Paid parental leave is designed to promote families' physical and mental health, increase employee retention, and improve employee productivity and morale. In accordance with G.S. 126A-71, the board has established the following policy governing paid parental leave. The information in this policy is intended to reflect the paid parental leave requirements of state law, State Human Resources Commission policy, and State Board of Education policy. In the event that changes to the law, State Human Resources Commission policy, or State Board of Education policy conflict with this policy, the board intends that its paid parental leave practices be modified to the extent necessary to comply with current legal requirements until such time as conforming changes to this policy are made.

The superintendent shall develop any necessary administrative procedures and make them available to employees upon request.

A. DEFINITIONS

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1. Eligible Employee

An eligible employee is an employee who, at the time of a qualifying event, miscarriage, or stillbirth, has been in pay status for at least 1,040 hours without a break in service in the previous 12-month period in a permanent, time-limited, or probationary position with any of these employers: (1) the state of North Carolina agencies, departments, and institutions, including the University of North Carolina; (2) public school units that provide paid parental leave; or (3) North Carolina community college institutions. Employment with any of the listed employers will be combined to determine an employee's pay status during the prior 12-month period.

Temporary employees and independent contractors are not eligible employees.

Periods of leave without pay do not constitute a break in service. For a 10-month or 11-month employee whose employment will continue for the following school year, the time between the conclusion of one employment period and the commencement of the following employment period does not constitute a break in service. For an employee who transitions from one employer providing paid parental leave to another employer providing paid parental leave, the time between the separation from the first employer to the date of hire for the second employer does not constitute a break in service as long as the transition period does not exceed 31 days. Any period in which the employee was absent due to military service in the Armed Forces of the United States does not constitute a break in service.

Periods of worker's compensation or short-term disability in the 12 months preceding the qualifying event do not make the employee ineligible for paid parental leave.

2. Parent

   A parent is the legal guardian or custodian of a child through birth, adoption, foster care, or other legal placement.

3. Child

   A child is a newborn biological child or a newly placed adopted, foster, or otherwise legally placed child under the age of 18, whose parent is an eligible employee.

4. Qualifying Event

   A qualifying event is when an employee becomes a parent to a child.

B. ENTITLEMENT TO LEAVE

Paid parental leave will be provided as follows.

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1. Leave After Qualifying Event

   Eligible employees may take up to 12 weeks of paid parental leave after a qualifying event.

2. Leave After Miscarriage or Stillbirth

   Eligible employees who were pregnant who then experienced a miscarriage or stillbirth after the 12th completed week of pregnancy may take up to four weeks of paid parental leave for recuperation. Paid parental leave is not provided for miscarriages occurring within the first 12 weeks of pregnancy.

3. Leave After Birth and Placement of Child

   Eligible employees who gave birth to a child and gave that child up for adoption, placed the child in foster care, or otherwise placed the child with another person to serve as the child's parent may take up to four weeks of paid parental leave for recuperation.

4. Leave After Death of Newborn

   When a child dies after childbirth is completed, each parent of the child who otherwise meets the eligibility requirements in this policy may take up to a full 12 weeks of paid parental leave.

5. Cancellation of Adoption or Placement

   When an eligible employee who is a prospective adoptive parent or foster parent expects an adoption or placement but it does not occur, the employee does not receive leave under this policy.

6. Both Parents as Eligible Employees

   If both parents are eligible employees, each may receive paid parental leave for up to 12 weeks.

7. Compensation for Leave

   Paid parental leave will be compensated at 100% of the employee's regular, straight-time pay. Leave for part-time employees will be prorated from the amount of paid parental leave, as described above, corresponding to the percentage of hours they normally are scheduled to work.

C. USE OF LEAVE

Paid parental leave may be used in accordance with the following requirements.

1. Whenever possible, eligible employees shall provide at least 10 weeks of advanced written notice of their intention to use paid parental leave.

2. Paid parental leave may be used at any time during the 12 months following the birth or placement of a child with the eligible employee. If both parents are receiving paid parental leave, they may take their leave simultaneously or at different times.

3. Paid parental leave may be used for a qualifying event only once within a 12-month period. The fact that a multiple birth, adoption, or other legal placement occurs (e.g., the birth of twins or adoption of siblings) does not increase the total amount of paid parental leave granted for that event.

4. Unused paid parental leave is forfeited 12 months from the date of the qualifying event. Paid parental leave does not accrue and may not be donated to other employees. Paid parental leave will not be used for calculating an employee's retirement benefits and will not be paid upon separation from employment.

5. Paid parental leave usage will be recorded in increments of half days and must be reported separately from all other paid leave. Employees and supervisors are responsible for accurate reporting of the use of paid parental leave on the employee's time record.

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6. Paid parental leave may be taken either continuously or on an intermittent basis as requested by the employee. Except as agreed to by the employee, the school system shall not deny, delay, or require intermittent use of paid parental leave to an eligible employee.

D. RELATIONSHIP TO OTHER TYPES OF LEAVE

1. Accrued Paid Leave

   Paid parental leave is neither counted against nor deducted from the eligible employee's other accrued leave balances.

   If an eligible employee requires leave before the actual birth or adoption due to medical reasons or to fulfill legal adoption obligations, other available leave balances must be utilized, as paid parental leave may not be used prior to the qualifying event.

2. Family and Medical Leave Act (FMLA)

   Paid parental leave shall run concurrently with any leave to which the employee is entitled under the FMLA. The school system shall provide the employee with all legally required FMLA notices. See policy 7520, Family and Medical Leave.

   An eligible employee will be provided paid parental leave even if the employee has exhausted FMLA leave.

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E. CERTIFICATION OF ELIGIBILITY

Eligible employees must certify that they qualify for paid parental leave. As applicable, employees shall submit documentation of the birth, miscarriage or stillbirth, or placement of a child in order to be granted paid parental leave. Documents provided must show the date of birth, miscarriage in the 13th week of pregnancy or later, stillbirth, or date of placement, if placement was a date other than the date of birth. The name of the legal parent must appear on some legal document establishing the birth or placement, such as the birth certificate, a legal document establishing paternity, or a legal document establishing adoption, foster care placement, or custody.

Legal References: G.S. 126A-15.1(b)(1), -71; 16 N.C.A.C. 6C .0408; 25 N.C.A.C. 1E section .1900; State Board of Education Policy BENF-001, *North Carolina Public Schools Benefits and Employment Policy Manual* (N.C. Dept. of Public Instruction, current version), available at https://www.dpi.nc.gov/districts-schools/districts-schools-support/district-human-capital/employee-policy; State Human Resources Commission, *Paid Parental Leave Policy* (N.C. Office of State Human Resources, current version), available at https://oshr.nc.gov/hr-governance/policies/paid-parental-leave-policy

Adopted: