

## **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.

#### **25 NCAC 01E .0102 TYPES OF LEAVE**

*History Note:* Authority G.S. 126-4; 126-8;  
Eff. February 1, 1976;  
Amended Eff. October 1, 2004, January 1, 1983;  
Repealed Eff. July 1, 2012.

#### **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.

### **SECTION .0200 - VACATION LEAVE**

#### **25 NCAC 01E .0201 PURPOSE AND USES**

*History Note:* Authority G.S. 126-4; 126-8;  
Eff. February 1, 1976;  
Amended Eff. December 1, 1988; January 1, 1983;  
Repealed Eff. October 1, 2004.

#### **25 NCAC 01E .0202 SCHEDULING LEAVE**

*History Note:* Authority G.S. 126-4; 126-8;  
Eff. February 1, 1976;  
Amended Eff. January 1, 1983;  
Repealed Eff. October 1, 2004.

#### **25 NCAC 01E .0203 VACATION LEAVE CREDITS**

*History Note:* Authority G.S. 126-4; 126-8;  
Eff. February 1, 1976;  
Amended Eff. July 1, 1983; January 1, 1983;  
Temporary Amendment Eff. January 1, 1989 for a Period of 180 Days to Expire June 29, 1989;  
Amended Eff. January 1, 2011; November 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, 2016.8a

#### **25 NCAC 01E .0204 TOTAL STATE SERVICE DEFINED**

*History Note:* Authority G.S. 126-4; 126-8;  
Eff. February 1, 1976;

*Amended Eff. April 1, 2015; July 1, 1995; January 1, 1989; January 1, 1983; March 1, 1978;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4,  
2016.*

**25 NCAC 01E .0205      MAXIMUM ACCUMULATION**

*History Note:      Authority G.S. 126-4; 126-8;  
Eff. February 1, 1976;  
Amended Eff. December 1, 1993; January 1, 1983; December 1, 1982; October 1, 1982;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4,  
2016.*

**25 NCAC 01E .0206      ADVANCEMENT**

*History Note:      Authority G.S. 126-4;  
Eff. February 1, 1976;  
Amended Eff. October 1, 2004;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4,  
2016.*

**25 NCAC 01E .0207      LEAVE CHARGES**

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

**25 NCAC 01E .0208      LEAVE TRANSFERABLE**

*History Note:      Authority G.S. 126-4;  
Eff. February 1, 1976;  
Amended Eff. October 1, 2004; December 1, 1988; April 1, 1984; December 1, 1983; January 1,  
1983;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4,  
2016.*

**25 NCAC 01E .0209      OPTIONS DURING LEAVE WITHOUT PAY**

*History Note:      Authority G.S. 126-4;  
Eff. February 1, 1976;  
Amended Eff. December 1, 1993; January 1, 1983;  
Repealed Eff. October 1, 2004.*

**25 NCAC 01E .0210      SEPARATION: PAYMENT OF VACATION LEAVE**

*History Note:      Authority G.S. 126-4;  
Eff. February 1, 1976;  
Amended Eff. December 1, 1988; January 1, 1993;  
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; 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.*

**25 NCAC 01E .0211      LEAVE RECORDS**

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

*Eff. February 1, 1976;*  
*Amended Eff. October 1, 2004; January 1, 1983; March 1, 1980;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.*

**25 NCAC 01E .0212 SPECIAL LEAVE**

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

**25 NCAC 01E .0213 LEAVE RECORDS**

*History Note: Authority G.S. 126-4;*  
*Eff. February 1, 1976;*  
*Amended Eff. March 1, 1978;*  
*Repealed Eff. January 1, 1983.*

**25 NCAC 01E .0214 LEAVE WITHOUT PAY**

*History Note: Authority G.S. 126-4;*  
*Eff. March 1, 1978;*  
*Amended Eff. February 1, 1981; March 1, 1980; April 1, 1978;*  
*Repealed Eff. January 1, 1983.*

**25 NCAC 01E .0215 SPECIAL LEAVE**

*History Note: Authority G.S. 126-4;*  
*Eff. May 1, 1978;*  
*Amended Eff. October 1, 1982;*  
*Repealed Eff. January 1, 1983.*

**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.*

**SECTION .0300 - SICK LEAVE**

**25 NCAC 01E .0301 SICK LEAVE CREDITS**

*History Note: Authority G.S. 126-4; 126-8;*  
*Eff. February 1, 1976;*  
*Amended Eff. June 1, 1983;*  
*Temporary Amendment Eff. January 1, 1989 for a Period of 180 Days to Expire June 29, 1989;*  
*Amended Eff. 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.*

**25 NCAC 01E .0302 ACCUMULATION**

*History Note: Authority G.S. 126-4; 126-8;*  
*Eff. February 1, 1976;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.*

**25 NCAC 01E .0303      ADVANCEMENT**

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

**25 NCAC 01E .0304      VERIFICATION**

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

**25 NCAC 01E .0305      USE OF SICK LEAVE**

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

**25 NCAC 01E .0306      FAMILY ILLNESS  
25 NCAC 01E .0307      NON-TRANSFERABLE**

*History Note:      Authority G.S. 126-4;  
Eff. February 1, 1976;  
Repealed Eff. January 1, 1983.*

**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.*

**25 NCAC 01E .0309      VACATION AND SICK LEAVE TRANSFERABLE**

- a) Unused vacation and sick leave shall transfer when an employee transfers between executive branch agencies.
- b) 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, otherwise, it shall be handled in accordance with policies for treatment of leave at separation.
- c) Notwithstanding part (b) of this rule, when an employee transfers from the judicial or legislative branch to a leave-earning position in an executive branch agency, the vacation and sick leave must 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.*

**25 NCAC 01E .0310      EFFECT OF SICK LEAVE ON INCREMENTS**

*History Note:      Authority G.S. 126-4;  
Eff. February 1, 1976;  
Repealed Eff. January 1, 1983.*

**25 NCAC 01E .0311      SEPARATION**

*History Note:      Authority G.S. 126-4;  
Eff. February 1, 1976;  
Amended Eff. December 1, 2007; July 1, 1995; January 1, 1983;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016;  
Amended Eff. July 1, 2020.*

**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.*

**25 NCAC 01E .0313      RETIREMENT CREDIT**

*History Note:      Authority G.S. 126-4; 126-8;  
Eff. February 1, 1976;  
Repealed Eff. October 1, 2004.*

**25 NCAC 01E .0314      SICK LEAVE WITHOUT PAY**

*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.*

**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; January 1, 1983;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.*

**25 NCAC 01E .0316      FUNERAL LEAVE**

*History Note:      Authority G.S. 126-4;  
Eff. February 1, 1976;  
Amended Eff. March 1, 1980;  
Repealed Eff. January 1, 1983.*

**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.

#### **SECTION .0400 - PETTY LEAVE**

|                          |                                            |
|--------------------------|--------------------------------------------|
| <b>25 NCAC 01E .0401</b> | <b>POLICY</b>                              |
| <b>25 NCAC 01E .0402</b> | <b>AMOUNT EARNED</b>                       |
| <b>25 NCAC 01E .0403</b> | <b>NONCUMULATIVE</b>                       |
| <b>25 NCAC 01E .0404</b> | <b>ADVANCEMENT</b>                         |
| <b>25 NCAC 01E .0405</b> | <b>WHAT PETTY LEAVE MAY BE GRANTED FOR</b> |
| <b>25 NCAC 01E .0406</b> | <b>LEAVE CHARGES</b>                       |
| <b>25 NCAC 01E .0407</b> | <b>SEPARATION</b>                          |
| <b>25 NCAC 01E .0408</b> | <b>LEAVE RECORDS</b>                       |

*History Note:* Authority G.S. 126-4;  
Eff. February 1, 1976;  
Repealed Eff. January 1, 1983.

#### **SECTION .0500 - EDUCATIONAL ASSISTANCE PROGRAM**

|                          |                         |
|--------------------------|-------------------------|
| <b>25 NCAC 01E .0501</b> | <b>PURPOSE</b>          |
| <b>25 NCAC 01E .0502</b> | <b>ELIGIBILITY</b>      |
| <b>25 NCAC 01E .0503</b> | <b>APPROVED COURSES</b> |
| <b>25 NCAC 01E .0504</b> | <b>APPROVED HOURS</b>   |

*History Note:* Authority G.S. 126-4;  
Eff. February 1, 1976;  
Amended Eff. December 1, 1988; June 1, 1985; April 1, 1984; January 1, 1979;  
Repealed Eff. January 1, 1990.

#### **25 NCAC 01E .0505 TRAVEL**

*History Note:* Authority G.S. 126-4;  
Eff. February 1, 1976;  
Amended Eff. February 1, 1979; January 1, 1979;  
Repealed Eff. April 1, 1984.

#### **25 NCAC 01E .0506 TUITION ASSISTANCE**

*History Note:* Authority G.S. 126-4;  
Eff. February 1, 1976;  
Amended Eff. December 1, 1988; June 1, 1985; April 1, 1984; January 1, 1979;  
Repealed Eff. January 1, 1990.

|                          |                               |
|--------------------------|-------------------------------|
| <b>25 NCAC 01E .0507</b> | <b>APPLICATION PROCEDURES</b> |
| <b>25 NCAC 01E .0508</b> | <b>REIMBURSEMENT</b>          |

*History Note:* Authority G.S. 126-4;  
Eff. January 1, 1979;  
Amended Eff. December 1, 1988; April 1, 1984;  
Repealed Eff. January 1, 1990.

**25 NCAC 01E .0509      EXCEPTION-COURSES TAKEN AT AGENCY REQUEST**

*History Note:*      *Authority G.S. 126-4;*  
*Eff. April 1, 1984;*  
*Amended Eff. December 1, 1988;*  
*Repealed Eff. January 1, 1990.*

**25 NCAC 01E .0510      ADMINISTRATION RESPONSIBILITY**  
**25 NCAC 01E .0511      EXTENDED EDUCATIONAL LEAVE**

*History Note:*      *Authority G.S. 126-4;*  
*Eff. January 1, 1979;*  
*Amended Eff. December 1, 1988; April 1, 1984; August 1, 1979;*  
*Repealed Eff. January 1, 1990.*

**SECTION .0600 - MATERNITY LEAVE AND ADOPTION LEAVE**

**25 NCAC 01E .0601      POLICY**  
**25 NCAC 01E .0602      AGENCY RESPONSIBILITY**  
**25 NCAC 01E .0603      EMPLOYEE RESPONSIBILITY**  
**25 NCAC 01E .0604      USE OF LEAVE**  
**25 NCAC 01E .0605      RETENTION OF BENEFITS**  
**25 NCAC 01E .0606      SALARY INCREASE ANNIVERSARY DATE**

*History Note:*      *Authority G.S. 126-4; USC 42, Section 2000e;*  
*Eff. February 1, 1976;*  
*Amended Eff. August 1, 1978; March 1, 1978;*  
*Repealed Eff. June 1, 1982.*

**25 NCAC 01E .0607      ADOPTION LEAVE**

*History Note:*      *Authority G.S. 126-4;*  
*Eff. February 1, 1981;*  
*Repealed Eff. June 1, 1982.*

**SECTION .0700 - WORKER'S COMPENSATION LEAVE**

**25 NCAC 01E .0701      USE OF LEAVE**

*History Note:*      *Authority G.S. 126-4;*  
*Eff. February 1, 1976;*  
*Amended Eff. October 1, 1983; February 1, 1983; March 1, 1980; March 1, 1978;*  
*Repealed Eff. March 1, 1988.*

**25 NCAC 01E .0702      RESPONSIBILITY OF EMPLOYER AND EMPLOYEE**

*History Note:*      *Authority G.S. 126-4;*  
*Eff. February 1, 1976;*  
*Amended Eff. October 1, 1983; May 1, 1980; March 1, 1978;*  
*Repealed Eff. March 1, 1988.*

**25 NCAC 01E .0703      CONTINUATION OF BENEFITS**

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

*Eff. February 1, 1976;*  
*Amended Eff. October 1, 1983; February 1, 1983; April 1, 1981; February 1, 1981;*  
*Repealed Eff. March 1, 1988.*

## **25 NCAC 01E .0704      COVERAGE**

*History Note:      Authority G.S. 126-4; 126-4(10); 143-583;*  
*Eff. November 1, 1987;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4,*  
*2016;*  
*Amended Eff. July 1, 2019.*

## **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.*

## **25 NCAC 01E .0706      RESPONSIBILITY OF EMPLOYEE AND EMPLOYER**

*History Note:      Authority G.S. 97-22; 97-24; 126-4; NCIC Rule 104;*  
*ARRC Objection September 24, 1987;*  
*Eff. February 1, 1988;*  
*Amended Eff. April 1, 2001; December 1, 1993; December 1, 1988;*  
*Repealed Eff. October 1, 2004.*

## **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.*

## **25 NCAC 01E .0708      CONTINUATION OF BENEFITS**

*History Note:      Authority G.S. 126-4;*  
*Eff. November 1, 1987;*  
*Amended Eff. April 1, 2001; December 1, 1993; December 1, 1988;*  
*Repealed Eff. October 1, 2004.*

## **25 NCAC 01E .0709      RETURN TO WORK**

## **25 NCAC 01E .0710      REFUSAL OF SUITABLE EMPLOYMENT**

*History Note:      Authority G.S. 126-4;*  
*Eff. November 1, 1987;*  
*Amended Eff. October 1, 2004, August 1, 1998; December 1, 1993; September 1, 1989; December*  
*1, 1988;*  
*Expired Eff. November 1, 2016 pursuant to G.S. 150B-21.3A.*

## **SECTION .0800 - MILITARY LEAVE**

### **25 NCAC 01E .0801 POLICY**

*History Note:* Authority G.S. 126-4; 127A-116;  
Eff. February 1, 1976;  
Amended Eff. June 1, 1983; December 1, 1980; May 1, 1977;  
Repealed Eff. November 1, 1988.

### **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.

### **25 NCAC 01E .0803 DEFINITIONS**

*History Note:* Authority G.S. 127A-116;  
Eff. February 1, 1976;  
Amended Eff. November 1, 1990; December 1, 1988; December 1, 1980; May 1, 1977;  
Repealed Eff. April 1, 2003.

### **25 NCAC 01E .0804 PERIODS OF ENTITLEMENT FOR ALL RESERVE COMPONENTS**

*History Note:* Authority G.S. 126-4(5);  
Eff. February 1, 1976;  
Amended Eff. October 1, 2004; April 1, 2003; August 1, 1995; October 1, 1992; June 1, 1983; June 1, 1981;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.

### **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. December 1, 1980; May 1, 1977;  
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.

### **25 NCAC 01E .0806 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 to 25 NCAC 01E .0821 Eff. December 29, 2003.

### **25 NCAC 01E .0807 UNACCEPTABLE PERIODS**

### **25 NCAC 01E .0808 ADMINISTRATIVE RESPONSIBILITY**

*History Note:* Authority G.S. 126-4; 126-4(5); 127A-116;  
Eff. February 1, 1976;

*Amended Eff. October 1, 1992; February 1, 1983; June 1, 1981; December 1, 1980;  
Repealed Eff. April 1, 2003.*

**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.*

**25 NCAC 01E .0810      LEAVE WITH PAY: PHYSICAL EXAMINATION FOR MILITARY SERVICE  
25 NCAC 01E .0811      MILITARY LEAVE WITH DIFFERENTIAL PAY**

*History Note:      Authority G.S. 126-4; 127A-116;  
Eff. February 1, 1976;  
Amended Eff. December 1, 1980; September 1, 1976;  
Repealed Eff. October 1, 1992.*

**25 NCAC 01E .0812      MILITARY LEAVE WITHOUT PAY: ATTENDANCE AT SERVICE SCHOOLS**

*History Note:      Authority G.S. 126-4(5);  
Eff. February 1, 1976;  
Amended Eff. October 1, 1992; February 1, 1983; December 1, 1980; December 1, 1978;  
Repealed Eff. April 1, 2003.*

**25 NCAC 01E .0813      EXTENDED ANNUAL ACTIVE DUTY**

*History Note:      Authority G.S. 126-4; 127A-116;  
Eff. February 1, 1976;  
Amended Eff. February 1, 1983; May 1, 1977.  
Repealed Eff. October 1, 1992.*

**25 NCAC 01E .0814      EXTENDED ACTIVE DUTY  
25 NCAC 01E .0815      EMPLOYEE RESPONSIBILITY: LEAVE WITHOUT PAY  
25 NCAC 01E .0816      EMPLOYER RESPONSIBILITY**

*History Note:      Authority G.S. 126-4; 126-4(5); 127A-116;  
Eff. February 1, 1976;  
Amended Eff. October 1, 1992; December 1, 1988; June 1, 1983; December 1, 1980; December 1, 1978; May 1, 1977;  
Repealed Eff. April 1, 2003.*

**25 NCAC 01E .0817      RETENTION AND CONTINUATION OF BENEFITS**

*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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.*

**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; December 1, 1980; August 1, 1978;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.

**25 NCAC 01E .0819 RESERVE ENLISTMENT PROGRAM OF 1963 (REP-63)**

*History Note:* Authority G.S. 126-4(5);  
Eff. May 1, 1977;  
Amended Eff. October 1, 1992; March 1, 1978;  
Repealed Eff. April 1, 2003.

**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.

**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.

**SECTION .0900 – HOLIDAYS**

**25 NCAC 01E .0901 APPROVED HOLIDAYS**

*History Note:* Authority G.S. 126-4(5); 126-4(5a);  
Eff. February 1, 1976;  
Amended Eff. January 1, 2004; February 1, 1995; December 1, 1988; 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.

**25 NCAC 01E .0902 RELIGIOUS OBSERVANCES**

*History Note:* Authority G.S. 126-4;  
Eff. February 1, 1976;  
Amended Eff. October 1, 2004; April 1, 1995; December 1, 1988; February 1, 1983; April 1, 1982;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.

**25 NCAC 01E .0903 SCHEDULING HOLIDAYS**

*History Note:* Authority G.S. 126-4;  
Eff. February 1, 1976;  
Amended Eff. February 1, 1995; April 1, 1982;

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.*

**25 NCAC 01E .0904      TIME ALLOWED OFF**

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

**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; April 1, 1982;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.*

**25 NCAC 01E .0906      SHIFTS**

*History Note:      Authority G.S. 126-4;  
Eff. February 1, 1976;  
Repealed Eff. February 1, 1995.*

**25 NCAC 01E .0907      WEEKENDS**

*History Note:      Authority G.S. 126-4;  
Eff. February 1, 1976;  
Amended Eff. April 1, 1982;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.*

**25 NCAC 01E .0908      ELIGIBILITY**

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

**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, 1983;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.*

**SECTION .1000 - MISCELLANEOUS LEAVE**

**25 NCAC 01E .1001      JURY DUTY**

*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;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.*

**25 NCAC 01E .1002 COURT ATTENDANCE OR JOB RELATED PROCEEDING**

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

**25 NCAC 01E .1003 EMPLOYEE PARTICIPATION IN VOLUNTEER EMERGENCY SERVICES**

*History Note: Authority G.S. 126-4;  
Eff. February 1, 1976;  
Amended Eff. March 1, 1990;  
Repealed Eff. April 1, 2001.*

**25 NCAC 01E .1004 LEAVE: EMPLOYEE TRANSFER**

*History Note: Authority G.S. 126-4;  
Eff. February 1, 1976;  
Amended Eff. January 1, 2005; December 1, 1988; June 1, 1985; December 1, 1978;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.*

**25 NCAC 01E .1005 ADVERSE WEATHER AND EMERGENCY CLOSINGS**

*History Note: Authority G.S. 126-4(5); (10);  
Eff. February 1, 1976;  
Amended Eff. January 1, 2004; May 1, 1989; December 1, 1988; February 1, 1983; February 1, 1982;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.*

**25 NCAC 01E .1006 COMPENSATORY TIME**

*History Note: Authority G.S. 126-4(5);  
Eff. February 1, 1976;  
Amended Eff. August 1, 2009;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016;  
Amended Eff. February 1, 2026.*

**25 NCAC 01E .1007 LEAVE WITH PAY FOR TIME TO LOCATE NEW RESIDENCE**

*History Note: Authority G.S. 126-4;  
Eff. January 1, 1990;  
Repealed Eff. November 1, 2004.*

**25 NCAC 01E .1008 LEAVE WITH PAY WHEN MOVING TO NEW RESIDENCE**

*History Note: Authority G.S. 126-4;  
Eff. January 1, 1990;  
Repealed Eff. November 1, 2004.*

**25 NCAC 01E .1009      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.

**25 NCAC 01E .1010      NON-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.

**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.

**SECTION .1100 - OTHER TYPES OF LEAVE WITHOUT PAY**

**25 NCAC 01E .1101      POLICY**

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

**25 NCAC 01E .1102      MAXIMUM AMOUNT**

*History Note:*      Authority G.S. 126-4;  
Eff. February 1, 1976;  
Amended Eff. October 1, 2004; December 1, 1993; December 1, 1988; June 1, 1982;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.

**25 NCAC 01E .1103      EMPLOYEE RESPONSIBILITY**

*History Note:*      Authority G.S. 126-4;  
Eff. February 1, 1976;  
Amended Eff. December 1, 1988; June 1, 1982; December 1, 1978;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.

**25 NCAC 01E .1104      AGENCY RESPONSIBILITY**

*History Note:*      Authority G.S. 126-4;  
Eff. February 1, 1976;  
Amended Eff. October 1, 2004; November 1, 1990; June 1, 1982;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.

**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;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.*

**25 NCAC 01E .1106      PAYMENT OF ANNUAL LEAVE**

*History Note:*      *Authority G.S. 126-4;*  
*Eff. February 1, 1976;*  
*Repealed Eff. March 1, 1978.*

**25 NCAC 01E .1107      SALARY INCREASE ANNIVERSARY DATE**

*History Note:*      *Authority G.S. 126-4;*  
*Eff. February 1, 1976;*  
*Amended Eff. June 1, 1982; July 1, 1980; March 1, 1980; August 1, 1978;*  
*Repealed Eff. October 1, 2004.*

**25 NCAC 01E .1108      RETIREMENT STATUS**

*History Note:*      *Authority G.S. 126-4;*  
*Eff. February 1, 1976;*  
*Amended Eff. June 1, 1982; December 1, 1978;*  
*Repealed Eff. October 1, 2004.*

**25 NCAC 01E .1109      REINSTATEMENT FROM LEAVE WITHOUT PAY**

*History Note:*      *Authority G.S. 126-4;*  
*Eff. February 1, 1976;*  
*Amended Eff. December 1, 1978;*  
*Repealed Eff. June 1, 1982.*

**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.*

**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.*

**25 NCAC 01E .1112      SHORT LEAVE WITHOUT PAY**

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

*Eff. November 1, 1990;*  
*Amended Eff. October 1, 2004;*  
*Expired Eff. November 1, 2016 pursuant to G.S. 150B-21.3A.*

## **SECTION .1200 - COMMUNITY INVOLVEMENT**

|                          |                                       |
|--------------------------|---------------------------------------|
| <b>25 NCAC 01E .1201</b> | <b>POLICY</b>                         |
| <b>25 NCAC 01E .1202</b> | <b>ELIGIBILITY</b>                    |
| <b>25 NCAC 01E .1203</b> | <b>TIME GUIDELINES</b>                |
| <b>25 NCAC 01E .1204</b> | <b>RECORDS</b>                        |
| <b>25 NCAC 01E .1205</b> | <b>PARTISAN POLITICAL INVOLVEMENT</b> |

*History Note:*     *Authority G.S. 126-4(5),(10); 126-13;*  
                      *Eff. February 1, 1983;*  
                      *Amended Eff. December 1, 1988;*  
                      *Repealed Eff. April 1, 2001.*

## **SECTION .1300 - VOLUNTARY SHARED LEAVE PROGRAM**

### **25 NCAC 01E .1301       PURPOSE**

*History Note:*     *Authority G.S. 126-4;*  
                      *Eff. May 1, 1990;*  
                      *Amended Eff. September 1, 1992;*  
                      *Repealed Eff. October 1, 2004.*

### **25 NCAC 01E .1302       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 a prolonged medical condition. For purposes of this Section, the following definitions shall apply:
- (1) "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. the employee has had repeated previous absences for the same condition; or
    - B. the employee has had a different prolonged medical condition within the 12 months preceding the current absence.
  - (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 child 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 grand-child, 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 has 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.

- (e) An employee on workers' compensation leave who is drawing temporary total disability compensation 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.
- (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.

*History Note:* Authority G.S. 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.*

## **25 NCAC 01E .1303 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.

*History Note:* Authority G.S. 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.*

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

In order to participate in the Voluntary Shared Leave Program as a recipient of donated 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. 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) apply, or be nominated by a fellow employee, in accordance with the procedure established by the employing agency;
- (4) produce medical evidence, including a doctor's statement, to support the need for leave beyond the available accumulated leave; and
- (5) be approved by the employing agency based on the requirements set forth in this Rule.

*History Note:* Authority G.S. 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.*

## **25 NCAC 01E .1305      DONOR 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 agency, public school system, or community college may donate vacation, bonus or sick leave to an immediate family member in any agency, public school, or community college. An employee may donate vacation or bonus leave to another employee in any agency or to a coworker's immediate family member who is an employee in a public school or community college provided the donor and coworker are in the same agency. An employee may donate sick leave to another employee in any agency in accordance with the provisions of Paragraph (c) of this Rule.

(c) Sick leave may be donated as follows:

- (1) an employee of an agency may donate up to 40 hours of sick leave per year to any one non-family member employee of an agency, not to exceed a total of 1,040 hours donated to non-family members per year;
- (2) an employee family member donating sick leave to an immediate family member under the Voluntary Shared Leave program may donate up to a maximum of 1,040 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.

(g) The maximum amount of vacation leave that may be donated is the amount of the donor's annual accrual rate. 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.

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

*History Note:      Authority G.S. 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.*

## **25 NCAC 01E .1306      LEAVE ACCOUNTING PROCEDURES**

(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 advanced 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;  
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.*

## **25 NCAC 01E .1307      DURATION OF PROGRAM**

*History Note:      Authority G.S. 126-4;  
Eff. May 1, 1990;  
Repealed Eff. August 3, 1992.*

## **SECTION .1400 - FAMILY AND MEDICAL LEAVE**

## **25 NCAC 01E .1401      PURPOSE AND SCOPE**

*History Note:      Authority G.S. 126-4(5); P.L. 103-3;  
Eff. August 2, 1993;  
Amended Eff. December 1, 2007; October 1, 2004;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.*

## **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. October 1, 2004, December 1, 2003;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.*

## **25 NCAC 01E .1403      DEFINITIONS**

*History Note:      Authority G.S. 126-4(5); P.L. 103-3;  
Eff. August 2, 1993;  
Amended Eff. October 1, 1995; December 1, 1993;  
Repealed Eff. October 1, 2004.*

## **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.*

## **25 NCAC 01E .1405      INTERMITTENT LEAVE OR REDUCED WORK SCHEDULE**

*History Note:      Authority G.S. 126-4(5); P.L. 103-3;  
Eff. August 2, 1993;  
Amended Eff. October 1, 1995; December 1, 1993;  
Repealed Eff. October 1, 2004.*

## **25 NCAC 01E .1406      AGENCY 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.*

**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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.*

**25 NCAC 01E .1408      CERTIFICATION**

*History Note:      Authority G.S. 126-4(5); P.L. 103-3;  
Eff. August 2, 1993;  
Amended Eff. October 1, 1995; December 1, 1993;  
Repealed Eff. October 1, 2004.*

**25 NCAC 01E .1409      EMPLOYMENT AND BENEFITS PROTECTION**

*History Note:      Authority G.S. 126-4(5); P.L. 103-3;  
Eff. August 2, 1993;  
Amended Eff. October 1, 1995;  
Repealed Eff. October 1, 2004.*

**25 NCAC 01E .1410      INTERFERENCE WITH RIGHTS**

*History Note:      Authority G.S. 126-4(5); P.L. 103-3  
Eff. October 1, 1995;  
Amended Eff. August 1, 2004;  
Repealed Eff. October 1, 2004.*

**25 NCAC 01E .1411      RECORDKEEPING REQUIREMENTS**

*History Note:      Authority G.S. 126-4(5); P.L. 103-3;  
Eff. October 1, 1995;  
Repealed Eff. October 1, 2004.*

**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.*

**SECTION .1500 - CHILD INVOLVEMENT LEAVE**

|                          |                              |
|--------------------------|------------------------------|
| <b>25 NCAC 01E .1501</b> | <b>PURPOSE AND USES</b>      |
| <b>25 NCAC 01E .1502</b> | <b>AMOUNT OF LEAVE</b>       |
| <b>25 NCAC 01E .1503</b> | <b>APPROVAL OF LEAVE</b>     |
| <b>25 NCAC 01E .1504</b> | <b>INTER-AGENCY TRANSFER</b> |
| <b>25 NCAC 01E .1505</b> | <b>NON-CUMULATIVE</b>        |
| <b>25 NCAC 01E .1506</b> | <b>SEPARATION</b>            |

*History Note:* Authority G.S. 126-4(5);  
Eff. January 4, 1994;  
Repealed Eff. April 1, 2001.

## **SECTION .1600 – VOLUNTEER SERVICE AND CHILD INVOLVEMENT LEAVE**

### **25 NCAC 01E .1601 PURPOSE**

*History Note:* Authority G.S. 126-4;  
Eff. April 1, 2001;  
Amended Eff. 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.

### **25 NCAC 01E .1602 DEFINITIONS**

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

### **25 NCAC 01E .1603 COVERED EMPLOYEES AND LEAVE CREDITS**

*History Note:* Authority G.S. 126-4;  
Eff. April 1, 2001;  
Amended Eff. May 1, 2015;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.

### **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. August 1, 2010;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016;  
Amended Eff. November 1, 2020.

### **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.

### **25 NCAC 01E .1606 ADDITIONAL TIME FOR COMMUNITY SERVICE ACTIVITIES**

*History Note:* Authority G.S. 126-4;  
Eff. July 18, 2002;  
Repealed Eff. April 1, 2015.

### **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.

## **SECTION .1700 - LEAVE: ADMINISTRATIVE**

### **25 NCAC 01E .1701 SMALLPOX VACCINATION**

*History Note:* Authority G.S. 126-4; 126-8.4;  
Temporary Adoption Eff. June 26, 2003;  
Eff. January 1, 2004;  
Repealed Eff. May 1, 2010.

### **25 NCAC 01E .1702 OTHER CONTAGIOUS DISEASES**

*History Note:* Authority G.S. 126-4;  
Temporary Adoption Eff. July 1, 2003;  
Eff. February 1, 2004;  
Repealed Eff. December 1, 2007.

## **SECTION .1800 - INCENTIVE LEAVE**

### **25 NCAC 01E .1801 POLICY**

*History Note:* Authority G.S. 126-4(4), 126-4(5);  
Eff. January 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.

### **25 NCAC 01E .1802 DEFINITIONS**

*History Note:* Authority G.S. 126-4(5);  
Eff. January 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.

### **25 NCAC 01E .1803 RECRUITMENT DOCUMENTATION**

*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.

### **25 NCAC 01E .1804 ELIGIBILITY REQUIREMENTS**

*History Note:* Authority G.S. 126-4(5);  
Eff. January 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.

## **25 NCAC 01E .1805      AMOUNT OF LEAVE**

*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.*

## **25 NCAC 01E .1806      RELATIONSHIP TO OTHER LEAVE**

*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.*

## **25 NCAC 01E .1807      CARRY-OVER AND PAYMENT OF LEAVE**

*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.*

## **25 NCAC 01E .1808      TRANSFER**

*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.*

## **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.*

# **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 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. 126A-7-10(a)(1); 126A-7-1; 126A-7-2;*  
*Temporary Adoption Eff. August 25, 2023;*

*Eff. August 1, 2024.*

**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 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. 126A-7-10(a)(1); 126A-7-1; 126A-7-2;  
Temporary Adoption Eff. August 25, 2023;  
Eff. August 1, 2024.*

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

(a) This Section applies to all agency employees subject to G.S. 126A-7-2, 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 (probationary, career, permanent experiential), non-permanent experiential, time-limited, or 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 (probationary, career, permanent experiential), non-permanent experiential, time-limited, or 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. 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. 126-7-2; or
  - (C) community college institutions of the State of North Carolina.

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

**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 twelve weeks of leave for bonding with the child when the employee becomes a parent to a 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. 126A-7-10(a)(1); 126A-7-1; 126A-7-2;  
Temporary Adoption Eff. August 25, 2023;  
Eff. August 1, 2024.*

**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 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. 126A-7-10(a)(1); 126A-7-1; 126A-7-2;  
Temporary Adoption Eff. August 25, 2023;  
Eff. August 1, 2024.

#### **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, voluntary shared leave under G.S. 126A-7-20 and 25 NCAC 01E .1300, or family and medical leave. However, when an employee becomes eligible 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. 126A-7-10(a)(1); 126A-7-1; 126A-7-2;  
Temporary Adoption Eff. August 25, 2023;  
Eff. August 1, 2024.

#### **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.

(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.

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

#### **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.

(e) 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) 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. 126A-7-10(a)(1); 126A-7-1; 126A-7-2;  
Temporary Adoption Eff. August 25, 2023;  
Eff. August 1, 2024.

#### **25 NCAC 01E .1909 TRANSFER OF CHILD CUSTODY**

(a) When custody of a child is transferred, including through adoption or foster care, from that point forward the birth parent shall be eligible for four weeks of paid leave for physical recuperation if the birth parent 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.

(b) When a prospective adoptive parent or foster parent expects an adoption or placement, but it does not occur, it shall not produce paid parental leave under this Section.

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

## **25 NCAC 01E .1910 MISCARRIAGE OR STILLBIRTH**

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

(b) When a fetus dies after the 12th completed week of pregnancy, but before childbirth is 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.

(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 paid parental leave listed in Rule .1904(a) of this Section. The paid parental leave will not be ended at the time of the child's death.

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