4.1. Paid parental leave shall not be counted against or deducted from the employee's sick, vacation, or other accrued leave.
 - 4.1.1. Paid parental leave is in addition to any other leave authorized by law, section, or policy.
 - 4.1.2. Whether an employee has exhausted Family and Medical Leave does not affect eligibility for paid parental leave.

Section 5: Requesting Use of Paid Parental Leave

- 5.1. Eligible employees may take paid parental leave in one continuous period or may take intermittent use of paid parental leave.

- 5.1.1. Requests for intermittent use of paid parental leave are subject to approval as stated in items 5.4 and 5.5.
- 5.2. Whenever possible, eligible employees shall notify their supervisor at least 10 weeks in advance of their intention to use paid parental leave.
 - 5.2.1. Employees may withdraw their request for paid parental leave at any time.
- 5.3. Absent unusual circumstances, the employee shall be required to comply with the College's leave request procedures.
- 5.4. The College 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.
- 5.5. For all other employees, the College 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. For example, the extension of paid parental leave to an eligible employee who did not give birth may constitute a public safety concern if:
 - 5.5.1. Providing the paid parental leave would result in staffing levels below what is required by federal or state law to maintain operational safety; or
 - 5.5.2. Providing the paid parental leave may impact the health or safety of staff, patients, residents, offenders, or other individuals the College is required by law to protect; and
 - 5.5.3. The College has been unable to secure supplemental staffing after requesting or diligently exploring alternative staffing options.
- 5.6. If the College determines that it must delay paid parental leave, or make paid parental leave intermittent, because of a public safety concern per item 5.5, College shall provide paid parental leave as soon as practical following the qualifying event.
- 5.7. If both parents are eligible employees, each may receive paid parental leave.
 - 5.7.1. Both parents may take their leave simultaneously or at different times, pending no public safety concern.

Section 6: Leave Usage

- 6.1. Paid parental leave may be used only once for a qualifying event within a 12-month period.

- 6.1.1. The fact that a multiple birth, adoption, or other legal placement occurs (e.g., the birth of twins or adoption of siblings) does not increase the total amount of paid parental leave granted for that event.
- 6.2. Unused paid parental leave is forfeited 12 months from the date of the qualifying event.
- 6.3. Paid parental leave shall not accrue or be donated to another employee.
- 6.4. Employees shall not be paid for the leave provided by this policy upon separation from the College.
 - 6.4.1. The leave provided by this policy shall not be used for calculating an employee's retirement benefits and shall not accrue or be donated as voluntary shared leave.
- 6.5. To request paid parental leave, the employee will submit a leave request for approval.
- 6.6. If the employee requires leave before the actual birth or adoption due to medical reasons or to fulfill legal adoption obligations, other available leave balances shall be utilized in accordance with the College's leave policies. See PCC Policies 5.3 Compensatory Time Off, 5.4 Leave, 5.4.3 Other Types of Leave Without Pay, 5.4.5 Annual Leave, 5.4.6 Sick Leave, 5.4.11 Petty Leave, 5.4.14 Birthday Leave, 5.4.15 Family and Medical Leave, and 5.4.18 Personal Observance Leave.
 - 6.6.1. Paid parental leave shall not be used prior to the qualifying event.

Legal Citation: N.C.G.S 126-8.6 (effective date of this law on paid parental leave was 1 July 2023), [25 NCAC 01D .0105](#), [25 NCAC 01D .0114](#), [25 NCAC 01E .1100](#), [25 NCAC 01E .1901-1908](#), [1C SBCCC 200.100](#)

History: Effective November 2023, revised January 2024

Cross-references PCC Policies 5.3 Compensatory Time Off, 5.4 Leave, 5.4.1 Educational Leave, 5.4.3 Other Types of Leave Without Pay, 5.4.5 Annual Leave, 5.4.6 Sick Leave, 5.4.11 Petty Leave, 5.4.14 Birthday Leave, 5.4.15 Family and Medical Leave, and 5.4.18 Personal Observance Leave.