



**PROPOSED TEMPORARY RULE FOR PUBLICATION ON THE OAH WEBSITE**

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**CHECK APPROPRIATE BOX:**

- Proposed Temporary Rule [G.S. 150B-21.1(a3)]  
 Proposed Temporary Rule simultaneously adopted as an emergency rule [G.S. 150B-21.1A(a)]

**1. Rule-Making Agency: State Human Resources Commission**

**2. Proposed Action -- Check the appropriate box(es) and list rule citation(s) beside proposed action:**

ADOPTION: 25 NCAC 01E .1903

AMENDMENT:

REPEAL:

**3. Public Hearing: Yes**

Date	Time	Location
11/01/2023	10:00	<a href="https://ncgov.webex.com/ncgov/j.php?MTID=ma8a8a70131b24b47d70c332b790baa66">https://ncgov.webex.com/ncgov/j.php?MTID=ma8a8a70131b24b47d70c332b790baa66</a> a.m.

**4. Reason for agency adopting rule(s) under temporary action:**

A serious and unforeseen threat to the public health, safety or welfare.

The effective date of a recent act of the General Assembly or of the U.S. Congress.  
 Cite: N.C. Sess. Law 2023-134  
 Effective date: 10/03/2023

A recent change in federal or state budgetary policy.  
 Effective date of change:

A recent federal regulation.  
 Cite:  
 Effective date:

A recent court order.  
 Cite order:

Other:

**Explain:** Explain: The State Human Resources Commission proposes adopting 25 NCAC 01E .1903 as a new temporary rule under its obligation in S.L. 2023-134 at section 7.83(a) clarifying G.S. 126-8.6(c1) effective July 1, 2023. SHRC previously promulgated a temporary rule .1903 as directed by the legislature, adopted on August 25, 2023. Section 7.83(a) of the 2023 Appropriations Act included new language requiring the Commission to adopt rules clarifying employees must have worked for the previous 12-month period or at least 1,040 hours to be eligible to receive paid parental leave. The new statute, added to G.S. § 126 8.6(c1)(1)-(3): "The rules shall provide that the period of minimum service may be met by aggregating employment at any of the following: (1) State agencies, departments, and institutions, including The University of North Carolina; (2) Public school units that provide paid parental leave in accordance with this section; (3) Community colleges located in this State." This section, like the rest of the Appropriations Act, was ratified on September 22, 2023 and became law on October 3, 2023. Therefore, OSHR is proposing the adoption of this new temporary rule for 25 NCAC 01E .1903, with the inclusion of the following language at .1903(c) (1) and (2) to ensure its effectiveness until it is a permanent rule.

<p><b>5. Comments from the public shall be directed to:</b>  Name: <a href="#">Denise Holton Mazza</a>  Address: <a href="#">116 West Jones Street</a>  <a href="#">Raleigh, NC 27603</a>  Phone (optional): <a href="#">984-236-0823</a>  Fax (optional):  EMail (optional) <a href="mailto:Denise.Mazza@nc.gov">Denise.Mazza@nc.gov</a></p>	
<p><b>6. Comment Period Starts:</b> <a href="#">10/20/2023</a></p>	<p><b>Comment Period Ends:</b> <a href="#">11/13/2023</a></p>
<p><b>7. Rule-making Coordinator:</b>   Name: <a href="#">Denise Mazza</a>  Phone: <a href="#">984-236-0823</a>  eMail: <a href="mailto:denise.mazza@nc.gov">denise.mazza@nc.gov</a>   <b>Agency contact, if any:</b>   Name: <a href="#">Blake Thomas</a>  Phone: <a href="#">984-236-0822</a>  Email: <a href="mailto:Blake.thomas@nc.gov">Blake.thomas@nc.gov</a></p>	<p><b>8. The Agency formally proposed the text of this rule(s) on</b>   <b>Date:</b> <a href="#">10/19/2023</a></p>

1 25 NCAC 01E .1903 is proposed for adoption under temporary procedures as follows:

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3 **25 NCAC 01E .1903 ELIGIBILITY FOR PAID PARENTAL LEAVE**

4 (a) This Section applies to all agency employees subject to G.S. 126-8.6, whether or not those employees are exempt  
5 from other sections of the State Human Resources Act.

6 (b) Employees may receive paid parental leave under this Section only if they are in a permanent, time-limited, or  
7 probationary appointment. Temporary employees are not eligible for paid parental leave under this Section.

8 (c) An agency shall allow an employee to take paid parental leave under this Section only if, at the time of the  
9 qualifying event, the employee meets each of the following conditions.

10 (1) For the immediate 12 preceding months, the employee has been employed without a break in  
11 service as defined by 25 NCAC 01D .0114 in a permanent, time-limited, or probationary  
12 appointment by:

13 (A) the State of North Carolina agencies, departments, and institutions, including without  
14 limitation the University of North Carolina;

15 (B) public school units that provide paid parental leave in accordance with G.S. 126-8.6; or

16 (C) community college institutions of the State of North Carolina,  
17 aggregating employment at any of these employers.

18 (2) The employee has been in pay status with:

19 (A) the State of North Carolina agencies, departments, and institutions, including without  
20 limitation the University of North Carolina;

21 (B) public school units that provide paid parental leave in accordance with G.S. 126-8.6; or

22 (C) community college institutions of the State of North Carolina,

23 for at least 1,040 hours, aggregating employment at any of these employers, during the previous  
24 12-month period.

25 (d) This Section applies to requests for paid parental leave related to qualifying events occurring on or after July 1,  
26 2023.

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28 *History Note: Authority G.S. 126-8.6;*

29 *Temporary Adoption Eff. [date of adoption].*