TITLE 25 – OFFICE OF STATE HUMAN RESOURCES

Notice *is hereby given in accordance with G.S. 150B-21.2 and G.S. 150B-21.3A(c)(2)g. that the State Human Resources Commission intends to amend the rules cited as 25 NCAC 01E .0309, .1302- .1306, .1901-.1910, repeal the rules cited as 25 NCAC 01E .0101, .0103, .0203- .0208, .0210- .0212, .0216, .0301- .0305, .0308, .0311, .0312, .0314, .0315, .0317, .0704, .0705, .0707, .0802, .0804, .0805, .0809, .0817, .0818, .0820, .0821, .0901- .0905, .0907- .0909, .1001, .1002, .1004- .1006, .1009- .1011, .1101- .1105, .1110, .1111, .1401, .1402, .1404, .1406, .1407, .1412, .1601- .1605, .1607, .1801-.1809, readopt with substantive changes the rules cited as 25 NCAC 01B .0201, .0213, and repeal through readoption the rules cited as 25 NCAC 01A .0103, .0104, .0106; 01B .0204, .0205, .0208, .0214-.0217; 01C .0215, .0401, .0402, .0405, .0501-.0504, .0507, .0701-.0703, .0801, .0802, .0813, .0901, and .1001-.1008.*

Pursuant to G.S. 150B-21.17, the Codifier has determined it impractical to publish the text of rules proposed for repeal unless the agency requests otherwise. The text of the rule(s) are available on the OAH website at http://reports.oah.state.nc.us/ncac.asp.

Link to agency website pursuant to G.S. 150B-19.1(c): *https://oshr.nc.gov/hr-governance/state-human-resources-commission*

Proposed Effective Date: *March 1, 2027*

Public Hearing:
Date: *December 10, 2026*
Time: *2:00 p.m.*
Location: *https://teams.microsoft.com/meet/25818135279342 4?p=lM6sQK9By7BmBvpFa5 Meeting ID: 258 181 352 793 424 Passcode: JB7cw9Mf*
Dial in by phone +1 984-204-1487,,431453216# United States, Raleigh
Find a local number Phone conference ID: 431 453 216#
Join on a video conferencing device Tenant key: ncgov@m.webex.com Video ID: 119 239 699 9

Reason for Proposed Action: *The State Human Resources Commission, with the approval of the Governor, propose to readopt, amend, and repeal rules. The proposed changes conform the rules to S.L. 2026-40, an Act to Modernize and Simplify the State Human Resources System, which enacted Chapter 126A of the General Statutes, and also update rules for clarity. Rules proposed for repeal are obsolete, redundant, or no longer necessary as a result of the statutory changes enacted by S.L. 2026-40.*

Comments may be submitted to: *Anna Perkinson, 1331 Mail Service Center, Raleigh, NC 27699; email OSHR-hrcommission@nc.gov*

Comment period ends: *January 4, 2027*

Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit a written objection to the Rules Review Commission. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to oah.rules@oah.nc.gov. If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or call a Commission staff attorney at 984-236-1850.

Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.
☐ **State funds affected**
☐ **Local funds affected**
☐ **Substantial economic impact (>= $1,000,000)**
☐ **Approved by OSBM**
☒ **No fiscal note required**

CHAPTER 01 - OFFICE OF STATE HUMAN RESOURCES

SUBCHAPTER 01A - GENERAL PROVISIONS

25 NCAC 01A .0103 DEFINITIONS

History Note: *Authority G.S. 126-4; 126-5; 126-12;*
Eff. February 1, 1976;
Amended Eff. October 1, 1977;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 28, ~~2014.~~ 2014;
Repealed Eff. March 1, 2027.

25 NCAC 01A .0104 EXCEPTIONS AND VARIANCES

History Note: *Authority G.S. 126-4(10);*
ARRC Objection May 25, 1989;
Eff. October 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 28, ~~2014.~~ 2014;
Repealed Eff. March 1, 2027.

25 NCAC 01A .0106 DELEGATION OF AUTHORITY: DECENTRALIZATION

History Note: *Authority G.S. 126-4;*
Eff. September 1, 1991;
Amended Eff. August 3, 1992;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 28, ~~2014.~~ 2014;
Repealed Eff. March 1, 2027.

SUBCHAPTER 01B - STATE HUMAN RESOURCES COMMISSION

SECTION .0200 – RULE-MAKING

25 NCAC 01B .0201 CONTENT AND PROCEDURE

(a) Any person wishing to submit a petition requesting the adoption, amendment, or repeal of a rule of the Commission shall email OSHR-hrcommission@nc.gov or address a petition to:
Office of State Human Resources
1331 Mail Service Center
Raleigh, North Carolina 27699-1331.

(b) The petition shall be labeled ~~Petition~~ "Petition for ~~Rulemaking~~ Rulemaking" and contain the following information:

(1) ~~either a draft of the proposed rule or a summary of its contents;~~ the name and address of the petitioner;
(2) ~~reason for proposal;~~ the citation of the rule sought to be amended or repealed;
(3) for petitions to adopt or amend a rule, a draft of the proposed rule or amendment(s); and ~~effect on existing rules or orders;~~
(4) ~~data supporting proposal;~~ a statement of the effect of the requested rule change.
(~~5~~) ~~fiscal note on the impact of the proposed rule on existing practices in the area involved, including cost factors and basis of analysis;~~
(~~6~~) ~~names of those most likely to be affected by the proposed rule with addresses if reasonably known;~~
(~~7~~) ~~name(s) and address(es) of petitioner(s).~~

(c) ~~The Office of State Human Resources shall examine the petition and weigh the information therein in relation to the public interest. The Office of State Human Resources shall consider all the contents of the submitted petition, plus any additional information the Office of State Human Resources deems relevant. The Office of State Human Resources shall make a recommendation to the Commission for the denial of the petition or the institution of rule-making proceedings, as the case may be.~~ The State Human Resources Commission shall grant or deny a petition for rulemaking within 120 days of the date the rulemaking petition is received by the Office of State Human Resources. In making the decision, the State Human Resources Commission shall consider the information submitted in the petition and any other relevant information, including the following:

(1) whether the Commission has the authority to adopt the rule;
(2) the effect of the proposed rule on existing rules, programs, and practices;
(3) potential costs of the proposed rule; and
(4) the impact of the rule.

History Note: *Authority G.S. 150B-20;*
Eff. February 1, 1976;
Amended Eff. February 1, 2008; March 1, 1996; June 1, 1982;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 28, ~~2014.~~ 2014;
Amended Eff. March 1, 2027.

25 NCAC 01B .0204 PRESENTATIONS
25 NCAC 01B .0205 ORAL PRESENTATIONS

History Note: *Authority G.S. 126-4;*
Eff. February 1, 1976;
Amended Eff. February 1, 2008; March 1, 1996; June 1, 1982;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 28, ~~2014.~~ 2014;
Repealed Eff. March 1, 2027.

25 NCAC 01B .0208 HEARING PROCEDURE

History Note: *Authority G.S. 150B-12(d),(e);*
Eff. February 1, 1976;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 28, ~~2014.~~ 2014;
Repealed Eff. March 1, 2027.

25 NCAC 01B .0213 REQUESTS FOR DECLARATORY RULING

~~All requests for declaratory rulings shall be written and mailed to: Office of State Human Resources, 1331 Mail Service Center, Raleigh, North Carolina 27699-1331.~~

(a) A person aggrieved may requested a declaratory ruling pursuant to G.S. 150b-4 by submitting a written request to OSHR-hrcommission@nc.gov or to:

Office of State Human Resources
1331 Mail Service Center
Raleigh, NC 27699-1331

(b) The written request shall be labeled "Request for Declaratory Ruling" and include the following:

(A) The names and contact information for the person aggrieved;
(B) The statute or rule to which the petition relates;
(C) A statement of the manner in which the person is aggrieved by the statute or rule; and
(D) The question or issue on which a ruling is requested.

(c) The agency shall issue a declaratory ruling in accordance with G.S. 150B-4, except when:

(A) The subject matter of the request is involved in pending litigation that involves the person aggrieved;
(B) The question to be ruled upon is academic, moot, or indefinite as to time or place;
(C) The question involves disputed facts; or
(D) The request does not comply with Paragraph (b) of this Rule.

History Note: *Authority G.S. ~~126-2; 126-4;~~ 150B-4;*
Eff. February 1, 1976;
Amended Eff. February 1, 2008; March 1, 1996; June 1, 1982;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 28, ~~2014.~~ 2014;
Amended Eff. March 1, 2027.

25 NCAC 01B .0214 CONTENT
25 NCAC 01B .0215 REFUSAL TO ISSUE RULING
25 NCAC 01B .0216 TIME
25 NCAC 01B .0217 PROCEDURE

History Note: *Authority G.S. 150B-17;*
Eff. February 1, 1976;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 28, ~~2014.~~ 2014;
Repealed Eff. February 1, 2027.

SUBCHAPTER 01C – PERSONNEL ADMINISTRATION

SECTION .0200 - GENERAL EMPLOYMENT POLICIES

25 NCAC 01C .0215 EMPLOYMENT CONTRACTS

History Note: *Authority G.S. 126-4(6);*
Eff. September 1, 1989;
Amended Eff. June 1, 2008; November 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 28, ~~2014.~~ 2014;
Repealed Eff. March 1, 2027.

SECTION .0400 - APPOINTMENT

25 NCAC 01C .0401 APPOINTMENT DEFINED
25 NCAC 01C .0402 PERMANENT AND TIME-LIMITED APPOINTMENT

History Note: *Authority G.S. 126-4(6);*
Federal Standards for a Merit System of Personnel Administration;
Eff. February 1, 1976;
Amended Eff. April 1, 2017; April 1, 2015; October 1, 2004; August 1, 1995; January 1, 1989; June 1, 1983; July 1, 1979;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 28, ~~2014.~~ 2014;
Repealed Eff. March 1, 2027.

25 NCAC 01C .0405 TEMPORARY APPOINTMENT

History Note: *Authority G.S. 126-4(5); 126-4(6); 126-4(7a); 126-4(19);*
Eff. February 1, 1976;
Amended Eff. December 1, 2021; August 1, 1995; November 1, 1991; December 1, 1978;
Readopted Eff. April 1, 2016;
Amended Eff. August 1, 2024; December 1, ~~2021.~~ 2021;
Repealed Eff. March 1, 2027.

SECTION .0500 - WORK SCHEDULE

25 NCAC 01C .0501 STANDARD WORKWEEK
25 NCAC 01C .0502 VARIABLE WORK SCHEDULE
25 NCAC 01C .0503 IMPLEMENTATION
25 NCAC 01C .0504 LIMITATIONS

History Note: *Authority G.S. 126-4;*
Eff. February 1, 1976;
Amended Eff. October 1, 1992; November 1, 1988; August 1, 1985; February 1, 1983; June 1, 1982; May 1, 1981;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 28, ~~2014.~~ 2014;
Repealed Eff. March 1, 2027.

25 NCAC 01C .0507 HOURS OF WORK DUE TO TIME CHANGE

History Note: *Authority G.S. 126-4;*
Eff. February 1, 1976;
Amended Eff. August 1, 1985; February 1, 1983;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 28, ~~2014.~~ 2014;
Repealed Eff. March 1, 2027.

SECTION .0700 - SECONDARY EMPLOYMENT

25 NCAC 01C .0701 POLICY
25 NCAC 01C .0702 AGENCY RESPONSIBILITY

History Note: *Authority G.S. 126-4;*
Eff. August 1, 1978;
Amended Eff. October 1, 2004, January 1, 2004; May 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 28, ~~2014.~~ 2014;
Repealed Eff. March 1, 2027.

25 NCAC 01C .0703 EMPLOYEE RESPONSIBILITY

History Note *Authority G.S. 126-4;*
Eff. October 1, 2004;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 28, ~~2014.~~ 2014;
Repealed Eff. March 1, 2027.

SECTION .0800 -- REQUIREMENTS FOR TELEWORKING PROGRAMS

25 NCAC 01C .0801 PURPOSE
25 NCAC 01C .0802 COVERED EMPLOYEES

History Note: *Authority G.S. 126-4; S.L. 1999-328;*
Temporary Adoption Eff. January 19, 2000;
Temporary Adoption Expired on November 11, 2000;
Eff. April 1, 2001;
Amended Eff. October 1, 2004;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 28, 2014;
Amended Eff. September 1, ~~2020.~~ 2020;
Repealed Eff. March 1, 2027.

25 NCAC 01C .0813 TERMINATION OF TELEWORKING ARRANGEMENT

History Note: *Authority G.S. 126-4; S.L. 1999-328;*

Temporary Adoption Eff. January 19, 2000;
Temporary Adoption Expired on November 11, 2000;
Eff. July 18, 2002;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 28, ~~2014.~~ 2014;
Repealed Eff. March 1, 2027.

SECTION .0900 - EMPLOYEE RECOGNITION PROGRAMS

25 NCAC 01C .0901 STATE HUMAN RESOURCES RESPONSIBILITY

History Note: *Authority G.S. 126-4;*
Eff. February 1, 1976;
Amended Eff. December 1, 1995;
Recodified from 25 NCAC 01J .0401 Eff. December 29, 2003;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 28, ~~2014.~~ 2014;
Repealed Eff. March 1, 2027.

SECTION .1000 - SEPARATION

25 NCAC 01C .1001 DEFINED
25 NCAC 01C .1002 RESIGNATION
25 NCAC 01C .1003 RETIREMENT
25 NCAC 01C .1004 REDUCTION IN FORCE
25 NCAC 01C .1005 DISMISSAL

History Note: *Authority G.S. 126-4; 126-5(c);*
Eff. February 1, 1976;
Amended Eff. May 1, 1980; January 1, 1980; October 1, 1977;
Emergency Amendment (a) Eff. March 16, 1981 for a Period of 77 Days to Expire on June 1, 1981;
Emergency Amendment (a) Made Permanent with Change Eff. April 8, 1981;
Amended Eff. October 1, 2004; December 1, 1995; March 1, 1994; November 1, 1990;
May 1, 1989; January 1, 1989; November 1, 1988; March 1, 1987; February 1, 1983;
Recodified from 25 NCAC 01D .0501 Eff. December 29, 2003;
Amended Eff. October 1, 2009; March 1, 2005;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 28, 2014;
Amended Eff. April 1, 2017; April 1, ~~2015.~~ 2015;
Repealed Eff. March 1, 2027.

25 NCAC 01C .1006 VOLUNTARY RESIGNATION WITHOUT NOTICE
25 NCAC 01C .1007 SEPARATION

History Note: *Authority G.S. 126-4(7a); 126-34.02;*
Eff. November 1, 1989;
Recodified from 25 NCAC 01D .0519 Eff. December 29, 2003;
Amended Eff. April 1, 2015; January 1, 2007; October 1, 2004; September 1, 2004;
Readopted Eff. April 1, 2016;
Amended Eff. July 1, ~~2023.~~ 2023;
Repealed Eff. March 1, 2027.

25 NCAC 01C .1008 APPOINTMENT ENDED

History Note: *Authority G.S. 126-4; 126-5;*
Eff. March 1, 1996;
Recodified from 25 NCAC 01D .0520 Eff. December 29, 2003;
Amended Eff. October 1, 2004;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 28, ~~2014.~~ 2014;
Repealed Eff. March 1, 2027.

SUBCHAPTER 01E - EMPLOYEE BENEFITS

SECTION .0100 - LEAVE: GENERAL PROVISIONS

25 NCAC 01E .0101 POLICY

History Note: *Authority G.S. 126-4; 126-8;*

Eff. February 1, 1976;
Amended Eff. January 1, 1983;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, ~~2016.~~ 2016;
Repealed Eff. March 1, 2027.

25 NCAC 01E .0103 LEAVE OFFSETTING

History Note: *Authority G.S. 126-4;*
Eff. January 1, 2011;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, ~~2016.~~ 2016;
Repealed Eff. March 1, 2027.

SECTION .0200 - VACATION LEAVE

25 NCAC 01E .0203 VACATION LEAVE CREDITS
25 NCAC 01E .0204 TOTAL STATE SERVICE DEFINED
25 NCAC 01E .0205 MAXIMUM ACCUMULATION
25 NCAC 01E .0206 ADVANCEMENT
25 NCAC 01E .0207 LEAVE CHARGES
25 NCAC 01E .0208 LEAVE TRANSFERABLE

History Note: *Authority G.S. 126-4;*
Eff. February 1, 1976;
Amended Eff. December 1, 1988; April 1, 1984; December 1, 1983; July 1, 1983; January 1, 1983; December 1, 1982; October 1, 1982; March 1, 1978;
Temporary Amendment Eff. January 1, 1989 for a Period of 180 Days to Expire June 29, 1989;
Amended Eff. April 1, 2015; January 1, 2011; November 1, 2004; October 1, 2004; July 1, 1995; December 1, 1993; January 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, ~~2016.~~ 2016;
Repealed Eff. March 1, 2027.

25 NCAC 01E .0210 SEPARATION: PAYMENT OF VACATION LEAVE
25 NCAC 01E .0211 LEAVE RECORDS
25 NCAC 01E .0212 SPECIAL LEAVE

History Note: *Authority G.S. 126-4;*
Eff. February 1, 1976;
Amended Eff. December 1, 1988; January 1, 1993; January 1, 1983; March 1, 1980; March 1, 1978;
Temporary Amendment Eff. January 1, 1989 for a Period of 180 Days to Expire June 29, 1989;
Amended Eff. December 1, 2008; December 1, 2007; October 1, 2004; July 1, 1995; March 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016;
Amended Eff. February 1, ~~2020.~~ 2020;
Repealed Eff. March 1, 2027.

25 NCAC 01E .0216 ACCOUNTING FOR CREDITABLE SERVICE

History Note: *Authority G.S. 126-4; 126-8;*
Eff. July 1, 1995;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, ~~2016.~~ 2016;
Repealed Eff. March 1, 2027.

SECTION .0300 - SICK LEAVE

25 NCAC 01E .0301 SICK LEAVE CREDITS
25 NCAC 01E .0302 ACCUMULATION
25 NCAC 01E .0303 ADVANCEMENT
25 NCAC 01E .0304 VERIFICATION
25 NCAC 01E .0305 USE OF SICK LEAVE

History Note: *Authority G.S. 126-4; 126-8;*
Eff. February 1, 1976;
Amended Eff. December 1, 1988; January 1, 1983;
Temporary Amendment Eff. January 1, 1989 for a Period of 180 Days to Expire June 29, 1989;
Amended Eff. December 1, 1995; November 1, 2004; July 1, 1995; December 1, 1993; March 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, ~~2016.~~ 2016;

Repealed Eff. March 1, 2027.

25 NCAC 01E .0308 LEAVE CHARGES

History Note: *Authority G.S. 126-4;*
Eff. February 1, 1976;
Amended Eff. August 1, 1985; January 1, 1983;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, ~~2016.~~ 2016;
Repealed Eff. March 1, 2027.

25 NCAC 01E .0309 VACATION AND SICK LEAVE TRANSFERABLE

(a) Unused vacation and sick leave shall ~~be transferred~~ transfer when an employee transfers between ~~state~~ executive branch agencies.

(b) ~~Sick~~ Vacation and sick leave may also be transferred to or from the judicial branch, the legislative branch, county agencies of mental health, public health, social services or emergency management, and a public school, community college or technical institute if the head of the employing agency or school administrative unit is willing to accept ~~it.~~ it, otherwise, it shall be handled in accordance with policies for treatment of leave at separation.

(c) Notwithstanding Paragraph (b) of this Rule, when an employee transfers from the judicial branch or legislative branch to a leave-earning position in an executive branch agency, the vacation and sick leave shall transfer to the executive branch agency.

History Note: *Authority G.S. 126-4;*
Eff. February 1, 1976;
Amended Eff. December 1, 1988; January 1, 1983; December 1, 1979;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, ~~2016.~~ 2016;
Amended Eff. March 1, 2027.

25 NCAC 01E .0311 SEPARATION
25 NCAC 01E .0312 REINSTATEMENT OF SICK LEAVE

History Note: *Authority G.S. 126-4;*
Eff. February 1, 1976;
Amended Eff. July 1, 1995; May 1, 1989; January 1, 1983; January 1, 1980;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, ~~2016.~~ 2016;
Repealed Eff. March 1, 2027.

25 NCAC 01E .0314 SICK LEAVE WITHOUT PAY
25 NCAC 01E .0315 LEAVE RECORDS

History Note: *Authority G.S. 126-4;*
Eff. February 1, 1976;
Amended Eff. October 1, 2004; July 1, 1995; December 1, 1993; January 1, 1983; March 1, 1978;
Pursuant to G. S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, ~~2016.~~ 2016;
Repealed Eff. March 1, 2027.

25 NCAC 01E .0317 DEFINITIONS

History Note: *Authority G.S. 126-4;*
Eff. July 1, 1995;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, ~~2016.~~ 2016;
Repealed Eff. March 1, 2027.

SECTION .0700 - WORKER'S COMPENSATION LEAVE

25 NCAC 01E .0704 COVERAGE
25 NCAC 01E .0705 ADMINISTRATION

History Note: *Authority G.S. 126-4(10); 143-581; 143-583;*
Eff. November 1, 1987;
Amended Eff. October 1, 2004; April 1, 2001; August 1, 1998; September 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016;
Amended Eff. July 1, ~~2019.~~ 2019;
Repealed Eff. March 1, 2027.

25 NCAC 01E .0707 USE OF LEAVE

History Note: *Authority G.S. 97-28; 126-4;*

Eff. November 1, 1987;
Amended Eff. October 1, 2004; April 1, 2001; August 1, 1998; December 1, 1993; September 1, 1989; December 1, 1988;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, ~~2016.~~ 2016;
Repealed Eff. March 1, 2027.

SECTION .0800 - MILITARY LEAVE

25 NCAC 01E .0802 MILITARY LEAVE

History Note: *Authority G.S. 126-4; 127A-116;*
Eff. February 1, 1976;
Amended Eff. April 1, 2003; November 1, 1990; May 1, 1977;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, ~~2016.~~ 2016;
Repealed Eff. March 1, 2027.

25 NCAC 01E .0804 PERIODS OF ENTITLEMENT FOR ALL RESERVE COMPONENTS
25 NCAC 01E .0805 ADDITIONAL PERIODS OF ENTITLEMENT FOR RESERVE COMPONENTS OF THE UNITED STATES ARMED FORCES

History Note: *Authority G.S. 126-4; 127A-116;*
Eff. February 1, 1976;
Amended Eff. August 1, 1995; October 1, 1992; June 1, 1983; June 1, 1981;December 1, 1980; May 1, 1977;
Temporary Amendment Eff. March 18, 2002;
Amended Eff October 1, 2004; August 1, 2004; April 1, 2003;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, ~~2016.~~ 2016;
Repealed Eff. March 1, 2027.

25 NCAC 01E .0809 RETENTION AND CONTINUATION OF BENEFITS

History Note: *Authority G.S. 126-4; 127A-116;*
Eff. February 1, 1976;
Amended Eff. February 1, 1983; December 1, 1980; March 1, 1978;
Temporary Amendment Eff. March 18, 2002;
Amended Eff. August 1, 2004;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, ~~2016.~~ 2016;
Repealed Eff. March 1, 2027.

25 NCAC 01E .0817 RETENTION AND CONTINUATION OF BENEFITS
25 NCAC 01E .0818 REINSTATEMENT FROM LEAVE WITHOUT PAY FOR MILITARY SERVICE

History Note: *Authority G.S. 126-4(5);*
Eff. February 1, 1976;
Amended Eff. April 1, 2003; October 1, 1992; February 1, 1983; December 1, 1980; December 1, 1978; August 1, 1978;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, ~~2016.~~ 2016;
Repealed Eff. March 1, 2027.

25 NCAC 01E .0820 PERIODS OF ENTITLEMENT FOR MEMBERS OF THE STATE DEFENSE MILITIA

History Note: *Authority G.S. 126-4(5);*
Eff. October 1,1992;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, ~~2016.~~ 2016;
Repealed Eff. March 1, 2027.

25 NCAC 01E .0821 PERIODS OF ENTITLEMENT FOR CIVIL AIR PATROL

History Note: *Authority G.S. 126-4(5);*
Eff. February 1, 1976;
Amended Eff. October 1, 1992; December 1, 1980; May 1, 1977;
Recodified from 25 NCAC 01E .0806 Eff. December 29, 2003;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, ~~2016.~~ 2016;
Repealed Eff. March 1, 2027.

SECTION .0900 – HOLIDAYS

25 NCAC 01E .0901 APPROVED HOLIDAYS
25 NCAC 01E .0902 RELIGIOUS OBSERVANCES
25 NCAC 01E .0904 TIME ALLOWED OFF
25 NCAC 01E .0905 ALTERNATIVE HOLIDAY SCHEDULES

History Note: *Authority G.S. 126-4;*
Eff. February 1, 1976;
Amended Eff. January 1, 2004; February 1, 1995; December 1, 1988; February 1, 1983; April 1, 1982; October 1, 1977;
Temporary Amendment Eff. May 23, 2014;
Amended Eff. April 1, 2015;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, ~~2016.~~ 2016;
Repealed Eff. March 1, 2027.

25 NCAC 01E .0907 WEEKENDS
25 NCAC 01E .0908 ELIGIBILITY
25 NCAC 01E .0909 FOUR-DAY WORKWEEKS

History Note: *Authority G.S. 126-4;*
Eff. February 1, 1976;
Amended Eff. October 1, 2004; February 1, 1995;February 1, 1983; April 1, 1982;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016;
Amended Eff. May 1, ~~2021.~~ 2021;
Repealed Eff. March 1, 2027.

SECTION .1000 - MISCELLANEOUS LEAVE

25 NCAC 01E .1001 JURY DUTY
25 NCAC 01E .1002 COURT ATTENDANCE OR JOB RELATED PROCEEDING

History Note: *Authority G.S. 126-4;*
Eff. February 1, 1976;
Amended Eff. October 1, 2004; December 1, 1995; December 1, 1988; December 1, 1983; June 1, 1983; February 1, 1983;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, ~~2016.~~ 2016;
Repealed Eff. March 1, 2027.

25 NCAC 01E .1004 LEAVE: EMPLOYEE TRANSFER
25 NCAC 01E .1005 ADVERSE WEATHER AND EMERGENCY CLOSINGS
25 NCAC 01E .1006 COMPENSATORY TIME

History Note: *Authority G.S. 126-4(5);*
Eff. February 1, 1976;
Amended Eff. August 1, 2009; January 1, 2004; May 1, 1989; December 1, 1988; June 1, 1985; February 1, 1983; February 1, 1982; December 1, 1978;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016;
Amended Eff. February 1, ~~2026.~~ 2026;
Repealed Eff. March 1, 2027.

25 NCAC 01E .1009 OTHER MANAGEMENT APPROVED LEAVE
25 NCAC 01E .1010 NON-DISCRETIONARY TYPES OF OTHER MANAGEMENT APPROVED LEAVE
25 NCAC 01E .1011 DISCRETIONARY TYPES OF OTHER MANAGEMENT APPROVED LEAVE

History Note: *Authority G.S. 126-4(5);*
Eff. May 1, 2010;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, ~~2016.~~ 2016;
Repealed Eff. March 1, 2027.

SECTION .1100 - OTHER TYPES OF LEAVE WITHOUT PAY

25 NCAC 01E .1101 POLICY
25 NCAC 01E .1102 MAXIMUM AMOUNT
25 NCAC 01E .1103 EMPLOYEE RESPONSIBILITY
25 NCAC 01E .1104 AGENCY RESPONSIBILITY

25 NCAC 01E .1105 RETENTION OF BENEFITS

History Note: *Authority G.S. 126-4;*
Eff. February 1, 1976;
Amended Eff. October 1, 2004; December 1, 1993; November 1, 1990; December 1, 1988; February 1, 1983; June 1, 1982; January 1, 1979; December 1, 1978;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, ~~2016.~~ 2016;
Repealed Eff. March 1, 2027.

25 NCAC 01E .1110 SPECIAL PROV/PARENTAL LEAVE/EMPL NOT ELIGIBLE/FAMILY/MEDICAL LEAVE

History Note: *Authority G.S. 126-4;*
Eff. June 1, 1982;
Amended Eff. December 1, 1995; December 1, 1993;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, ~~2016.~~ 2016;
Repealed Eff. March 1, 2027.

25 NCAC 01E .1111 EXTENDED LEAVE WITHOUT PAY

History Note: *Authority G. S. 126-4;*
Eff. November 1, 1990;
Amended Eff. October 1, 2004;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, ~~2016.~~ 2016;
Repealed Eff. March 1, 2027.

SECTION .1300 - VOLUNTARY SHARED LEAVE PROGRAM

25 NCAC 01E .1302 ~~POLICY~~ VOLUNTARY SHARED LEAVE

(a) An employee may request, or be nominated by a fellow employee, to receive leave donated under this Section when the employee, or a member of the employee's immediate family has ~~In cases of~~ a prolonged medical condition. ~~condition an employee may apply for or be nominated to become a recipient of leave transferred from the vacation leave account of another employee, from the sick leave or vacation account of an immediate family member as defined in Rule .0317 of this Subchapter or from the sick leave account of a non-family member as provided in Rule .1305 of this Section.~~ For purposes of this ~~Rule,~~ Section, the following definitions shall apply:

(1) ~~prolonged medical condition~~ "Prolonged Medical Condition" means a medical condition that is likely to require an employee's absence from duty for a period of at least 20 consecutive workdays. An agency may treat a medical condition as prolonged if either of the following applies:
   (A) ~~If an~~ the employee has had repeated, previous ~~random~~ absences for the same condition; ~~condition that has caused excessive absences,~~ or
   (B) ~~if~~ the employee has had a ~~previous, but~~ different, prolonged medical condition within the last 12 months preceding the current absence. ~~months, the agency may make an exception to the 20 day period.~~

(2) "Immediate Family" means the following:
   (A) spouse;
   (B) parent, including a biological or adoptive parent, a step-parent, a parent-in-law, or an individual who stood in loco parentis (a person who is in the position or place of a parent) to an employee when the employee was a child;
   (C) child, including a biological child, an adopted child, a foster child, a step-child, an in-law, a legal ward (a minor placed by the court under the care of a guardian), or a child for whom the employee stands in loco parentis;
   (D) sibling, including biological, adoptive, step, half, or in-law sibling;
   (E) grandparent, great-grandparent, grandchild, or great-grandchild, including step relationships; and
   (F) any other dependents living in the employee's household.

(b) Leave may be donated to a named recipient as provided in Rule .1305 of this Section. An agency shall not establish a leave bank for use by unnamed employees.

(c) An employee may begin using donated leave after all available sick, vacation, and bonus leave have been exhausted. While using donated leave, an employee continues to earn leave. When accounting for leave, earned vacation and sick leave shall be used before any donated leave.

(d) An employee who receives benefits from the Disability Income Plan of North Carolina (DIPNC) is not eligible to participate in the shared leave program. Shared leave, however, may be used during the required waiting period and following the waiting period provided DIPNC benefits have not begun.

~~(c) Participation in this program shall be limited to 1,040 hours, (prorated for part-time employees), either continuously or, if for the same condition, on a recurring basis. However, management may grant employees continuation in the program, month by month, for a maximum of 2,080 hours, if management would have otherwise granted leave without pay.~~

~~(d)~~(e) An employee on workers' compensation leave who is drawing temporary total disability compensation ~~may be~~ is eligible to participate in this program if the employee otherwise qualifies under Rule .1304 of this Section. The employee may use donated leave only to supplement weekly disability compensation in accordance with the Supplemental Leave Schedule found at

https://oshr.nc.gov/workers-compensation-supplemental-leave-schedule, and only in an amount per week that, when added to the disability compensation, does not exceed the employee's pre-injury take-home or net pay. ~~program. Use of donated leave under the workers' compensation program shall be limited to use with the supplemental leave schedule as described in 25 NCAC 01E .0707.~~

~~(e) The employee shall exhaust all available leave before using donated leave.~~

(f) An employee in a position exempt from Part 3 of Article 7 of G.S. Chapter 126A may participate in this program if the employing agency has adopted this Section in accordance with 126A-1-26 for that position and the position earns vacation and sick leave. ~~Non-qualifying conditions: This leave does not apply to short term or sporadic conditions or illnesses that are common, expected or anticipated. This includes such things as sporadic, short term recurrences of chronic allergies or conditions; short term absences due to contagious diseases; or short term, recurring medical or therapeutic treatments. These examples are illustrative, not all inclusive. Each case must be examined and decided based on its conformity to the intent of this Rule and must be applied consistently and equitably.~~

History Note: *Authority G.S. ~~126-4;~~ 126A-7-10(a)(1); 126A-7-20;*
Eff. May 1, 1990;
Amended Eff. February 1, 2011; October 1, 2004; July 1, 1995; September 1, 1992;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, ~~2016.~~ 2016;
Amended Eff. March 1, 2027.

25 NCAC 01E .1303 ~~ADMINISTRATION~~ RECIPIENT RULES

An employee who qualifies as a recipient under Rule .1304 of this Section is subject to the following:

(1) A recipient may receive up to 1,040 hours of donated leave, prorated for part-time employees, for a single prolonged medical condition, whether the leave is used continuously or over recurring absences for the condition.

(2) An agency may extend a recipient's participation on a month-to-month basis, up to a total of 2,080 hours, prorated for part-time employees, if the agency would have otherwise granted the employee leave without pay.

(3) A recipient may not receive a combined total of more than 160 hours per year of sick leave donated by non-family member donors.

(4) Donated sick leave shall not be used for retirement purposes.

~~(a) All departments and universities shall develop policies and procedures to implement this program. If an agency's policy includes employees exempt from the State Human Resources Act who are in leave earning and reporting positions, leave may be shared between subject and exempt employees.~~

~~(b) Establishment of a leave "bank" for use by unnamed employees is prohibited. Leave shall be donated on a one-to-one personal basis.~~

~~(c) This Section does not apply to local government employees but shall apply to public school and community college employees as set forth in 25 NCAC 01E .1305.~~

History Note: *Authority G.S. ~~126-4;~~ 126A-7-10(a)(1); 126A-7-20;*
Eff. May 1, 1990;
Amended Eff. December 1, 2007; July 1, 1995; September 1, 1992;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, ~~2016.~~ 2016;
Amended Eff. March 1, 2027.

25 NCAC 01E .1304 QUALIFYING TO PARTICIPATE IN VOLUNTARY SHARED LEAVE PROGRAM AS A RECIPIENT

In order to participate in the Voluntary Shared Leave Program as a recipient of donated leave, ~~Program,~~ an employee ~~shall meet the following conditions:~~ shall:

(1) ~~A donor or recipient shall have a half time or more permanent, probationary, trainee or time limited appointment. (The limitation and leave balance for permanent part-time employees shall be prorated,)~~ be in a full-time or part-time (half-time or more) employee in a permanent (probationary, career, permanent experiential), non-permanent experiential, time-limited, or exempt appointment. Temporary employees are not eligible for voluntary shared leave under this Section;

(2) have a prolonged medical condition, or have a member of the employee's immediate family with a prolonged medical condition that requires the employee's absence;

(3) ~~A recipient shall~~ apply or be nominated by a fellow ~~employee to participate in the program,~~ employee, in accordance with the procedure established by the employing agency;

~~(3)~~(4) ~~A recipient shall~~ produce medical ~~evidence~~ evidence, including a doctor's statement, to support the need for leave beyond the available accumulated ~~leave,~~ leave; and

~~(4)~~(5) ~~The parent department or university shall review the merits of the request and approve or disapprove according to these Rules.~~ be approved by the employing agency based on the requirements set forth in this Rule.

History Note: *Authority G.S. 126-4; 126A-7-10(a)(1); 126A-7-20;*
Eff. May 1, 1990;
Amended Eff. December 1, 2007; October 1, 2004; July 1, 1995; September 1, 1992;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, ~~2016.~~ 2016;
Amended Eff. March 1, 2027.

25 NCAC 01E .1305 DONOR ~~GUIDELINES~~ RULES

(a) To donate leave, an employee shall:

(1) be a full-time or part-time (half-time or more) employee in a permanent (probationary, career, permanent experiential), non-permanent experiential, time-limited, or exempt appointment;

(2) have sufficient leave balances to donate at the time of the donation; and

(3) donate a minimum of four hours of vacation, bonus, or sick leave.

(b) An employee of any ~~State~~ agency, public school ~~system~~ system, or community college may donate ~~vacation leave,~~ vacation, ~~bonus leave~~ bonus, or sick leave to an immediate family member in any ~~State~~ agency, public school or community college. An employee may donate vacation or bonus leave to another employee in any State agency or to a coworker's immediate family member who is an employee in a public school or community college provided the ~~employee~~ donor and coworker are in the same agency. An employee may donate sick leave to another employee in any ~~State~~ agency in accordance with the provisions of Paragraph ~~(b)~~(c) of this Rule. ~~Immediate family is defined in 25 NCAC 01E .0317 DEFINITIONS.~~

~~(b)~~(c) Sick leave may be donated as follows:

(1) ~~An~~ an employee of ~~a State~~ an agency may donate up to ~~five days~~ 40 hours of sick leave per year to any one ~~a nonfamily~~ non-family member employee of ~~a State agency.~~ an agency, not to exceed a total of 1,040 hours donated to non-family members per year. ~~The combined total of sick leave donated to a recipient from a nonfamily member donor shall not exceed 20 days per year. Donated sick leave shall not be used for retirement purposes. Employees who donate sick leave shall be notified in writing of the State retirement credit consequences of donating sick leave.~~

(2) ~~(c) The minimum amount of sick leave or vacation leave to be donated is four hours.~~ An employee family member donating sick leave to ~~a qualified~~ an immediate family member under the Voluntary Shared Leave program may donate up to a maximum of ~~1040 hours~~ 1,040 hours; ~~hours but may not reduce the sick leave account below 40 hours.~~

(3) no donation of sick leave shall reduce the donor's sick leave account below 40 hours; and

(4) an agency shall notify employees who donate sick leave in writing of the State retirement credit consequences of donating sick leave.

(d) The maximum amount of vacation leave ~~allowed to~~ that may be donated ~~by one individual~~ is the amount of the ~~individual's~~ donor's annual accrual rate. ~~However, the~~ The amount donated shall not reduce the donor's vacation leave balance below one-half of the annual vacation leave accrual rate. Bonus leave may be donated without regard to this limitation.

(e) Limits and leave balances for part-time employees are prorated.

~~(e) An employee may not directly or indirectly intimidate, threaten, coerce, or attempt to intimidate, threaten, or coerce, any other employee for the purpose of interfering with any right which such employee may have with respect to donating, receiving, or using annual leave under this program. Such action by an employee shall be grounds for disciplinary action up to and including dismissal on the basis of personal conduct. Individual leave records are confidential and only individual employees may reveal their donation or receipt of leave. The employee donating may not receive remuneration for the leave donated.~~

History Note: *Authority G.S. ~~126-4;~~ 126A-7-10(a)(1); 126A-7-20;*
Eff. May 1, 1990;
Amended Eff. July 1, 1995; September 1, 1992; July 1, 1991;
Temporary Amendment Eff. June 26, 2003;
Amended Eff. January 1, 2004 (This amendment replaces permanent rule approved by RRC on February 20, 2003 to become effective August 1, 2004);
Amended Eff. February 1, 2011; December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, ~~2016.~~ 2016;
Amended Eff. March 1, 2027.

25 NCAC 01E .1306 LEAVE ACCOUNTING PROCEDURES

~~The following conditions shall control the accounting and usage procedures for leave donations in the Voluntary Shared Leave program:~~

~~(1) The agency may establish a specific time period during which leave can be donated.~~

~~(2) All leave donated shall be credited to the recipient's sick leave account and is available for use on a current basis or may be retroactive for up to 60 calendar days to substitute for advanced vacation or sick leave already granted to the recipient or to substitute for leave without pay. Donated leave shall be applied to advanced leave before applying it to leave without pay.~~

~~(3) At the expiration of the medical condition, as determined by the agency, any unused leave in the recipient's donated leave account shall be treated as follows:~~

~~(a) The recipient's vacation and sick leave account balance shall not exceed a combined total of 40 hours (prorated for part-time employees).~~

~~(b) Any additional unused donated leave shall be returned to active (working or on leave without pay) donor(s) on a pro rata basis and credited to the leave account from which it was donated.~~

~~(4) If a recipient separates due to resignation, death, or retirement from state government, participation in the program ends. Donated leave shall be returned to active donor(s) on a pro rata basis.~~

(a) The agency shall credit all donated leave to the recipient's sick leave account.

(b) The recipient may use donated leave as it is credited. An agency may apply donated leave retroactively for up to 60 calendar days to replace advanced vacation or sick leave already granted to the recipient or to replace leave without pay. If an agency applies donated leave retroactively, it shall be applied to advance leave before it is applied to leave without pay.

(c) When the agency determines that the prolonged medical condition has ended, unused donated leave shall be treated as follows:

(1) the recipient's sick leave account balance shall not exceed a total of 40 hours, prorated for part-time employees; and

(2) unused donated leave in excess of the balance permitted in Subparagraph (1) of this Paragraph, shall be returned on a pro-rata basis to each donor who remains employed by the State and credited to the leave account from which it was donated.

History Note: *Authority G.S. ~~126-4;~~ 126A-7-10(a)(1); 126a-7-20;*
Eff. May 1, 1990;
Amended Eff. December 1, 2007; October 1, 2004; July 1, 1993; December 1, 1993;
September 1, 1992;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, ~~2016.~~ 2016;
Amended Eff. March 1, 2027.

SECTION .1400 - FAMILY AND MEDICAL LEAVE

25 NCAC 01E .1401 PURPOSE AND SCOPE
25 NCAC 01E .1402 ELIGIBLE EMPLOYEES

History Note: *Authority G.S. 126-4(5); P.L. 103-3;*
Eff. August 2, 1993;
Amended Eff. October 1, 1995; December 1, 1993;
Temporary Amendment Eff. November 1, 2002;
Temporary Amendment Expired August 29, 2003;
Amended Eff. December 1, 2007; October 1, 2004, December 1, 2003;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, ~~2016.~~ 2016;
Repealed Eff. March 1, 2027.

25 NCAC 01E .1404 LEAVE CHARGES

History Note: *Authority G.S. 126-4(5); P.L. 103-3;*
Eff. August 2, 1993;
Amended Eff. October 1, 2004; October 1, 1995; December 1, 1993;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, ~~2016.~~ 2016;
Repealed Eff. March 1, 2027.

25 NCAC 01E .1406 AGENCY RESPONSIBILITY
25 NCAC 01E .1407 EMPLOYEE RESPONSIBILITY

History Note: *Authority G.S. 126-4(5); P.L. 103-3;*
Eff. August 2, 1993;
Amended Eff. October 1, 2004; October 1, 1995; December 1, 1993;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, ~~2016.~~ 2016;
Repealed Eff. March 1, 2027.

25 NCAC 01E .1412 FAMILY ILLNESS LEAVE

History Note: *Authority G.S. 126-4(5); S.L. 2002-126, s. 28.3B;*
Temporary Adoption Eff. November 1, 2002;
Temporary Adoption Expired August 29, 2003;
Eff. December 1, 2003;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, ~~2016.~~ 2016;
Repealed Eff. March 1, 2027.

SECTION .1600 – VOLUNTEER SERVICE AND CHILD INVOLVEMENT LEAVE

25 NCAC 01E .1601 PURPOSE
25 NCAC 01E .1602 DEFINITIONS
25 NCAC 01E .1603 COVERED EMPLOYEES AND LEAVE CREDITS
25 NCAC 01E .1604 USES OF VOLUNTEER SERVICE AND CHILD INVOLVEMENT LEAVE

History Note: *Authority G.S. 126-4;*
Eff. April 1, 2001;
Amended Eff. May 1, 2015; April 1, 2015; August 1, 2010; October 1, 2004;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016;
Amended Eff. November 1, ~~2020.~~ 2020;
Repealed Eff. March 1, 2027.

25 NCAC 01E .1605 LEAVE ADMINISTRATION

History Note: *Authority G.S. 126-4;*
Eff. July 18, 2002;
Amended Eff. April 1, 2015;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016;
Amended Eff. November 1, ~~2020.~~ 2020;
Repealed Eff. March 1, 2027.

25 NCAC 01E .1607 SPECIAL LEAVE PROVISIONS

History Note: *Authority G.S. 126-4;*
Temporary Adoption Eff. March 18, 2002 (This temporary adoption replaces a permanent rulemaking originally proposed to be eff. July 1, 2002);
Eff. August 1, 2004;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016;
Amended Eff. November 1, ~~2020.~~ 2020;
Repealed Eff. March 1, 2027.

SECTION .1800 - INCENTIVE LEAVE

25 NCAC 01E .1801 POLICY
25 NCAC 01E .1802 DEFINITIONS
25 NCAC 01E .1803 RECRUITMENT DOCUMENTATION
25 NCAC 01E .1804 ELIGIBILITY REQUIREMENTS
25 NCAC 01E .1805 AMOUNT OF LEAVE
25 NCAC 01E .1806 RELATIONSHIP TO OTHER LEAVE
25 NCAC 01E .1807 CARRY-OVER AND PAYMENT OF LEAVE
25 NCAC 01E .1808 TRANSFER
25 NCAC 01E .1809 USE OF LEAVE

History Note: *Authority G.S. 126-4(5);*
Eff. February 1, 2011;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016;
Amended Eff. December 1, ~~2025.~~ 2025;
Repealed Eff. March 1, 2027.

SECTION .1900 – PAID PARENTAL LEAVE

25 NCAC 01E .1901 DEFINITIONS
For the purposes of this Section, the following definitions shall apply:

(1) "Agency" means 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.
(2) "Child" means a child as defined ~~at G.S. 126-8.6(a)(1).~~ in G.S. 126A-7-2(a)(1).
(3) "Parent" means:
    (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.
(4) "Qualifying event" means when an employee becomes a parent to a child.

History Note: *Authority G.S. ~~126-5(c19); 126-8.6;~~ 126A-7-1; 126A-7-2; 126A-7-10(a)(1);*
Temporary Adoption Eff. August 25, 2023;
Eff. August 1, ~~2024.~~ 2024;
Amended Eff. March 1, 2027.

25 NCAC 01E .1902 RELATIONSHIP TO OTHER RULES AND POLICIES
(a) This Section states the terms and conditions only for paid parental leave that is provided under G.S. 126A-7-2 ~~G.S. 126-8.6~~ by an agency, as defined in Rule .1901 of this Section.
(b) The paid parental leave provided under this Section is in addition to any other leave authorized by state or federal law.

History Note: *Authority G.S. ~~126-5(c19); 126-8.6;~~ 126A-7-1; 126A-7-2; 126A-7-10(a)(1);*
Temporary Adoption Eff. August 25, 2023;
Eff. August 1, ~~2024.~~ 2024;
Amended Eff. March 1, 2027.

25 NCAC 01E .1903 ELIGIBILITY FOR PAID PARENTAL LEAVE

(a) This Section applies to all agency employees subject to G.S. 126A-7-2, ~~G.S. 126-8.6,~~ whether or not those employees are exempt from other sections of the State Human Resources Act.

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

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

(1) For the immediate 12 preceding months, the employee has been employed without a break in service as defined by 25 NCAC 01D .0114 in a ~~permanent,~~ permanent (probationary, career, permanent experiential), non-permanent experiential, time-limited, or ~~probationary~~ exempt appointment, aggregating employment at any of these employers:
   (A) the State of North Carolina agencies, departments, and institutions, including without limitation the University of North Carolina;
   (B) public school units that provide paid parental leave in accordance with ~~G.S. 126-8.6;~~ G.S. 126A-7-2; or
   (C) community college institutions of the State of North Carolina.

(2) The employee has been in pay status for at least 1,040 hours during the previous 12-month period, aggregating employment at any of these employers:
   (A) the State of North Carolina agencies, departments, and institutions, including without limitation the University of North Carolina;
   (B) public school units that provide paid parental leave in accordance with ~~G.S. 126-8.6;~~ G.S. 126A-7-2; or
   (C) community college institutions of the State of North Carolina.

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

History Note: *Authority G.S. ~~126-8.6;~~ 126A-7-1; 126A-7-2; 126A-7-10(a)(1);*
Temporary Adoption Eff. August 25, 2023;
Temporary Adoption Eff. December 22, 2023;
Eff. August 1, ~~2024.~~ 2024;
Amended Eff. March 1, 2027.

25 NCAC 01E .1904 LEAVE AVAILABLE TO FULL-TIME EMPLOYEES

(a) Full-time employees eligible for paid parental leave under this Section may take, in their discretion, up to ~~the following amounts of leave:~~

~~(1) For a parent who gives birth to a child, eight total weeks of paid parental leave, made up of:~~
   ~~(A) Four weeks for physical and mental recuperation, and~~
   ~~(B) Four additional weeks for~~ twelve weeks of leave for bonding with the ~~child.~~ child when the employee becomes a parent to a child.

~~(2) For any other qualifying event, four weeks of paid parental leave for bonding with the child.~~

(b) Each week of paid parental leave under this Section shall result in compensation at 100 percent of the eligible employee's regular pay on a straight-time basis (without including overtime pay or paid time off, on the employee's regular weekly schedule).

History Note: *Authority G.S. ~~126-8.6;~~ 126A-7-1; 126A-7-2; 126A-7-10(a)(1);*
Temporary Adoption Eff. August 25, 2023;
Eff. August 1, ~~2024.~~ 2024;
Amended Eff. March 1, 2027.

25 NCAC 01E .1905 LEAVE AVAILABLE TO PART-TIME EMPLOYEES

(a) Part-time employees (regardless whether they work half-time or more) shall receive paid parental leave under this Section if they meet all other requirements for eligibility.

(b) Part-time employees eligible for paid parental leave under this Section ~~may take, in their discretion,~~ shall receive a prorated amount of leave based on the hours worked in the employee's regular, weekly schedule compared to the hours worked by a full-time employee in a similar position at that agency.

(c) Each week of paid parental leave under this Section shall result in compensation at 100 percent of the eligible employee's regular pay on a straight-time basis (without including overtime pay or paid time off, on the employee's regular weekly schedule).

History Note: *Authority G.S. ~~126-8.6;~~ 126A-7-1; 126A-7-2; 126A-7-10(a)(1);*
Temporary Adoption Eff. August 25, 2023;
Eff. August 1, ~~2024.~~ 2024;
Amended Eff. March 1, 2027.

25 NCAC 01E .1906 USE OF OTHER LEAVE

The paid parental leave provided under this Section shall not be counted against or deducted from the employee's sick, vacation, bonus, or other accrued leave. For agency employees, the paid parental leave provided under this Section is in addition to any other leave authorized by law, rule, or policy, including but not limited to leave without ~~pay provided under 25 NCAC 01E .1110,~~ pay, voluntary shared leave under ~~G.S. 126-8.3~~ G.S. 126A-7-20 and 25 NCAC 01E .1300, or family and medical leave. However, when an employee

becomes eligible ~~eligible, as described in 25 NCAC 01E .1400,~~ for family and medical leave, the paid parental leave under this Section shall run concurrently with the family and medical leave.

History Note: *Authority G.S. ~~126-8.6;~~ 126A-7-1; 126A-7-2; 126A-7-10(a)(1);*
Temporary Adoption Eff. August 25, 2023;
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25 NCAC 01E .1907 REQUESTING USE OF PAID PARENTAL LEAVE

(a) Eligible employees may take paid parental leave in one continuous period or may take intermittent use of paid parental leave. Requests for intermittent use of paid parental leave are subject to the agency's ~~approval as stated in Paragraph (d) of this Rule.~~ approval.
(b) Whenever possible, eligible employees shall notify their employing agencies at least 10 weeks in advance of their intention to use paid parental leave. This requirement is so that agencies can secure backfill coverage.
(c) The agency shall not deny, delay, or require intermittent use of paid parental leave to employees who gave birth and seek to use paid parental leave in one continuous period.
~~(d) For all other employees, 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, meaning a significant impairment to the agency's ability to conduct its operations in a manner that protects the health and safety of North Carolinians. For example, the extension of paid parental leave to an eligible employee who did not give birth may constitute a public safety concern if:~~

- ~~(1) Providing the paid parental leave would result in agency staffing levels below what is required by federal or state law to maintain operational safety; or~~
- ~~(2) Providing the paid parental leave may impact the health or safety of staff, patients, residents, offenders, or other individuals the agency is required by law to protect; and~~
- ~~(3) The agency has been unable to secure supplemental staffing after requesting or diligently exploring alternative staffing options.~~

~~(e) If the agency determines that it must delay paid parental leave, or make paid parental leave intermittent, because of a public safety concern under Paragraph (d) of this Rule, the agency shall provide paid parental leave as soon as practical following the qualifying event.~~

History Note: *Authority G.S. ~~126-8.6;~~ 126A-7-1; 126A-7-2; 126A-7-10(a)(1);*
Temporary Adoption Eff. August 25, 2023;
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25 NCAC 01E .1908 LEAVE ADMINISTRATION

(a) Paid parental leave under this Section may be used only once by an eligible employee within a rolling 12-month period.
(b) The birth or other qualifying event of twins, triplets, or other multiple children shall produce only one award of paid parental leave under this Section.
(c) Both parents may receive paid parental leave under this Section if they are both eligible agency employees. Both parents may take their leave simultaneously or at different times, subject to Rule .1907 of this Section.
~~(d) Employees shall submit documentation that they will use paid parental leave for a qualifying event under this Section. An agency may take appropriate action if an employee fraudulently requested or used paid parental leave. This action may include revoking approval and disciplinary action up to and including dismissal, pursuant to 25 NCAC 01J .0600.~~
~~(e)~~(d) Employees shall not be paid for the leave provided by this Section upon separation from the employer. The leave provided by this Section shall not be used for calculating an employee's retirement benefits and shall not accrue or be donated as voluntary shared leave.
~~(f)~~(e) Paid parental leave provided under this Section 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.

History Note: *Authority G.S. ~~126-8.6;~~ 126A-7-1; 126A-7-2; 126A-7-10(a)(1);*
Temporary Adoption Eff. August 25, 2023;
Eff. August 1, ~~2024.~~ 2024;
Amended Eff. March 1, 2027.

25 NCAC 01E .1909 LEAVE ADMINISTRATION FOR ADOPTIONS OR FOSTER CARE PLACEMENTS

(a) When ~~a child is given up for adoption or placed in foster care,~~ custody of a child is transferred, including through adoption or foster care, from that point ~~forward:~~ forward the birth parent shall be eligible for four weeks of paid leave for physical recuperation if the birth parents meets the eligibility requirements in Rule .1903 of this Section. Part-time employees shall receive a pro-rated amount of leave as described in Rule .1905 of this Section.

- ~~(1) The birth parent shall continue to be eligible for the paid parental leave listed in Rule .1904(a)(1)(A) of this Section for physical and mental recuperation; and~~
- ~~(2) Each parent shall not be eligible for further use of the paid parental leave listed in Rule .1904(a)(1)(B) of this Section for bonding with the child.~~

(b) When a prospective adoptive parent or foster parent expects an adoption or placement, but it does not occur, it ~~does~~ shall not produce paid parental leave under this Section. ~~However, agencies can allow adequate time for bereavement to the persons who would have~~

~~become parents, using sick leave, vacation leave, bonus leave, compensatory time, and any other leave options that may be available to the employee.~~

History Note: *Authority G.S. ~~126-8.6;~~ 126A-7-1; 126A-7-2; 126A-7-10(a)(1);*
Eff. August 1, ~~2024.~~ 2024;
Amended Eff. March 1, 2027.

25 NCAC 01E .1910 MISCARRIAGE OR STILLBIRTH

(a) When a fetus dies before 12 weeks of the pregnancy ~~were~~ is complete, it is not a qualifying event for paid ~~parental~~ leave under this Section.

(b) When a fetus dies after the 12th completed week of pregnancy, but before childbirth is ~~complete.~~ complete, the birth parent shall receive four weeks of leave for recuperation if the birth parent meets the eligibility requirements in Rule .1903 of this Section. Part-time employees that meet the eligibility requirements in Rule .1903 of this Section shall receive a pro-rated amount of leave as described in Rule .1905 of this Section.

~~(1) If the birth parent meets the eligibility requirements in Rule .1903 of this Section, the birth parent may receive the paid parental leave listed in Rule .1904(a)(1)(A) of this Section. This leave is four weeks for a full-time eligible state employee.~~

~~(2) The parents shall not receive the paid parental leave for bonding with the child that is listed in Rule .1904(a)(1)(B) and Rule .1904(a)(2) of this Section.~~

(c) When a child dies after childbirth is complete, each parent of the child who meets the eligibility requirements in Rule .1903 of this Section shall receive the ~~full~~ paid parental leave listed in Rule .1904 ~~.1904(a)(1) and (a)(2)~~ of this Section. The paid parental leave will not be ended at the time of the child's death.

~~(d) In any of the situations in this Rule, agencies can allow adequate time to the parents for bereavement and recovery, using sick leave, vacation leave, bonus leave, compensatory time, and any other leave options that may be available to the employee.~~

History Note: *Authority G.S. ~~126-8.6;~~ 126A-7-1; 126A-7-2; 126A-7-10(a)(1);*
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