Employee Leave Options

Revision Date: September 24, 2026, effective October 1, 2026

TABLE OF CONTENTS

Part I. Introduction 6
§ 1. Purpose and How to Use This Policy 6
§ 2. Who Is Covered 6
§ 3. Leave at a Glance 9
§ 4. Standards That Apply to All Leave 12
§ 4.1. Requesting and Approving Leave 12
§ 4.2. Recording Leave and Hierarchy of Use 12
§ 4.3. Leave Records 12
§ 4.4. Leave Offsetting 12
Part II. Leave That Accumulates as a Balance 14
§ 1. Covered Employees 14
§ 2. Leave Charges 14
§ 3. Continuation of Benefits 14
§ 4. Transfer of Leave that Accumulates 14
Section 1. Vacation Leave 15
§ 1. Policy 15
§ 2. Purpose 15
§ 3. Vacation Leave Accrual 15
§ 4. Uses of Leave 15
§ 5. Scheduling Leave 16
§ 6. Accumulation 16
§ 7. Advancement 16
§ 8. Separation — Pay for Leave 16
§ 9. Overdrawn Leave 16
§ 10. Retirement Contribution 17
§ 11. Payment to Estate 17
Section 2. Sick Leave 17
§ 1. Policy 17

§ 2. Sick Leave Credits 17
§ 3. Accumulation 17
§ 4. Advancement 17
§ 5. Verification 17
§ 6. Uses of Sick Leave 17
§ 7. Definition of Immediate Family 18
§ 8. Leave Without Pay for Extended Illness 18
§ 9. How to Handle Sick Leave Upon Separation and Reinstatement 18
§ 10. Retirement Credit 19
Section 3. Compensatory Time 19
§ 1. Policy 19
§ 2. Amount 19
§ 3. Not Cumulative 19
§ 4. Transferable 19
§ 5. Limitations 20
§ 6. Managing Transfers and Separations 20
§ 7. Agency Responsibilities 20
Part III. Leave Granted as a Set Amount 21
§ 1. Limitations 21
Part III.A. Leave Granted on an Annual Schedule 21
Section 4. Holidays 21
§ 1. Policy 21
§ 2. Covered Employees 21
§ 3. Eligibility for Holidays 21
§ 4. Holiday Schedule 22
§ 5. Religious Observances 22
§ 6. Alternative Holiday Schedules 23
§ 7. Additional Holiday Schedules 23
§ 8. Holiday Premium Pay 23
§ 9. Weekend Holidays 23
§ 10. Workdays Above Eight Hours 23
Section 5. Community Service Leave 24
§ 1. Policy 24

§ 2. Definitions 24
§ 3. Covered Employees and Credits 25
§ 4. Changing Options 26
§ 5. What Is Community Service 26
§ 6. Employee Option for Tutoring and Mentoring 27
§ 7. Employee Option for Volunteering for the Literacy Program 27
§ 8. Partisan Political Involvement 28
§ 9. Approval of Leave 28
§ 10. Inter-Agency Transfer 28
Section 6. Personal Observance Leave 28
§ 1. Policy 28
§ 2. Definitions 29
§ 3. Eligible Employees 29
§ 4. Amount of Leave 29
§ 5. Use of Leave 29
§ 6. How Personal Observance Leave Is Credited During Hire and Transfer 30
Part III.B. Leave Granted When a Qualifying Event Occurs 30
Section 7. Bereavement Leave 30
§ 1. Policy 30
§ 2. Definitions 30
§ 3. Covered Employees 31
§ 4. Amount of Leave 31
§ 5. Leave Usage 31
§ 6. New Hires 32
Section 8. Paid Parental Leave 32
§ 1. Purpose 32
§ 2. Covered Employees 32
§ 3. Definitions 33
§ 4. Agency Requirements 34
§ 5. Employee Requirements 34
§ 6. Certification of Eligibility for Paid Parental Leave 35
§ 7. Leave Available 35
§ 8. Requesting Use of Paid Parental Leave 36

§ 9. Leave Usage 37
§ 10. Relationship to Family and Medical Leave 38
Section 9. Civil Leave and Job-Related Proceedings 38
§ 1. Covered Employees 38
§ 2. Non-Job-Related Civil Leave 38
§ 3. Job-Related Proceedings 39
Section 10. Incentive Leave 39
§ 1. Policy 39
§ 2. Definitions 40
§ 3. Recruitment Documentation 40
§ 4. Eligibility Requirements 40
§ 5. Amount of Leave and Relationship to Other Leave 41
§ 6. Other Limitations 41
§ 7. Inter-agency Transfer 41
§ 8. Use of Leave 41
Section 11. Educational Leave 41
§ 1. Policy 41
§ 2. Covered Employees 41
§ 3. Educational Leave with Pay 42
§ 4. Educational Leave without Pay 42
Section 12. Other Management Approved Leave (OMAL) 42
§ 1. Policy 42
§ 2. Coverage 42
§ 3. Approval of Leave 42
§ 4. Work Time vs. Other Management Approved Leave 42
§ 5. Non-Discretionary Types 43
§ 6. Discretionary Types 44
Part IV. Leave Without Pay 47
§ 1. Policy 47
§ 2. Covered Employees 47
§ 3. Definitions 47
§ 4. Extended Leave Without Pay 47
§ 5. Short Leave Without Pay 50

§ 6. Special Provisions for Parental Leave 51
Part V. Other Types of Leave Not in This Policy 52
Appendix A. Sources of Authority 53
A.1. General authority 53
A.2. Sections with Independent Authority 53
A.3. Relevant Administrative Code 53

Part I. Introduction

§ 1. Purpose and How to Use This Policy

Purpose and Types of Leave Covered in this Policy

The State of North Carolina provides its employees with leave, meaning paid or unpaid time away from work, as a component of the Total Rewards package, alongside salary, benefits, and the other programs available to employees. The State encourages employees to use the leave they earn and expects agencies to support them in doing so.

This policy outlines the standards associated with most types of leave available to state employees, including commonly used types of leave like vacation and sick leave. These standards include which employees are eligible, the amount of leave available, and when it can be taken.[1]

A few types of leave have their own separate policy, specifically: Family and Medical Leave, including Military Caregiver and Qualifying Exigency leave, Family Illness Leave, Voluntary Shared Leave, Military Leave, Adverse Weather, and Emergency Closing. These leaves cover specialized circumstances with detailed rules; please see OSHR's full list of policies to find policies covering these leaves.

How To Use This Policy

Part I provides an overview of the types of leave and employee eligibility for the leave type. An employee looking for basic answers should begin with Part 2, which sets out which employees are covered and which types of leave they are eligible for. Part 3 compares the types of leave side by side: how each is earned, what it may be used for, whether it carries over, and what happens to it at separation. An employee who is not eligible for one type of leave can use Part 3 to identify other types that may apply.

The remainder of this policy covers each type of leave in more detail. Each type of leave has a Section with the full standards that apply. The Sections are grouped together into Parts of the policy based on whether the leave is earned as a balance (i.e., accrued over time), earned as a fixed amount, or available as unpaid leave.

§ 2. Who Is Covered

Eligibility for leave depends on the employee's 1) appointment type, and 2) hours worked. Most eligibility standards in this Policy follow from these:

- **Employees in a career, probationary, permanent and non-permanent experiential, or time-limited appointment working full-time** are eligible for every type of leave in this policy. Some types of leave have additional eligibility criteria, as summarized in the table below, with full details in the section for each type of leave.

[1] This Policy covers 17 types of leave; previously, each type of leave had its own policy. The consolidated policy is intended to make it easier for employees, managers, and human resources professionals to understand the types of leave available. It does not change or remove any leave available to employees.

    - Employees in these appointments **working 20 hours per week or more** are eligible for every type of leave in this policy, typically on a prorated basis based on the number of hours worked.
    - Employees in these appointments **working less than 20 hours per week** are not eligible for the types of leave in this policy.[2]
- **Employees in a temporary appointment** are not eligible for the types of leave in this policy.
- **Employees in an exempt appointment** are generally eligible for all types of leave in this policy, unless your employing agency has provided you with an alternative leave policy or specific information stating you are not eligible for all or certain types of leave.
- **Contractors** are not eligible for the types of leave in this policy.

Table 1 lists the types of leave in this Policy, states what each type of leave is for, and notes any condition on eligibility beyond the standards above.

Table 1. Types and allowable uses of leave available to full-time employees in non-temporary appointments

[2] There is one exception: these employees are eligible for prorated Paid Parental Leave.

Leave type		Allowable Uses	Are full-time non-temporary employees eligible?
Vacation Leave		Rest, personal needs, and any other purpose.	Yes
Sick Leave		The employee's own illness, injury, or medical appointment, and care for a member of the immediate family.	Yes
Compensatory Time		Time off (in place of overtime pay) for hours worked beyond the scheduled work period.	Yes; but workers not subject to FLSA only eligible at agency discretion
Community Service (elective: employee may choose one only)	General	Volunteer service in schools (not related to literacy programs or tutoring), non-profit community service organizations, State agencies, public universities, and the Community College System, and a parent's involvement in a child's school.	Yes
	Literacy	Volunteering in a literacy program in a public school.	Yes
	Tutoring	Tutoring or mentoring a student in an approved program in a public or non-public school.	Yes
Personal Observance Leave		A day of significance to the employee, including a day of cultural, religious, or personal significance or observance.	Yes, at participating agencies
Incentive Leave		A recruitment incentive awarded at the time of hire.	Yes, at hire by agency award
Holidays		The paid holidays on the schedule the State Human Resources Commission sets each year.	Yes
Bereavement Leave		The death of a member of immediate family or colleague.	Yes
Paid Parental Leave		Bonding with a newborn or newly placed child, and recuperation following a	Yes, after 12 months and 1,040 hours worked

Leave type	Allowable Uses	Are full-time non-temporary employees eligible?
	miscarriage, stillbirth, or transfer of child custody following birth.	
Civil Leave	Jury service and appearing as a witness under subpoena.	Yes; job-related is counted as work time
Educational Leave — with pay	An approved course under the Employee Learning and Development Policy.	Yes
Transfer (Relocation) Leave	Locating a new residence and moving after a required transfer.	Yes
Other Management Approved Leave -- Discretionary	Miscellaneous activities for which the agency may choose to grant paid leave: work-related conferences, volunteer emergency and rescue services; Red Cross disaster service; blood and bone marrow donation; organ donation; making a suggestion that is adopted.	Yes
Other Management Approved Leave -- Entitlement	Miscellaneous activities for which the agency must grant paid leave: grievance or mediation preparation; investigatory placement; administrative hearings; agency-required relocation; workers' compensation hearings; state board service; smallpox vaccination reaction; international athletic competition; emergency agency closings.	Yes
Leave Without Pay	Unpaid time away from work for illness, education, vacation, or another reason the agency head determines is justified.	Yes

§ 3. Leave at a Glance

Table 2 compares every type of leave in this Policy. It is a general overview. It does not capture every standard for each type of leave; please reference the section for each type of leave for detailed standards. The table includes the following columns.

- How you get it. Whether the leave accrues over time, is granted on a schedule, or becomes available when a qualifying event occurs.
- Amount. The hours or days of leave available.

- Carries over. Whether an unused balance carries over from one year to the next.
- Paid at separation. Whether an unused balance is paid out when the employee leaves State employment.
- Transfers between agencies. Whether a balance moves with the employee on transfer to another State agency.
- Entitlement or discretionary. Whether the agency *must* grant the leave once certain conditions are met (entitlement) or *may* choose whether to grant it after considering the request (discretionary). Every type of leave requires an agency's approval of the specific days or times before it is used, including leave that is allocated to the employee as an entitlement.

Table 2. How each type of leave is earned and paid

Leave		How you get it	Amount	Carries over?	Paid at separation?	Transfers between agencies?	Entitlement or discretionary
Vacation		Accrues monthly with service	120–240 hrs/yr based on length of service	Yes, up to 240 hrs	Yes, up to 240 hours	Yes	Entitlement
Sick		Accrues monthly	96 hrs/yr	Yes, indefinitely	No	Yes	Entitlement
Compensatory Time		Earned by hours worked	Varies	12 months max	Only FLSA-subject employees	Up to 160 hrs	Entitlement if FLSA-subject; discretionary if FLSA Not Subject
Community Service (elective: employee may choose one only)	General	Granted each Jan 1	24 hrs/yr	No	No	Yes	Entitlement
	Literacy	Granted each Jan 1	Up to 45 hrs/yr	No	No	Yes	Entitlement; requires school and supervisor approval
	Tutoring	Granted each Jan 1	Up to 36 hrs/yr	No	No	Yes; continuing the option needs approval	Entitlement; requires school and supervisor approval

Leave	How you get it	Amount	Carries over?	Paid at separation?	Transfers between agencies?	Entitlement or discretionary
Personal Observance	Granted each Jan 1	8 hrs/yr	No	No	Between participating agencies	Entitlement at participating agencies
Incentive	One-time at hire	Up to 160 hrs	Yes, indefinitely	No	By approval	Discretionary
Holidays	Fixed annual schedule	Typically 12 days	No	No	n/a	Entitlement
Bereavement	On qualifying loss	40 hrs familial loss; 8 hrs colleague	No — 180-day window	No	Yes	Entitlement
Paid Parental	On qualifying event	480 hrs bonding; or 160 hrs recuperation after miscarriage, stillbirth, or transfer of custody	No — 12-month window	No	Yes	Entitlement
Civil	On summons or subpoena	As required	n/a	No	n/a	Entitlement; job-related is counted as work time
Educational	On approved course	As required	n/a	No	n/a	Discretionary
Transfer (Relocation)	On required transfer	3 trips × 3 days; 2 days moving	n/a	No	n/a	See section
OMAL — Entitlement	On qualifying event	Varies by type	n/a	No	n/a	Entitlement

Leave	How you get it	Amount	Carries over?	Paid at separation?	Transfers between agencies?	Entitlement or discretionary
OMAL — Discretionary	On qualifying event	Varies by type	n/a	No	n/a	Discretionary
Leave Without Pay	On approval	Normally ≤ 6 months	n/a	n/a	n/a	Discretionary

§ 4. Standards That Apply to All Leave

The standards in this Part apply to every type of leave in this Policy unless noted otherwise. They are stated once here rather than repeated in each section.

§ 4.1. Requesting and Approving Leave

An employee should request leave at least two weeks before the leave is needed, unless that much notice is impractical. For some types of leave, like bereavement leave, notice is often impractical by the nature of the event, and the section for that type of leave states what is expected instead.

An agency should allow an employee to use leave at the time requested to the greatest extent possible. However, depending on the type of leave, a supervisor or other manager may require that leave be taken at a time other than the one requested, based on the needs of the agency.

§ 4.2. Recording Leave and Hierarchy of Use

Leave is charged in the increments the agency establishes and is recorded in the same increments as all other time. An employee and the employee's supervisor are each responsible for reporting the use of leave accurately and on time on the employee's time record.

When an employee records approved leave, the payroll system automatically draws down leave balances in a fixed order rather than asking the employee to choose which balance to use. That order is maintained by the Office of the State Controller and published on its website here. It is not established by this Policy.

§ 4.3. Leave Records

Leave records are maintained electronically in the Integrated HR Payroll System. Agencies are responsible for maintenance of leave. Employees are encouraged to check their leave balances and ensure they have enough leave to cover their requests.

§ 4.4. Leave Offsetting

The purpose of paid leave is to maintain employee income, not enhance it. Hours worked in excess of the employee's established work schedule must be used to offset leave reported in the same overtime period. If employees work additional hours outside their normal schedule in a

work week in which they also have scheduled or taken time off, the additional time worked "offsets" the time that the employee intended to cover with available leave. Therefore, the number of leave hours originally charged must be reduced by the number of additional hours worked. This offset is mandatory; the employee cannot be paid both for the leave time and the time outside of the normal schedule.

This does not apply to Holidays, Civil Leave, and Other Management Approved Leave.

Part II. Leave That Accumulates as a Balance

Leave in this Part builds up over time at a specific rate of accrual or accumulation. The following applies to all types of leave in this part:

§ 1. Covered Employees

Full-time career, probationary, permanent and non-permanent experiential, time-limited, and most exempt employees earn vacation, sick and compensatory[3] leave.

Part-time employees who work 20 hours a week or more are granted prorated leave. Temporary employees and part-time employees scheduled to work less than 20 hours a week are not eligible to earn leave.

§ 2. Leave Charges

Leave shall be charged in increments established by the agency, consistent with operational needs and payroll practices.

§ 3. Continuation of Benefits

Employees exhausting leave continue to earn leave, holidays, and remain eligible for salary adjustments while in pay status.

§ 4. Transfer of Leave that Accumulates

Transfer Scenario	Vacation Leave	Sick Leave
Position Subject to Leave Policies → Position Subject to Leave Policies	Must be transferred	Must be transferred
Position Subject to Leave Policies → Position Not Subject to Leave Policies	Transfer with receiving agency approval or lump sum payout up to 240 hours	Transfer with receiving agency approval; may be retained for future use or applied to retirement
Position Not Subject to Leave Policies → Position Subject to Leave Policies	Transfer with receiving agency approval or lump sum payout	Transfer with receiving agency approval
Position Subject to Leave Policies →Local Entity (Public Schools, Community Colleges, Local Mental Health, Social Services, Emergency Mgmt)	Transfer with receiving agency approval or lump sum payout up to 240 hours	Transfer with receiving agency approval
Local Entity → Position Subject to Leave Policies	Transfer with receiving agency approval; if partially paid out, total transferred + paid cannot exceed 240 hours	Transfer with receiving agency approval

[3] FLSA not-subject discretion of agency.

Judicial or Legislative Branch→ Leave Earning Position in Executive Branch	Must transfer	Must transfer

For details on the transfer of Compensatory Time, see the Compensatory Time section.

Section 1. Vacation Leave

§ 1. Policy

Vacation leave is credited to employees who are in pay status (working, on paid leave or on workers' compensation leave) for one-half or more of the regularly scheduled workdays and holidays in the pay period in accordance with the provisions outlined below.

§ 2. Purpose

Vacation leave provides employees with paid time away from work for rest, personal needs, and other approved purposes. Regular use of vacation leave supports employee well-being and promotes a productive workforce

§ 3. Vacation Leave Accrual

Covered employees earn leave based on length of total State service, in accordance with the Creditable Service policy. Table I provides leave accrual rates by years of service.

Years of Total State Service	Hours Granted Each Month	Hours Granted Each Year	Days Granted Each Year
Less than 5 years	10	120	15
5 but less than 10 years	12	144	18
10 but less than 15 years	14	168	21
15 but less than 20 years	16	192	24
20 but less than 25 years	18	216	27
25 or more years	20	240	30

§ 4. Uses of Leave

Vacation leave may be used for any reason which causes the employee to be absent from work, including personal or family illness in lieu of using sick leave.

Options for use of vacation leave under the Workers' Compensation Policy, Family and Medical Leave Policy, and Military Leave Policy are included in these respective policies. Information on donating vacation leave to an employee who is an approved voluntary shared leave recipient is found in the Voluntary Shared Leave policy.

§ 5. Scheduling Leave

Vacation leave requires supervisory approval. Supervisors are responsible for reviewing leave requests fairly and consistently while balancing operational needs. Agencies should approve requests whenever operational needs permit, and the employee has sufficient accrued leave.

§ 6. Accumulation

Employees may accumulate vacation leave throughout the calendar year. On December 31, any balance exceeding 240 hours shall automatically convert to sick leave. No more than 240 hours of vacation leave may be carried forward into the following calendar year.

§ 7. Advancement

Agencies may advance vacation leave that an employee is expected to earn during the remainder of the calendar year. If more leave is taken than can be credited during the calendar year, the balance above the amount that can be advanced must be deducted in the next paycheck.

§ 7.1. Accelerated Leave Accrual for New Employees

Agencies must grant newly hired employees 40 hours of vacation leave, effective on their date of hire. This is not additional leave. This is an automatic advancement of the first 40 hours of accrued leave the new employee will earn in their first year of employment.

§ 8. Separation — Pay for Leave

Leave is paid out as a lump sum only at the time of separation regardless of the reason for the separation (resignation, dismissal, retirement, reduction in force, or death).

When calculating vacation leave payments and use for separation, agencies should account for the following

1) When the last day(s) of the month is a holiday and the employee is in pay status through the last available workday, the employee shall also receive pay for the holiday(s).
2) If an employee is exhausting approved sick/vacation leave for medical reasons and resigns or dies before returning to work, the date separated shall be the date the employee resigns or dies. This is subject to the approval of the Agency HR office.
3) If an employee gives notice of a resignation and becomes ill, the employee may exhaust sick/vacation leave up until the date of the resignation. The date separated will be the date of resignation. This is subject to the approval of the Agency HR office and requires medical documentation to certify the illness.
4) An employee retiring or being reduced in force effective January 1 of a given year could establish the last day of work as December 14 (for example); then exhaust 64 hours of leave through the end of December and receive the unused balance, up to 240 hours, in a lump sum. The date separated would be December 31.

§ 9. Overdrawn Leave

If an employee is overdrawn on leave and separates, the agency must make deductions from the final paycheck.

§ 10. Retirement Contribution

Agencies must deduct retirement contributions from all leave payments.

§ 11. Payment to Estate

In the case of a deceased employee, agencies must pay out any unpaid wages, leave, and travel, upon establishment of a valid claim, to the deceased employee's administrator or executor. In the absence of an administrator or executor, the agency must pay the Clerk of Superior Court of the county of the deceased employee's residence.

Section 2. Sick Leave

§ 1. Policy

Sick leave is granted to employees who are in pay status for one half or more of the regularly scheduled workdays and holidays in the pay period.

§ 2. Sick Leave Credits

Covered employees are eligible for leave at the rate of eight hours per month (96 hours per year).

Advisory Note: Vacation leave in excess of 240 hours (prorated for part-time employees) converts to sick leave on December 31 of each year.

§ 3. Accumulation

There is no cap on the amount of sick leave an employee can accumulate, and sick leave never expires.

§ 4. Advancement

The agency may advance sick leave up to the amount an employee can accumulate during the current calendar year.

§ 5. Verification

To avoid abuse of sick leave privileges, a statement from a medical doctor or other acceptable proof may be required.

§ 6. Uses of Sick Leave

Sick leave may be used for:

1. Illness or injury,
2. Medical appointments,
3. Temporary disability due to childbirth,
4. To care for member of immediate family (including care for mother during temporary disability following childbirth),
5. Death in immediate family,
6. Donations to a member of the immediate family who is an approved voluntary shared leave recipient,

7. Adoption of a child, limited to a maximum of 30 days for each parent (which is equivalent to a biological mother's average period of disability)[4], and
8. A school or dependent care facility closing resulting from a public health emergency.

If an employee does not have sufficient leave to cover a prolonged illness (of self or to care for a parent, child, spouse, or dependent living in the household who has a prolonged illness), the employee may qualify to receive voluntary shared leave.

§ 7. Definition of Immediate Family

The following persons are members of an employee's immediate family for purposes of sick leave.

Spouse	Parent	Child	Brother / Sister / Sibling	Grand / Great	Dependents
Husband Wife	Biological Adoptive Step Loco Parentis* In-law	Biological Adoptive Foster Step Legal Ward Loco Parentis* In-law	Biological Adoptive Step Half In-law	Parent Child Step In-law	Living in the employee's household

*A person who is legally in the position or place of a parent.

§ 8. Leave Without Pay for Extended Illness

If an employee, or the employee's child, parent, or spouse, has a serious illness that qualifies under the Family and Medical Leave Act, the provisions of that policy shall be followed. Review the Family and Medical Leave Act and FMLA Military Caregiver policies for detailed information on what relationships and medical conditions qualify for leave under these policies.

If the illness does not qualify for the FMLA, the agency must follow the provisions of the Leave without Pay Policy when determining leave options. (See Part IV of this Policy.)

§ 9. How to Handle Sick Leave Upon Separation and Reinstatement

	Unused Sick leave shall:	Unused Sick leave may:
Separation	• not be paid in terminal leave, • be entered on the personnel action, and • if overdrawn, be deducted from final salary check	• be applied toward retirement if eligible to retire within five years. See Retirement Credit below.

[4] This is interpreted to mean at the time of physical possession of the child and have either adopted or are in the process of adoption.

	Unused Sick leave shall:	Unused Sick leave may:
Reinstatement	• be reinstated when employee returns from authorized leave without pay, and • be reinstated when employee returns within five years from any type of separation.	• be reinstated when an employee returns to State employment within five years from subject employment with a local government*, or employment with public school, community college

*Social Services, Mental Health, Public Health, and Emergency Management

§ 10. Retirement Credit

Accumulated sick leave counts towards creditable service upon retirement. An employee's service time increases by one month for each 20 days, or any portion thereof, of unused sick leave at the time of retirement.

Section 3. Compensatory Time

§ 1. Policy

Employees subject to the Fair Labor Standards Act (FLSA) must receive overtime compensation at a rate of time and one half, either as compensatory time or pay (see the Hours of Work and Overtime Compensation Policy for detailed information).

Employees that are designated as Administrative, Executive, or Professional under the Overtime Compensation Policy are not subject to the Fair Labor Standards Act provision for overtime compensation. While these employees are not entitled to compensatory time, the agency head has the discretion to authorize FLSA Not Subject employees to earn compensatory time for hours worked in excess of their established work schedule.

§ 2. Amount

For FLSA Subject employees, compensatory time is awarded at a rate of time and one half. For FLSA Not Subject employees, compensatory time is awarded hour for hour for time worked in excess of the established work schedule.

§ 3. Not Cumulative

For FLSA Not Subject employees, compensatory time is not cumulative beyond a 12-month period. There is no limit to the amount of compensatory time that an FSLA Not Subject employees may accumulate.

For FLSA Subject employees, overtime compensatory time may be accumulated up to a maximum of 240 hours (160 hours straight time). Any overtime worked above this amount shall be paid in the employee's next regular paycheck.

Unused compensatory time earned by FLSA Subject employees will be paid out after the amount of time established by the agency, but that amount of time must not exceed 12 months.

§ 4. Transferable

For FLSA Not Subject employees, an employee's compensatory time may transfer to another State agency upon approval of the receiving agency head. If an agency chooses to accept compensatory time, that agency must accept compensatory time balances from all transferring employees up to the limit set by the receiving agency. Agencies may not accept more than 160 hours of compensatory time upon a transfer.

Compensatory time is lost when an employee transfers to another agency unless the receiving agency agrees to accept the compensatory time. Any compensatory time above the agency's established limit is forfeited.

For FLSA Subject employees, if the transfer is to an FLSA Not Subject position, any compensatory time will be paid at the time of transfer. If the transfer is to another FLSA Subject position at a different agency, any compensatory time will be paid at the time of transfer.

§ 5. Limitations

Compensatory time is not transferable to any other types of leave, including voluntary shared leave.

Compensatory time for FLSA Not Subject employees may not be paid out when an employee separates from State service.

§ 6. Managing Transfers and Separations

Agencies are responsible for the accurate transfer of compensatory time.

An agency may allow a FLSA Not Subject employee to exhaust compensatory time prior to a known separation, provided granting of the compensatory time is reasonable and will not adversely affect agency operations or employees. The employee's separation date may not be moved forward in order to pay for compensatory time. The separation date must be the last day worked. If an agency allows an employee to exhaust some or all of their compensatory time prior to separation, the employee must still work for at least one day after using compensatory time for the date of separation to occur after the use of the compensatory time.

§ 7. Agency Responsibilities

Agencies should develop their own policy within these guidelines. The policy should include:

1. Whether the agency accepts the transfer of compensatory time,
2. The amount of time, not to exceed 160 hours, that may transfer;
3. The procedure for communicating and updating compensatory time balances in the HR payroll system; and
4. The approval procedures for uses of compensatory time by employees, including separating employees.

Part III. Leave Granted as a Set Amount

Employees receive the types of leave in this Part in a fixed allotment, meaning a specific amount of leave. It does not accrue. Leave in this Part comes in two types:

1. Leave granted on an annual schedule
2. Leave granted upon a qualifying event.

§ 1. Limitations

Leave granted as a set amount has the following limitations:

1. Leave not taken by the end of the calendar year is forfeited; it cannot be carried forward into the next calendar year.
2. Leave has no cash value.
3. Leave cannot be converted into retirement credit.
4. Leave cannot be paid out upon the death of an employee during State service.
5. Leave cannot be applied to existing negative leave balances.
6. Leave cannot be donated under the Voluntary Shared Leave policy.

Part III.A. Leave Granted on an Annual Schedule

Section 4. Holidays

§ 1. Policy

The State of North Carolina recognizes the importance of certain days throughout the year. These days are provided for all state employees as paid holidays. The State Human Resources Commission establishes a holiday schedule that must not exceed 13 paid holidays per year and must include Martin Luther King Jr.'s Birthday, Veterans Day, and three days for Christmas.

§ 2. Covered Employees

Full-time career, probationary, permanent and non-permanent experiential, time-limited, and most exempt employees are eligible for holidays. A holiday for full-time employees is 8 hours.

Part-time employees who work 20 hours a week or more are granted prorated holiday leave. Temporary employees and part-time employees scheduled to work less than 20 hours a week are not eligible to earn leave.

§ 3. Eligibility for Holidays

An employee is eligible for a holiday when the employee is:

1. In pay status through the holiday, or,
2. In pay status for one-half or more of the workdays and holidays in the month.

An employee is not eligible for a holiday when:

1. The holiday occurs before the beginning date of employment, or

2. After the last day of work when an employee separates or goes on extended leave without pay (over half the workdays and holidays in a month).

Exceptions: (1) If a holiday falls at the first of a month and the employee begins work on the first available workday, pay is received for the holiday or (2) If the holiday falls at the end of the month and the employee is in pay status through the last available workday, pay is received for the holiday.

§ 4. Holiday Schedule

The following holidays have been designated for observance. The schedule of actual dates is issued on a calendar year basis. Each agency must provide written notice of the holiday schedule.

Holiday	Number of Days
New Year's Day	1
Martin Luther King, Jr.'s Birthday	1
Good Friday	1
Memorial Day	1
Independence Day	1
Labor Day	1
Veterans Day	1
Thanksgiving	2
Christmas	3

Note: Employee who works a schedule that is less than 12 months are only eligible for the holidays that occur during the months scheduled to work.

§ 5. Religious Observances

The agency must make efforts to accommodate an employee's request to be away from work for certain religious holiday observances unless it results in undue hardship on the agency or its employees.

The following factors must be considered in accommodating religious holidays:

1. The accommodation does not create a greater risk to the health and safety of the employee, fellow employees, or the general public;
2. Accommodating the unscheduled religious holiday will not increase expenses to the State;
3. Meaningful work can be provided under the circumstances in which the employee will be working; and
4. Supervision can be provided if deemed necessary.

Religious holidays shall be accommodated by:

1. Adjusting the work schedule of the employee to the extent that it does not significantly impact the rights of other employees, or
2. Allowing the employee to exchange another State government public holiday for the religious holiday. The unscheduled religious holiday and the State government public holiday must occur in the same calendar year.

If the religious holidays cannot be accommodated by the above, the employee can use vacation in accordance with the Vacation Policy. If an employee has accrued vacation leave, no request for vacation leave shall be denied unless it creates an emergency condition which cannot be prevented in any other manner.

§ 6. Alternative Holiday Schedules

Institutions of higher education and agencies requiring a seven-day, 24-hour operation may adopt alternative holiday schedules in keeping with operational needs, provided the employees are given the same number of holidays as approved by the State Human Resources Commission. Agencies much file special holiday schedules with OSHR.

§ 7. Additional Holiday Schedules

When the specific date of the legal holiday observance falls on Saturday or Sunday, agencies with a seven-day-a-week operation must adopt an additional holiday schedule for employees regularly scheduled to work on the specific date of the legal holiday observance rather than the State public holiday.

Example: If July 4 falls on Saturday and Friday, July 3, is the State government legal holiday, the agency must adopt, in addition to the State government public holiday schedule, a schedule that designates Saturday, July 4, instead of Friday, July 3, as the holiday for employees regularly scheduled to work on July 4.

§ 8. Holiday Premium Pay

Employees who are required to work on designated holidays must be given premium pay, in addition to regular salary. See the Holiday Premium Pay Policy.

§ 9. Weekend Holidays

Unless a special schedule has been adopted by institutions of higher education and agencies with 24-hour operations, when a designated holiday falls on Saturday, the state will observe the holiday on the preceding Friday; when the holiday falls on Sunday, the state will observe the holiday on the following Monday.

§ 10. Workdays Above Eight Hours

When an employee works a workday of more than eight hours, all hours above eight shall be charged to vacation leave to equalize holiday benefits.

Section 5. Community Service Leave

§ 1. Policy

To support employees who choose to volunteer in schools, communities, colleges, State agencies, and non-profit groups, the state gives Community Service Leave to:

1. Parents for involvement with their child in schools (as defined below),
2. Employees for volunteering with a non-profit Community Service Organization (as defined below),
3. Employees for volunteering in a school or State agency provided that the service is outside of the employee's normal scope of duties and responsibilities and that the employee is not receiving any form of compensation for the services rendered.

In addition, there are special provisions for granting an employee Community Service Leave for:

1. Tutoring and mentoring in public or private schools.
2. Volunteering in a literacy program in any public school.

If volunteering for a State agency or the schools, the service must be outside of the employee's normal scope of duties and the employee must not be compensated, in any form, for the services rendered

§ 2. Definitions

Term	Definition
"At-Risk" Students	Students who, by virtue of their circumstances, are more likely than others to fail academically.
Community Service	The act of supporting North Carolina or the broader community through volunteer service (see additional details below).
Literacy Program	An education program recognized and supported by the North Carolina Department of Public Instruction, or another state's equivalent department, to provide instruction in reading and writing.
Child	A son or daughter who is a biological child, an adopted child, a foster child, a stepchild, a legal ward, and a child of an employee standing in loco parentis.
Community Service Organization	A non-profit, non-partisan community organization designated as an IRS Code 501(c)(3) agency, or a human service organization licensed or accredited to serve citizens with needs including children, youth, and the elderly.
School	An organization that is authorized to operate under the laws of the State in which it is located and is: an elementary school, middle school, high school, non-public school, an accredited community college, university, or vocational or trade school (see note in § Additional Qualifications Limitations below).

Term	Definition
State Agency	A State government agency that is authorized to operate under the laws of the state in which it is located.
Student	Individual who is enrolled and attends classes at a school authorized to operate in the state in which it is located.
Volunteer	A person who willingly chooses to perform hours of service for civic, charitable or humanitarian reasons without promise or expectation of compensation for services provided.

§ 3. Covered Employees and Credits

With approval of the supervisor, an employee is eligible for one of the following types of Community Service Leave:

Appointment Type	Community Service	Literacy Program	Tutoring/Mentoring
Full-time non-temporary[5]	24 hours per calendar year*	Up to five hours a month (up to 45 hours a calendar year)	One hour a week (up to 36 hours a calendar year)
Part-time (20 hours/week or more)	Prorated	Prorated	Prorated
Temporary, or part-time (less than 20 hours/ week)	None	None	None

The 24 hours of Community Service Leave must be credited to each employee on January 1 of each year, unless the employee chooses volunteering in a literacy program or tutoring/mentoring. If the employee selects one of these programs, then they must be credited 45 hours or 36 hours depending on the program selected.

If approved for the literacy or tutoring/mentoring options, the employee shall not exceed the monthly/weekly usage restriction. The employee's supervisor is responsible for ensuring the employee does not exceed the allowable hours per month/week.

Newly hired employees must be credited with Community Service Leave for the remainder of the year immediately upon their employment, prorated as follows:

- Two hours per month for Community Service Leave;
- Five hours per month up to the 45-hour maximum for literacy programs; or
- One hour per week up to the 36-hour maximum for tutoring/mentoring.

[5] Non-temporary includes all other appointment types: probationary, career, permanent or non-permanent experiential, and time-limited appointments as well as most exempt employees

Separated employees who are re-employed within the same calendar year are credited Community Service Leave the same as newly hired employees; however, the combination of re-employment credit hours and total hours used prior to separation in the same calendar year cannot exceed the annual maximum leave benefit.

§ 4. Changing Options

If an employee chooses to change options from regular Community Service Leave to the special provisions for volunteering for a literary program or tutoring/mentoring or vice versa during the calendar year, the maximum hours that may be granted is the maximum allowed under the new option minus the amount already used.

§ 5. What Is Community Service

Community service, for this purpose, is:

1. Meeting with a teacher or administrator concerning the employee's child,
2. Attending any function sponsored by the school in which the employee's child is participating. This provision must only be utilized in conjunction with nonathletic programs that are a part or supplement to the school's academic or artistic program,
3. Performing school-approved volunteer service approved by a teacher, school administrator, or program administrator,
4. Performing a service for a community service organization,
5. Performing volunteer service for a public university[6] that is approved by a university administrator or other authorized university official,
6. Performing volunteer service for a community college that is approved by a community college administrator or other authorized community college official, or
7. Performing volunteer service for a State agency[8] that is approved by the agency head or his/her designee.

Additional Qualification Limitations:

- **Religious Activities:** Service does not include activities designed to promote religious beliefs such as teaching or leading religious assemblies or in raising funds to support religious activities. Service would include activities supported by religious organizations such as volunteering in soup kitchens, homeless shelters or other community activities.
- **Assistance with Voting:** Service may include serving inside a polling facility to assist voters with the voting process as long as the employee is not receiving pay for the service. Vacation leave rather than Community Service Leave must be used if the employee is receiving pay for the "inside" poll work or if the employee is distributing brochures, transporting voters or other partisan campaigning outside of the polls.
- **Fundraising**: Service for a fundraising event is eligible for Community Service Leave if there is a bona-fide volunteer relationship and the fundraising event is directly sponsored and supported by an eligible community service organization. For example, playing in a golf tournament that is raising money for the American Cancer Society is not considered

[6] An individual shall not be considered a volunteer if the person is otherwise employed by a State agency or State university to perform the same type of service as those for which the person proposes to volunteer.

a volunteer activity that would be eligible for Community Service Leave; however, setting up tents, handling parking and registration, or serving at the food tent at the fundraising golf event would be considered a volunteer activity and would be eligible for Community Service Leave. Volunteering at a fundraising event for an individual citizen or political party is not eligible for Community Service Leave.

- **Disaster relief:** Service must be performed through a recognized eligible disaster relief organization like the American Red Cross, for example.
- The **'child involvement'** provision of the policy is limited to child day care, elementary school, middle school or high school involvement. A parent cannot, for example, use Community Service Leave for on-site visits to colleges for the purpose of selecting a college, or to attend college orientations or assist with moving the child in and out of on-campus housing, or for attendance at college graduations.
- Community Service Leave for volunteer service is meant to be used for actual service time. Time spent training to be a volunteer is not covered by Community Service Leave. Also, time spent in administrative duties such as attending organization meetings, electing officials, or attending social events sponsored by an organization shall not be covered by Community Service Leave.

§ 6. Employee Option for Tutoring and Mentoring

In lieu of the 24-hour leave award for regular Community Service and in lieu of volunteering for a Literacy Program, an employee may choose to tutor/mentor in a public school or non-public school. Leave under this option must be used exclusively for tutoring or mentoring an "at-risk" student in accordance with established standards and guidelines for such arrangements as determined and documented by joint agreement with the employee's agency and the school.

The amount of Community Service Leave for tutoring/mentoring is one hour of leave for each week that schools are in session, up to a maximum of 36 hours, as documented by the elected board of the local education agency or the governing authority of the school.

The one hour of leave each week must be used for tutoring/mentoring an "at-risk" student determined eligible for the tutoring/mentoring program. Time spent commuting to and from the school and time spent in orientation or volunteer training must be accounted for using other leave such as Compensatory Time or Vacation Leave.

§ 7. Employee Option for Volunteering for the Literacy Program

In lieu of the 24-hour leave award for community service and in lieu of tutoring/mentoring, an employee may choose to volunteer in a literacy program in a public school for up to five hours each month, not to exceed 45 hours in a calendar year. Leave under this option shall be used exclusively for assisting students in reading and/or writing skills in accordance with established rules and guidelines for such arrangements as determined and documented by joint agreement with the employee's agency and the public school.

The amount of Community Service Leave for the literacy program is up to five hours of leave each month while schools are in session (not to exceed 45 hours a calendar year) as documented by the elected board of the local education agency.

The five hours of leave each month shall be used for assisting a student with reading and/or writing. Time spent commuting to and from the school and time spent in orientation or volunteer training must be accounted for using other leave such as Compensatory Time or Vacation Leave.

§ 8. Partisan Political Involvement

Partisan political activity during State time and the use of State equipment or property for any community service are not permitted. Special care must be taken to avoid any possible interpretation that the State is, in fact, permitting time off and in so doing supporting a political candidacy. State employees engaging in political activity must do so in accordance with G.S. § 126A-10-1 of the Human Resources Act.

§ 9. Approval of Leave

Employees must receive approval from their supervisor to use this leave. The supervisor or other manager may require that the leave be taken at a time other than the one requested, based on the needs of the agency. Leave shall only be requested and approved for community service that occurs during the employee's regularly scheduled hours of work.

Agencies may allow shift employees who regularly work evening or night shifts longer than eight hours to use Community Service Leave for sleep time if participating in community service outside their normal work schedule significantly reduces their sleep.

The agency may require acceptable proof that leave is being utilized in accordance with the purpose of this policy. Reasonable travel time may be included in approved time for Community Service Leave outside of the tutoring/mentoring and literacy programs, but only for the time that intersects the employee's regular work schedule. The majority of the leave shall be used for direct volunteer service.

§ 10. Inter-Agency Transfer

If an employee transfers to another State agency, any balance of Community Service Leave not used shall be transferred to the new agency. Under the tutoring/mentoring option, the employee should secure approval from the new supervisor to continue with that option prior to the transfer.

Section 6. Personal Observance Leave

This is an opt-in policy for State agencies. It applies to all Cabinet Agencies but is optional for non-Cabinet agencies. Employees of non-Cabinet agencies should check with their agency's Human Resources Office to see if this policy applies to them.

§ 1. Policy

This policy provides up to eight hours of fully paid leave to eligible employees for a day of personal observance to utilize on a day of significance, including days of cultural, religious, or personal observation.

The state employs a robust and diverse workforce, reflecting the multiple cultural and religious communities of our State. Because of the diversity of State employees, there are many different days of cultural or religious significance in our workforce. Moreover, some employees may have

days of personal significance that are their own, outside of any cultural or religious tradition. Through this policy, the State seeks to ensure that employees have an opportunity to observe these days of personal, cultural, or religious importance.

§ 2. Definitions

Term	Definition
Cabinet Agencies	Those agencies that are part of the Governor's Office or are headed by members of the Governor's Cabinet.
Participating Agency	A State agency, commission, board, or office which provides paid leave under this Policy for eligible employees. Participating Agencies include all Cabinet Agencies. Participating Agencies also include any other State agencies that voluntarily adopt this Policy.

§ 3. Eligible Employees

Full-time career, probationary, permanent and non-permanent experiential, time-limited, and most exempt employees at participating agencies are eligible for personal observance leave.

Part-time employees who work 20 hours a week or more are granted prorated leave. Temporary employees and part-time employees scheduled to work less than 20 hours a week are not eligible for personal observance leave

§ 4. Amount of Leave

Full-time employees receive eight hours of Personal Observance Leave each calendar year. Part-time employees receive a prorated amount based on their number of hours compared to a 40-hour per week, full-time schedule.

§ 5. Use of Leave

§ 5.1. When the Leave Can Be Used

- Personal Observance Leave may be used for any single day of personal significance.
- The day used for Personal Observance Leave does not have to be a day from the employee's own religious or cultural background.
- The total amount of Personal Observance Leave awarded to an employee must be utilized in one work shift.
- Employees may use Personal Observance Leave prior to exhausting any accumulated compensatory time.

§ 5.2. Arranging to Take the Day of Leave

Employees should request Personal Observance Leave at least two weeks before the leave is needed unless such notice is impractical. Agencies must not question whether an employee's identification of a particular day for Personal Observance Leave is sincere and legitimate.

Agencies should, to the greatest extent possible, allow employees to use the leave at the time requested and accommodate employees who want to recognize the same day. However, the

supervisor or other manager may require the employee to take the Personal Observance Leave at a time other than the one requested, based on agency needs.

§ 6. How Personal Observance Leave Is Credited During Hire and Transfer

For new hires to state government:

- Newly hired employees shall be credited with the eight hours of Personal Observance Leave immediately upon their employment with a Participating Agency, to be used in that calendar year.
- Separated employees that are re-employed within the same calendar year with a Participating Agency will receive the same amount of leave as a newly hired employee unless they previously utilized the leave within the same calendar year.

For transfers between participating agencies and non-participating agencies:

- If an employee moves from one Participating Agency to another Participating Agency within the calendar year, unused Personal Observance Leave will transfer to the employee's new agency. If the employee has exhausted their Personal Observance Leave prior to transfer, they do not receive any additional leave.
- If an employee moves from a Participating Agency to a non-Participating Agency, unused Personal Observance Leave will not transfer to the non-Participating Agency.
- If an employee moves from a non-Participating Agency to a Participating Agency, the employee will receive leave as a newly hired employee, as indicated above.

Part III.B. Leave Granted When a Qualifying Event Occurs

Section 7. Bereavement Leave

§ 1. Policy

The State of North Carolina supports a work environment that values the mental and physical health of its employees. Providing bereavement leave helps employees manage grief and logistical burdens after losing a loved one while supporting workplace stability and retention.

§ 2. Definitions

Term	Definition
Colleague	An employee within the executive, judicial, or legislative branches with whom the eligible employee worked.
Immediate Family Member	Someone that has a relationship with the employee in the chart below.

Spouse	Parent	Child	Sibling	Grand/ Great	Dependents	Family Equivalent
Husband Wife Domestic Partner	Biological Adoptive Step Loco Parentis* In-law (including that of a domestic partner)	Biological Adoptive Foster Step Legal Ward Loco Parentis* In-law (including that of a domestic partner)	Biological Adoptive Step Half In-law (including that of a domestic partner)	Parent Child Step In-law (including that of a domestic partner)	Living in the employee's household	Any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.

*A person who is in the position or place of a parent.

§ 3. Covered Employees

Bereavement Leave is available to all full-time employees as well as part-time employees working 20 hours per week or more. Temporary employees and part-time employees working less than 20 hours per week are not eligible for Bereavement Leave.

§ 4. Amount of Leave

Full-time employees are eligible for up to 40 hours of paid leave following the loss of an Immediate Family Member.

Full-time employees are also eligible for paid leave up to the amount of time required to travel to and from and to attend a funeral or other memorial event, not to exceed eight hours, following the loss of a colleague.

Part-time employees working 20 hours per week or more will receive a prorated amount based on their number of hours compared to a full-time schedule.

§ 5. Leave Usage

Employees should request Bereavement Leave as soon as practicable. Agencies should approve leave whenever the request is consistent with this policy and operational needs permit. There is not a limit on the number of uses of Bereavement Leave in a year period, so long as it follows the loss of an Immediate Family Member[7] or a colleague.

§ 5.1. Following the Loss of an Immediate Family Member

Bereavement Leave must be used within 180 days of the date of death (or discovery of death if circumstances caused the discovery of the death to be significantly later than the date of death).

[7] In the event two or more Immediate Family Members of an employee die on the same day, the employee shall be eligible to take up to 40 hours of leave for each Immediate Family Member.

Bereavement Leave does not have to be used on consecutive days and may be used as the employee needs, subject to approval by the supervisor.

An employee may take Bereavement Leave only upon authorization by the employee's supervisor. Supervisors must approve the use of Bereavement Leave following the loss of an Immediate Family Member for the date(s) requested if it involves attendance at a funeral, visitation, or other memorial event.

Otherwise, the supervisor must approve the use of Bereavement Leave for the date(s) requested by the employee to the greatest extent possible, while maintaining business operations. The supervisor or other manager may require that the Bereavement Leave for instances other than attendance at a funeral, visitation or other memorial event for an Immediate Family Member be taken at a time other than the one requested, based on the needs of the agency.

Agencies may implement internal procedures requiring documentation to support the use of Bereavement Leave.

§ 5.2. Following the Loss of a Colleague

Bereavement Leave following the loss of a colleague may only be used on the date of the funeral or other memorial event.

Employees should request Bereavement Leave to attend a colleague's memorial event as soon as the date and time of the event is known. Supervisors must approve the use of Bereavement Leave following the loss of a colleague for the date requested to the greatest extent possible, while maintaining business operations.

§ 6. New Hires

Employees are eligible for Bereavement Leave immediately upon hire for any loss that occurs on or after the first day of work with the agency.

If an employee transfers from one agency to another agency, and the employee has any amount of unused Bereavement Leave for which they are eligible, the employee may use the remainder of the Bereavement Leave for which they are eligible at the receiving agency, within the required timeframe. The receiving agency may confirm the amount of Bereavement Leave eligibility and expiration date with the sending agency.

Section 8. Paid Parental Leave

§ 1. Purpose

Paid Parental Leave is designed to promote families' physical and mental health, increase worker retention, and improve worker productivity and morale.

§ 2. Covered Employees

An employee's eligibility for Paid Parental Leave shall be determined based on the employee's months of service and hours of work as of the date of the qualifying life event. Employees who become parents via childbirth, adoption, foster care, or another legal placement are eligible if:

- The employee is full-time or part-time (regardless of hours per week) in a probationary, career, permanent or non-permanent experiential, time-limited, or exempt appointment, and
- For the immediate 12 preceding months, the employee has been employed without a break in service of more than 31 days in an appointment other than a temporary appointment, aggregating employment at any of these employers:
    a) A State Agency as defined below;
    b) Public school units that provide paid parental leave in accordance with G.S. 126A-71; or
    c) Community college institutions of the State of North Carolina.

Note the following:

- Periods of workers' compensation or short-term disability in the 12 months preceding the qualifying events do not make the employee ineligible for Paid Parental Leave.
- Periods of leave without pay, as defined in the Leave Without Pay Policy, shall not constitute a break in service.
- Employee must be eligible for Family and Medical Leave (FML) by being in pay status for at least 1,040 hours in the previous 12-month period with any of the employers listed above.
- Whether an employee exhausted FML does not affect eligibility for paid parental leave.

Temporary employees are not eligible to participate in this program.

§ 3. Definitions

Term	Definition
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 State Employee.
Eligible State Employee	As described in above
Paid Parental Leave	100% paid leave to be provided to an Eligible State Employee when an employee experiences a qualifying event.
Parent	Either (a) the mother or father of a child through birth or legal adoption, or (b) an individual who cares for a child through foster or other legal placement under the direction of a government authority.
Public Safety Concern	A significant impairment to the State Agency's ability to conduct its operations in a manner that protects the health and safety of North Carolinians.
Qualifying Event:	When an Eligible State Employee becomes a parent to a child, upon miscarriage or stillbirth that occurs after the 12th completed week of

Term	Definition
	pregnancy but before childbirth is complete, or upon transfer of child custody following birth.
State Agency	Any State agency, department, institution, office, board, or commission, including institutions and offices of the University of North Carolina, but excluding the legislative branch, the judicial branch, community college institutions, and public schools. Whether an agency is covered by N.C.G.S § 126A-7-2 and this Policy does not depend on whether its employees are otherwise subject to the State Human Resources Act, N.C.G.S. Chapter 126A.

§ 3.1. Public Safety Concern

The extension of Paid Parental Leave to an Eligible State Employee may constitute a Public Safety Concern if:

1. Providing Paid Parental Leave would result in State Agency staffing levels below what is required by federal or state law to maintain operational safety; or
2. Providing Paid Parental Leave would impact the health or safety of staff, patients, residents, offenders, or other individuals the State Agency is required by law to protect; and
3. The State Agency has been unable to secure supplemental staffing after requesting or diligently exploring alternative staffing options.

§ 4. Agency Requirements

1. Provide the required documentation to employees for completion of the certification process.
2. Upon receiving a request for Paid Parental Leave and documentation from the Eligible State Employee, the agency must respond within five business days. See § 8.3 of this Section for how the agency must respond.
3. There can be no disciplinary actions taken against the employee for being absent while on Paid Parental Leave. However, this provision does not prevent the employee from receiving disciplinary actions for conduct/performance as long as it is not related to use of Paid Parental Leave unless there is evidence of fraudulent use.
4. Disseminate information concerning the Paid Parental Leave Program to new and existing employees.
5. If the State Agency needs to delay or deny any Paid Parental Leave requests due to Public Safety Concerns, the State Agency must develop a written internal policy and procedure that identifies the criteria that the State Agency will use to provide consistent treatment for all similarly situated employees.

§ 5. Employee Requirements

1. Whenever possible, employees must submit a written request to notify their Employing State Agency 10 weeks in advance of their intention to use Paid Parental Leave so that the State Agency may secure backfill coverage.
2. Employees must comply with agency leave request procedures, absent unusual circumstances.
3. Employees must submit documentation as listed in § 6 below.

§ 6. Certification of Eligibility for Paid Parental Leave

Eligible State Employees must certify that they will use Paid Parental Leave because they are becoming a parent to a child, or to recover from miscarriage, stillbirth, or transfer of child custody following birth.

Employees may be required to submit documentation of the birth, miscarriage or stillbirth, or placement (if applicable). The initial certification form may be required before the Qualifying Event (unless a birth comes unexpectedly, including events of a miscarriage or stillbirth), while the documentation of the birth or placement will be required at a reasonable time after the Qualifying Event.

Official documents may include but are 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 Placements	Custody Order Proof of Placement
Miscarriage or stillbirth after the 12th completed week of pregnancy (birth parent only)	Note from medical professional or other medical documentation showing the event occurred after the 12th completed week of pregnancy
Transfer of child custody	Report of birth with Proof of Placement or Adoption or Custody Order

Documents provided must show the date of the qualifying event. The name of the legal parent must appear on some legal document establishing the birth or placement, such as the birth certificate, a legal document establishing paternity, or a legal document establishing adoption.

§ 7. Leave Available

Unless otherwise stated, the amounts of leave listed below are for a full-time employee; leave is prorated for part-time employees.

In situations where leave is not available under this policy, agencies can allow adequate time to parents or the persons who would have become parents for recovery or bereavement, using sick leave, vacation leave, bonus leave, compensatory time, and any other leave options, including leave without pay, that may be available to the employee.

§ 7.1. Leave Available

As a minimum, the leave provided under this Section must be provided by all State Agencies to their Eligible State Employees who are subject to N.C.G.S. § 126A-7-2.

All Paid Parental Leave arrangements must be written and include the responsibilities of both the agency and the employee. Each participant in the Paid Parental Leave arrangement must sign the document that contains the terms of the Paid Parental Leave arrangement. At a minimum, the document must define the parameters of the Paid Parental Leave arrangement and comply with this policy:

1. Each week of Paid Parental Leave will be compensated at 100% of the employee's regular, straight-time weekly pay (to exclude shift differential, premium pay, or overtime).
2. State Agencies shall provide 12 weeks (480 hours) of Paid Parental Leave to Eligible State Employees who become a parent to a child through birth, adoption or other legal placement for bonding with the child.
3. State agencies shall provide four weeks (160 hours) of Paid Parental Leave to Eligible State Employees for recuperation who:
    a. Were pregnant who then experienced a miscarriage or stillbirth after the 12th completed week of pregnancy. If a fetus dies before 12 weeks of the pregnancy are completed, it is not a qualifying event for Paid Parental Leave.
    b. Were pregnant and transferred custody of the child after birth.
4. When a child dies after childbirth is complete, each parent of the child who otherwise meets the eligibility requirements in this policy must receive the full Paid Parental Leave for which they are eligible. The Paid Parental Leave will not be ended at the time of the child's death.
5. When an employee who is a prospective adoptive parent or foster parent expects an adoption or placement, but it does not occur, the employee is not eligible for Paid Parental Leave.

§ 7.2. Leave for Part-Time Employees

Part-time employees receive Paid Parental Leave on a prorated basis corresponding to the employee's normal work schedule relative to a full-time, 40-hour work week.

§ 8. Requesting Use of Paid Parental Leave

§ 8.1. Types of Leave

Eligible State Employees may use Paid Parental Leave as one continuous period or intermittently. Requests for intermittent leave are subject to agency approval. Employees may use other available leave before or after Paid Parental Leave, subject to applicable leave policies and agency approval.

§ 8.2. Notification about Intent to Use Leave

Whenever possible, Eligible State Employees shall notify their employing agencies at least 10 weeks in advance of their intention to use Paid Parental Leave. This requirement is to allow agencies to secure backfill coverage.

§ 8.3. Agency Response

The agency must respond in writing to the employee's request to use Paid Parental Leave as promptly as possible, and in no more than five days from the date of receipt.

Employees who gave birth — The agency shall not deny, delay, or require intermittent use of Paid Parental Leave to Eligible State Employees who have given birth, or experienced miscarriage or stillbirth, so long as they seek to use Paid Parental Leave in one continuous period. If an employee who gave birth wishes to use intermittent Paid Parental Leave, the agency may work with the employee on timing as listed below.

All other employees — All other employees include Eligible State Employees who either (1) are not birthing parents or (2) are seeking intermittent leave. For these parents, the agency 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.

If the State Agency determines that it must delay Paid Parental Leave, or make Paid Parental Leave intermittent, because of a Public Safety Concern, the agency shall provide Paid Parental Leave as soon as practical following the Qualifying Event.

If both parents are Eligible State Employees, each may receive Paid Parental Leave. Both parents may take their leave simultaneously or at different times, pending no Public Safety Concern.

§ 9. Leave Usage

1. Paid Parental Leave may be used only once within a 12-month period. Multiple births, adoptions, or placements resulting from the same qualifying event do not increase the amount of Paid Parental Leave.[8]
2. Unused Paid Parental Leave is forfeited 12 months from the date of the Qualifying Event.
3. Paid Parental Leave shall not accrue or be donated to another state employee.
4. Eligible State Employees may not use accrued sick leave, vacation leave or other leave in lieu of Paid Parental Leave.
5. Paid Parental Leave shall not be counted against or deducted from the eligible state employee's accrued leave balances.
6. Employees shall not be paid for Paid Parental Leave upon separation.
7. Paid Parental Leave shall not be used for calculating an employee's retirement benefits and shall not accrue or be donated as voluntary shared leave.

[8] If, within a 12-month period, an employee experiences a qualifying event for which they are eligible for 12 weeks of leave subsequent to experiencing a qualifying event for which they were eligible for four weeks of leave, the employee may utilize the number of weeks remaining, up to 12 weeks. For example, if an employee experienced a miscarriage on January 1, 2027, and utilized three weeks of paid parental leave for recuperation, and that same employee becomes a birth parent on September 1, 2027 the employee may utilize the remaining nine weeks of paid parental leave. This amounts to using the leave once during a 12-month period.

8. Leave usage must be recorded in same required increments as all other time.
9. Paid Parental Leave shall be reported separately from all other paid leave. Employees and supervisors are responsible for accurate reporting of the use of this leave on the employee's time record.
10. 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 must be utilized in accordance with the State Agency's leave policies. Paid Parental Leave cannot be used prior to the Qualifying Event.

§ 10. Relationship to Family and Medical Leave

1. If an employee is eligible for Family and Medical Leave (FML) at the time they begin using Paid Parental Leave, FML and Paid Parental Leave must run concurrently from the start of the paid leave.
2. An employee shall be eligible for the full amount of Paid Parental Leave even if the employee has exhausted FML time consistent with the law covering FML.
3. If an employee becomes eligible for FML while on Paid Parental Leave, the employee must apply for and use FML and the Paid Parental Leave runs concurrently with FML.

Section 9. Civil Leave and Job-Related Proceedings

There are two uses of Civil Leave:

1. Leave provided for jury duty
2. Leave used for required court proceedings unrelated to the job

Regardless of type, Civil Leave is treated as time worked and does not offset. Job-related court proceedings must be recorded as time worked.

§ 1. Covered Employees

All full-time and part-time career, probationary, permanent and non-permanent experiential, time-limited, and most exempt employees are eligible for Civil Leave.

Employees with a temporary appointment are not eligible for non-job-related Civil Leave but should record work time if required to attend court or other proceeding related to their work.

§ 2. Non-Job-Related Civil Leave

§ 2.1. Policy

Civil Leave is provided to employees when serving on a jury or when subpoenaed as a witness. It is the responsibility of the employee to inform the supervisor when the duty is scheduled and the expected duration.

§ 2.2. Jury Duty

An employee who serves on a jury is entitled to:

1. Civil Leave at their regular rate of compensation, and
2. Fees received for jury duty.

The employee should report back to work as soon as jury duty is completed.

Note: If jury duty occurs on a scheduled day off, the employee is not entitled to additional time off. Time on jury duty is not included in total hours worked per week.

§ 2.3. Shift Employees

This applies to all employees, regardless of the length of the shift.

- When a second-shift employee serves on a jury or is required to attend court, the employee is not required to work on the day attendance is required.
- When a third-shift employee serves on a jury or is required to attend court, the employee is not required to work the third shift that begins on the day prior to the day that attendance is required.

§ 2.4. Court Attendance

When an employee is subpoenaed or directed by proper authority to appear as a witness in matters not related to their official duties, the employee may choose one of the following options:

Option 1	Option 2
• use Civil Leave, and • turn fees received into the agency	• use vacation leave, and • retain any fees received

In either case, the time is not considered as work time and is not included in the total hours worked per week.

An employee who is a party (plaintiff or defendant) in a court procedure is not considered as a "witness"; therefore, the employee must use vacation leave, or leave without pay, to attend court.

§ 3. Job-Related Proceedings

§ 3.1. Court Attendance — Official Duties

When an employee attends court or other job-related proceedings in connection with official duties, the time must be recorded as time worked and included in the total hours worked per week, regardless of whether that time is during scheduled work hours. Fees received as a witness must be turned into the agency.

§ 3.2. Shift Employees — Official Duties

When a second- or third-shift employee is required to attend court or a job-related proceeding in connection with official job duties, management must determine the amount of time off from regular duties that should be provided.

Section 10. Incentive Leave

§ 1. Policy

Incentive leave may be used as a recruitment tool to assist in the employment of candidates employed outside of State government and who are interested in accepting employment within North Carolina State government.

An agency may award incentive leave to applicants who are newly appointed to a position that the agency has identified as critical to the agency mission and for which the agency has documented recruitment difficulty attracting qualified applicants, or who are newly appointed to an executive position.

§ 2. Definitions

Term	Definition
Executive Position	A senior management position that reports directly to an appointed/elected agency head and is delegated authority to make decisions that impact the overall direction of the agency and whose duties typically involve planning, strategy, policy-making and line-management. Typical job titles include chief executive officer, chief operating officer, chief financial officer, and deputy secretary.
Recruitment Difficulties	Positions that are highly competitive in the labor market due to specialized competencies and/or license/certifications and/or geographic location, and/or those positions in which there is a high turnover which significantly impacts the agency's efforts to recruit and provide services. Recruitment typically involves active specialized recruitment efforts utilizing multiple recruitment resources that require an extended period of recruitment and results in a limited qualified applicant pool.
Newly Appointed	The initial appointment as an employee of the State of North Carolina, or an appointment following a break in service of at least 12 months from a previous appointment as an employee of the State of North Carolina.
Employed Outside of State Government	Employed with an organization that is not part of the State of North Carolina government or not an organization for which the State currently accepts transferred accrued vacation leave upon hire.

§ 3. Recruitment Documentation

If recruitment difficulties are the basis for the application of this policy, the agency shall maintain written documentation related to difficulties in recruiting to fill positions of applicants offered incentive leave. The agency will be expected to provide this documentation to OSHR upon request.

Documentation should include high turnover rates, special required competencies, types of specialized recruitment resources used during the recruitment period, beginning and ending dates of active recruitment, number of qualified applicants in the applicant pool, and any additional documentation such as number of applicants who may have rejected offers including a reason why or applicants who may have withdrawn their application from consideration, etc.

§ 4. Eligibility Requirements

Employee must:

- Be newly appointed,
- Meet the minimum qualifications of the position, and
- Have a full-time or part-time (20 hours per week or more) career, probationary, permanent or non-permanent experiential, time-limited, or exempt appointment.

§ 5. Amount of Leave and Relationship to Other Leave

An agency may award up to 160 hours of incentive leave to an eligible new employee upon hire. The one-time leave award shall be pro-rated for part-time employees. For example, a half-time employee would be eligible for up to 80 hours of leave upon hire. Management may negotiate the amount of leave to award to the selected applicant taking into consideration the applicant's current annual vacation leave accrual.

Upon hire, the employee earns other accrued leave as allowed by this policy.

Incentive Leave is maintained and accounted for in a separate account from other accrued leave.

§ 6. Other Limitations

Unlike other leave in this Part, unused Incentive Leave carries over from year to year and can only be used as paid leave.

§ 7. Inter-agency Transfer

Unused Incentive Leave may be transferred subject to the receiving agency's approval. If Incentive Leave is not transferred, it is not paid out.

Incentive Leave cannot be transferred to any non-State government employer including public school; community college; local mental health, public health, social services, or emergency management employer.

§ 8. Use of Leave

Subject to supervisory approval, Incentive Leave is available for the same uses as vacation leave.

Section 11. Educational Leave

§ 1. Policy

Employee learning is important for workforce planning and employee development purposes. To meet these needs, the State may provide Educational Leave with pay or without pay for certain types of educational courses. Required attendance at training sessions, workshops, and other meetings, whether before, during or after the employee's regular work schedule, is work time. Employees can learn more about approved courses in the Employee Learning and Development Policy and the Hours of Work and Overtime Compensation Policy.

§ 2. Covered Employees

Full-time and part-time (20 hours per week or more) career, probationary, permanent and non-permanent experiential, time-limited, and most exempt employees are eligible for educational leave.

Employees with temporary appointments or who work less than 20 hours per week are not eligible for Educational Leave.

§ 3. Educational Leave with Pay

To the extent practical, an employee should take an approved course on the employee's own time. If a course can be taken only during working hours, the employee must request paid leave prior to the beginning of the course, allowing sufficient time for the leave request to be reviewed. Educational Leave with Pay may be granted unless the supervisor identifies responsibilities or assignments that will not permit the employee to be absent.

Supervisors are encouraged to develop alternate work arrangements to complete the work assignments and also grant educational leave. Reasonable travel time, as determined by the supervisor, may be permitted to attend approved courses.

Agencies may approve Educational Leave to be used during work hours appropriate to the amount of time required for the approved educational opportunity

§ 4. Educational Leave without Pay

Educational Leave without Pay may be granted in accordance with the leave without pay policy.

If Educational Leave is not approved, agencies may allow employees to use accrued paid leave.

Section 12. Other Management Approved Leave (OMAL)

§ 1. Policy

In addition to the leave described in this Policy, management may approve paid time off for employees to participate in specified state-related activities or because of natural or other emergencies. This section summarizes the only acceptable reasons for approving Other Management Approved Leave (OMAL),

§ 2. Coverage

Full-time and part-time (20 hours per week or more) career, probationary, permanent and non-permanent experiential, time-limited, and most exempt employees are eligible for OMAL.

Temporary employees, and part-time employees scheduled to work less than 20 hours a week are not eligible for OMAL.

§ 3. Approval of Leave

Employees must request OMAL at least two weeks before leave is needed, unless such notice is impractical.

§ 4. Work Time vs. Other Management Approved Leave

If an employee's job responsibilities include attendance at any of the activities/proceedings, attendance is a work assignment, not leave, and therefore must be included in hours worked for purposes of computing overtime for the FLSA subject employees.

§ 5. Non-Discretionary Types

An appointing authority must grant leave with pay to an employee for any of the following purposes.

#	Purpose	Limit	Additional Information
1	To prepare for participation in his or her internal agency grievance procedure or mediation procedure	Up to eight hours	Employee Grievance Policy
2	To place an employee on investigatory status	60 days	Disciplinary Action Policy
3	To participate in contested case hearings or other administrative hearings	—	Employee Grievance Policy
4	To search for and move to a new residence when a transfer is required by the agency	*Search*: Up to three trips of three days *Move*: two days	See § 5.3 below
5	To attend workers' compensation hearings	—	
6	To serve on state commissions, councils, boards and committees	—	See § 5.1 below
7	Because of a smallpox vaccination	Max 480 hours	See § 5.2 below
8	To train for and compete in Pan American, Olympic or international athletic competition	Up to 30 days a year	
9	To cover time that an agency is closed for emergencies	—	Adverse Weather and Emergency Closing Policies

§ 5.1. Service on State Boards

Leave with pay shall be granted for employees to fulfill their responsibilities as members of councils, commissions, boards and committees established by the General Assembly or other bodies established by the Governor and Council of State.

If an employee is required to attend any meeting as a part of the employee's job responsibilities, attendance is a work assignment and not leave.

Employees may not accept fees for serving unless provided otherwise by law; but they may retain reimbursement for expenses incurred provided they are not reimbursed for the same expenses by their agencies.

§ 5.2. Smallpox Vaccination

When an employee receives in employment vaccination against smallpox incident to the Administration of Smallpox Countermeasures by Health Professionals, Section 304 of the Homeland Security Act, and the absence is due to the employee having an adverse medical reaction resulting from the vaccination, the employee charges the absences to OMAL when:

1. The employee is vaccinated and has an adverse medical reaction, and
2. The employee is permanently or temporarily living in the home of a person who receives a smallpox vaccination and the absence is due to:
    a) The employee having an adverse medical reaction resulting from exposure to the vaccinated person, or
    b) The need to care for the vaccinated person who has an adverse medical reaction resulting from the vaccination.

These provisions apply for a maximum of 480 hours. The agency may require the employee to obtain certification from a health care provider justifying the need for leave after the first 24 hours of leave taken.

§ 5.3 Transfer (Relocation) Leave

Transferring an employee is often necessary to most effectively utilize capabilities and best serve the interests of the employee and State government. When an employee is transferred to a new duty station that is 35 miles or more away from either the employee's current residence or existing (prior) duty station,[9] the State grants leave with pay for the following:

- **Leave to Search for a New Residence**: Agencies must grant employees up to a maximum of three trips of three days each to search for a new residence. The agency must evaluate the employee's effort and progress to decide whether three trips are necessary.
- **Leave to Move to a New Residence:** Agencies must grant employees two days to move from the old residence to the new one. The agency may grant additional days of leave with pay if the distance between old and new duty stations warrants, or if other uncontrollable factors require a longer period of time.

§ 6. Discretionary Types

An appointing authority MAY grant leave with pay to an employee for any of the following purposes.

#	Purpose	Limit	Additional Information
1	To participate in volunteer emergency and rescue services	15 workdays /12 months, shared with item 2	See § 6.1(a) below

[9] Employees may be considered for reimbursement of moving-related expenses. See Section 6.8 of the State Budget Manual for additional information on the Conditions and Limitations on Moving and Relocation Expenditures.

#	Purpose	Limit	Additional Information
2	To participate in specialized disaster relief services with the American Red Cross	15 workdays /12 months, shared with item 1	See § 6.1(b) below
3	To donate blood and bone marrow	Reasonable time off	See § 6.2 below
4	To donate organs	Up to 30 days	See § 6.2 below
5	To reward an employee for receipt of a Governor's Awards for Excellence	Up to 24 hours	See § 6.3 below
6	To attend conferences that are closely associated with an employee's work, but that are not required as a work assignment	No stated cap	

§ 6.1. Emergency Services and American Red Cross Disaster Service Leave

The following types of leave are at the discretion of the agency head. The total maximum amount of Emergency Services and American Red Cross Disaster Service leave available to any employee is 15 workdays within a 12-month period. Employees may split the total allocated amount of leave between the two different types of leave.

§ 6.1(a). Emergency Services

Agencies may establish a policy to provide OMAL, not to exceed 15 workdays in any 12-month period, to employees participating in volunteer emergency and rescue services. Volunteer emergency and rescue services are defined as services coordinated by a local government (county or municipality) entity or an established nonprofit.

Each agency head is responsible for determining that a bona fide need for such services exists within a given area. A bona fide need should be defined as real or imminent danger to life or property.

Each policy should require:

1. Sufficient proof of the employee's membership in an emergency volunteer organization, and
2. That the performance of such emergency services will not unreasonably hinder agency activity for which the employee is responsible.

In emergency situations not covered by an emergency volunteer organization, agencies may determine whether the emergency service to be provided can justifiably be designated as a work assignment, based on the expertise of the employee. If so, the agency head may authorize short-term work assignments when requested by an official party. Time worked on such assignments by an FLSA subject employee is considered work time for the purpose of computing overtime.

For provisions relating to special assignments for firefighting, see N.C.G.S. § 113-56.1.

§ 6.1(b). American Red Cross Disaster Service Leave

An agency may grant OMAL not to exceed 15 workdays in any 12-month period to participate in specialized disaster relief services. The decision to grant leave rests in the sole discretion of the agency based on the agency's work needs.

To qualify for leave, the employee must:

1. Be a disaster service volunteer of the American Red Cross, and
2. Be requested by the American Red Cross to participate.

The disaster must:

1. Be within the United States, and
2. Be designated at Level III or higher in the American National Red Cross Regulations and Procedures.

While on disaster leave, the employee shall:

1. Be compensated at the regular rate of pay, and
2. Not lose seniority, pay, vacation leave, sick leave, or earned overtime accumulation.

Duties performed while on disaster leave are not work assignments. The employee is granted leave based on the need for the employee's area of expertise. Volunteer activities, even if similar or related to the employee's job duties, are performed on behalf of and for the benefit of the American Red Cross. The State shall not be liable for workers' compensation claims arising from accident or injury while the employee is on assignment. Time spent on disaster leave is not considered work time for the purposes of computing overtime.

Note: This section implements the provisions of N.C.G.S. § 166A-30 through 166A-32.

§ 6.2. Blood, Bone Marrow and Organ Donorship

Employees are encouraged to use the privilege and opportunity to participate in life giving through blood, bone marrow, and organ donorship.

- Employees may be given reasonable time off with pay for whole blood donation, pheresis procedure, and bone marrow transplant.
- Employees may be given up to 30 days with pay for organ donation.

§ 6.3. Governor's Awards for Excellence

Agencies may issue up to 24 hours of leave in recognition of receipt of the Governor's Awards for Excellence, the highest honor that a State employee may receive for noteworthy service to State government and the people of North Carolina. This is in addition to leave authorized in the Governor's Awards for Excellence Policy to attend the ceremony and reception.

Part IV. Leave Without Pay

§ 1. Policy

Leave without pay may be granted for illness, education purposes, vacation, or for any other reasons deemed justified by the agency head.

Special provisions for leave without pay for military, family and medical, and workers' compensation are covered in those respective policies. Parental leave without pay for employees not eligible for FMLA leave is covered below.

§ 2. Covered Employees

Full-time and part-time (20 hours per week or more) career, probationary, permanent and non-permanent experiential, time-limited, and most exempt employees are eligible for Leave without Pay.

Temporary employees, and part-time employees scheduled to work less than 20 hours a week are not eligible for Leave without Pay.

§ 3. Definitions

Extended Leave Without Pay	leave in excess of one-half the workdays and holidays in the month or in the pay period (whichever is applicable)
Short Leave Without Pay	leave for less than one-half the workdays and holidays in the month or in the pay period (whichever is applicable)

§ 4. Extended Leave Without Pay

§ 4.1. Maximum Amount

Except for extended illness, extended leave without pay normally must not exceed six months. The agency head is responsible for determining whether to grant leave without pay and the amount of time granted, except for leave required by the FMLA Policy.

§ 4.2. Employee Responsibility

The employee must:

1. Request Leave Without Pay in writing to the supervisor,
2. Give written notice of intention to return to work at least 30 days prior to the end of the leave, and
3. Return to duty within or at the end of the time granted, or
4. Notify the agency immediately when there is a decision not to return.

If the employee does not give notice of the intention to return, the agency is not required to provide reinstatement. Failure to return to duty at end of the approved Leave Without Pay period, unless an extension has been requested and approved, may be considered as a resignation.

§ 4.3. Agency Responsibility

Factors to consider in determining whether to grant Leave Without Pay and the amount of time to approve are:

1. Needs of the employee requesting leave,
2. Workload,
3. Need for filling employee's job,
4. Chances of employee returning to duty, and
5. The obligation of the agency to reinstate employee to a position of like status and pay.

It is the responsibility of the agency to administer Leave Without Pay in a manner that is equitable to all of its employees.

§ 4.4. Extended Illness

Advisory Note: When an employee has a personal illness, the agency must consider the following:

1. Does the need for leave qualify as Family and Medical Leave? If so, the standards of that policy must be applied first.
2. Is the illness likely to result in participation in the Disability Income Plan?
3. Does the employee qualify for Voluntary Shared Leave?

Taking these into consideration, the agency should explain these policies to the employee and assist in determining which are applicable.

Leave Without Pay for extended illness may be:

Granted for	Duration	Sick leave	Vacation/Bonus leave
Employee illness (not covered by short-term disability or FMLA)	up to one year. Any extension shall be managed/documented by the agency head.	shall be exhausted during the time that would cover the waiting period required by DIP.	may be exhausted or retained. (*See note below.)
Disability Income Plan of North Carolina (Short-term disability)	up to one year. Any extension must be approved by the Retirement System Medical Board.	shall be exhausted during the waiting period. Additional sick leave may be exhausted or retained.	may be exhausted or retained.
Family and Medical Leave	up to 12 work weeks (See FMLA Policy).	shall be exhausted for employee illness. See FMLA Policy for other options.	may be exhausted or retained.

*If leave does not qualify for FMLA, the agency may also require that the employee use accumulated vacation/bonus leave before granting Leave Without Pay.

§ 4.5. Special Provision for Short-Term Disability

Eligible employees who become temporarily or permanently disabled and are unable to perform their regular work duties may receive partial replacement income through the Disability Income

Plan of North Carolina (DIPNC).[10] Exhaustion of accumulated sick, vacation, bonus, comp, and incentive leave during the short-term disability period is in lieu of short-term disability benefits that may otherwise be payable.

The separation date shall be the last day of work or the last day leave is exhausted, whichever is later. In cases where no leave is available and the disability occurs after the last day of work and before the beginning of the next workday, the date separated shall be the date the disability occurs. This is necessary to ensure that the employee is considered to be in service for the purposes of determining short-term disability benefits.

§ 4.6. Special Provision for Long-Term Disability

If an employee is approved for long-term disability following the short-term disability, the employee must be separated from Leave Without Pay. The employee must be reinstated to the payroll for the purpose of exhausting any unused vacation/bonus and sick leave the employee had prior to going on Leave Without Pay.

Exception: The employee may choose to apply the sick leave credits toward retirement if the employee would be eligible for service retirement within a five-year period.

Under the laws governing the DIPNC, long-term disability is not payable until all accumulated sick, vacation, bonus, comp, and incentive leave has been exhausted. The agency is responsible for paying the employer's share of medical benefits while leave is exhausted.

§ 4.7. Vacation

An employee must exhaust all accumulated vacation/bonus leave before going on Leave Without Pay for the purpose of vacation.

§ 4.8. Personal or Other Reasons

An employee must exhaust accumulated vacation/bonus leave for personal or other reasons if the leave period is 10 workdays or less. If the leave period is greater than 10 workdays, the employee may elect to exhaust all, part, or none of the vacation/bonus leave prior to going on leave without pay.

§ 4.9. Exhausting Leave

While exhausting leave, the employee:

1. Continues to accumulate leave,
2. Is eligible to take sick leave,
3. Is entitled to holidays, and
4. Is eligible for salary increases during that period.

§ 4.10. Retention of Benefits

While on Leave Without Pay, an employee:

---

[10] DIPNC is explained in a handbook, "Your Retirement Benefits," published by the Department of State Treasurer, Retirement Systems Division.

- Retains any accumulated unused leave, vacation/bonus leave, or sick leave.
- Does not accumulate additional paid leave in any month in which they are in Leave Without Pay status for more than half the working days in a month.
- Will have unused vacation leave above 240 hours convert to sick leave if the Leave Without Pay extends through December 31.
- May continue coverage under the State's health insurance program by paying the full premium cost (no contribution by the State).
- Retains all accumulated retirement credits.

Note: If the Leave Without Pay is granted for purposes which will tend to make the person a more valuable employee, the employee may receive permission from the Teachers' and State Employees' Retirement System Board of Trustees to make personal contributions to the retirement account during this period and receive service credit.

The agency head must request this exception in advance, and the employing agency must agree to pay its share of the cost. The employee should contact the Retirement System for information regarding all specific requirements.

§ 4.11. Reinstatement

The employee must be reinstated to the same position or one of like seniority, status, and pay upon their return to work unless other arrangements are agreed to in writing.

§ 4.12. Separation While on Leave Without Pay

If the employee does not return to work following Leave Without Pay, the employee must be paid for any unused vacation/bonus leave at time of separation.

§ 4.13. Filling a Position Vacant by Leave Without Pay

If it is necessary to fill a position vacant by Leave Without Pay, the position may be filled by a temporary or time-limited appointment, whichever is appropriate.

§ 5. Short Leave Without Pay

§ 5.1. Approved Absences

With approval of the supervisor, an employee may be on Leave Without Pay for less than one-half the workdays and holidays in the month or pay period and continue to earn benefits. This accounts for time an employee is absent and has not accumulated or been advanced leave credits.

Exception: When placing an employee on Leave Without Pay due to suspension, the action must be reflected in the system of record (for example, in the HR/Payroll system), including those that are less than half the workdays in a month. The letter or other communication to the employee and any other documentation must be attached to the action.

§ 5.2. Unapproved Absences

Employees who are absent without approved leave may be subject to disciplinary action.

Short Leave Without Pay may be used to cover the status of an employee who has failed to come to work but has not requested and received approval to take sick or vacation/bonus leave.

Agency management is responsible for determining whether Leave Without Pay is appropriate or whether the time may be charged to the appropriate leave account.

§ 6. Special Provisions for Parental Leave

§ 6.1. Policy

Employees who are not eligible for leave under the FMLA Policy shall be granted leave during the period of the biological mother's disability and may be granted additional leave for childbirth and adoptions.

Note: The FMLA Policy provides family and medical leave for employees who have been employed with State government for at least 12 months and who have worked at least 1,040 hours during the previous 12-month period.

§ 6.2. Leave Required During Period of Disability

The agency shall grant Leave With or Without Pay to the biological mother for all of the time of personal disability. The biological mother may use accumulated sick leave during this period and may choose to use vacation/bonus leave or Leave Without Pay.

The employee must provide a doctor's certificate or other acceptable proof verifying the period of temporary disability.

See also the FMLA Policy, Section 8 of this Policy, and the Reasonable Accommodation Policy for types of leave that may be available after childbirth, adoption, or foster care placement.

§ 6.3. Additional Leave

The biological mother may desire to be on leave prior to and/or after the time of actual disability. The agency may grant vacation/bonus leave, if available, and may grant Leave Without Pay for this purpose.

§ 6.4. Leave for Immediate Family

The agency may allow a member of the immediate family (as defined in Part II, § 2) to use accumulated sick leave to care for the biological mother during the period of disability. Or, the family member may be allowed to use vacation/bonus leave or Leave Without Pay.

§ 6.5. Adoption

The parents of a newly adopted child may request to use vacation/bonus leave, Leave Without Pay or a maximum of 30 days of sick leave.

The agency may require satisfactory evidence in support of an employee's request for sick leave for adoption-related purposes.

Part V. Other Types of Leave Not in This Policy

The types of leave described in this Part are governed by standalone policies rather than by this Policy. Each is lengthy, follows procedures of its own, or is required by federal law. This Part states what each policy covers and where to find it.

Leave type	Where to find it	When it applies
Adverse Weather	Adverse Weather Policy	During adverse weather events and emergency conditions (e.g. power outages, water loss).
Emergency Closing	Emergency Closing Policy	A facility is closed because conditions are hazardous to life or safety — distinct from adverse weather, when facilities remain open.
Family and Medical Leave	Family and Medical Leave Policy	Serious health condition of the employee or an immediate family member, or the birth or placement of a child. Federally driven. Must be exhausted before Family Illness Leave.
Family and Medical Leave — Military Caregiver	FML — Military Caregiver Policy	Caring for a covered servicemember with a serious injury or illness.
Family and Medical Leave — Qualifying Exigency	FML — Qualifying Exigency Policy	Needs arising from a family member's covered active duty.
Family Illness Leave	Family Illness Leave Policy	Extended leave to care for a family member with a serious health condition, available after FML is exhausted.
Military Leave	Military Leave Policy	Service in the uniformed services, including training, active duty, and reemployment rights.
Voluntary Shared Leave	Voluntary Shared Leave Policy	Receiving donated leave during a prolonged medical condition, after the employee's own leave is exhausted.

Appendix A. Sources of Authority

This Policy is issued under the sources of authorities listed below.

A.1. General authority

N.C.G.S. § 126A-7-10(a)(1) is the source of authority for the following sections: Civil Leave, Compensatory Time, Educational Leave, Incentive Leave, Leave Without Pay, Personal Observance Leave, Sick Leave, Transfer Leave, and Vacation Leave.

A.2. Sections with Independent Authority

Section	Updated Reference
Bereavement	126A-7-
Community Service Leave	126A-7-10(a)(1); 126A-7-10(a)(5)
Holidays	126A-7-10(a)(1); 126A-7-11
Other Management Approved Leave	126A-7-10(a)(1); 166A-30; 166A-31; 166A-32; 127A-116
Paid Parental Leave	126A-7-1; 126A-7-2; 126A-7-10(a)(1)

A.3. Relevant Administrative Code

Section	Rule
Vacation Leave	25 NCAC 01E .0200
Sick Leave	25 NCAC 01E .0300
Compensatory Time	25 NCAC 01E .1000
Other Management Approved Leave	25 NCAC 01E .1009–.1011; 25 NCAC 01E .1607
Leave Without Pay	25 NCAC 01E .1100
Community Service Leave	25 NCAC 01E .1600
Paid Parental Leave	25 NCAC 01E .1901–.1910
Personal Observance Leave	25 NCAC 01E .0101; 25 NCAC 01L .0101