



## Paid Parental Leave Policy

Effective: January 1, 2020

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### I. Purpose

Pursuant to Executive Order 95, *Providing Paid Parental Leave to Eligible State Employees*, the Office of State Human Resources has established a pilot program to allow state agencies and universities to offer Paid Parental Leave to promote physical and mental health for employee families, increase worker retention, and improve worker productivity and morale. This Paid Parental Leave Policy (“Policy”) provides the terms and conditions under which Paid Parental Leave will be provided to eligible University employees.

### II. Covered Employees

An employee’s eligibility for Paid Parental Leave shall be based on the employee’s months of service and hours of work as of the date of the qualifying life event. An SHRA employee who becomes a parent via childbirth, adoption, foster care or another legal placement is eligible if:

1. The employee is full-time or part-time (half-time or more) in a permanent, probationary, or time-limited (benefits-eligible) position;<sup>1</sup>
2. The employee has been continuously employed by the State of North Carolina for the immediate twelve (12) preceding months;<sup>2</sup> and
3. The employee has been in pay status for at least 1,040 hours in the previous twelve-month period.

### III. Definitions

For purposes of this policy, the terms below mean the following:

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

<sup>1</sup> Temporary and part-time (less than half-time) employees are not eligible to participate in this program.

<sup>2</sup> Temporary employment may count toward these 12 months so long as the employee is in a permanent, probationary, or time-limited (benefits-eligible) position at the time of the qualifying event.



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<i>Eligible University Employee</i>	A full-time, part-time (half-time or more) permanent, probationary or time-limited SHRA employee who has been continuously employed by the University for the immediate twelve preceding months and has been in pay status for at least 1,040 hours in the previous twelve-month period.
<i>Paid Parental Leave</i>	Eight weeks of paid leave to be provided to an eligible University employee who has given birth for both recuperation during the disability period (Recuperation Leave) and bonding with a newborn child (Bonding Leave), and four weeks of paid leave provided to other eligible University employees to care for and bond with a newborn child or newly adopted, foster, or otherwise legally placed child (Bonding Leave).
<i>Parent</i>	A parent by childbirth, adoption, foster care placement, or other legal placement.
<i>Public Safety Concern</i>	A significant impairment to the institution's ability to conduct its operations in a manner that protects the health and safety of North Carolinians. The extension of Paid Parental Bonding Leave to an eligible University employee may constitute a public safety concern if: <ul style="list-style-type: none"><li>(1) the provision of Paid Parental Bonding Leave results in staffing levels below what is required by federal or state law to maintain operational safety or that may impact the health or safety of staff, patients, residents, students, or other individuals the institution is required by law to protect, and</li><li>(2) the institution has been unable to secure supplemental staffing after requesting or diligently exploring alternative options.</li></ul>
<i>Qualifying Event</i>	The birth of a child to an eligible University employee, or the adoption, foster care placement, or other legal placement, <i>in loco parentis</i> placements, of a child with an eligible University employee. <i>Guardian ad Litem</i> assignments are not qualifying events.

### **IV. Leave Requirements**

1. Each week of Paid Parental Leave will be compensated at 100% of the employee's regular, straight-time weekly pay.
2. Leave for part-time employees will be awarded on a pro-rated basis corresponding to the percentage of hours they normally are scheduled to work.



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3. Eligible University employees who have given birth shall be provided four weeks (160 hours, pro-rated for part-time) of Paid Parental Leave for recuperation during the disability period associated with the birth (“Recuperation Leave”). This leave must be used as a continuous four-week period of leave commencing immediately following the birth.
4. Eligible University employees shall be provided four weeks (160 hours, pro-rated for part-time) of Paid Parental Leave to care for and bond with an eligible child (“Bonding Leave”). This applies to both parents. This leave must be used within the first twelve months of the birth or placement of the child and should be coordinated with the employee’s management to minimize impact to the work unit, if feasible, and to avoid any public safety concern. This leave must be used as a continuous four-week period of leave.<sup>3</sup>
5. Paid Parental Leave must run concurrent with Family & Medical Leave, if available. Even if the employee has already exhausted their available Family & Medical Leave, the employee will remain eligible to use Paid Parental Leave if it has not been used within the past twelve months.
6. When used concurrently with Family & Medical Leave, Paid Parental Leave must be applied to absences prior to the employee using any available personal leave (vacation, bonus, sick, etc.), other accrued paid time off, or leave without pay.
7. Paid Parental Leave cannot be used prior to the birth or legal placement of a child for related medical issues or placement-related legal or court appointments.
8. If both parents work for the same institution, each is independently eligible to use Paid Parental Leave; the leave benefit is not combined for the parents for a qualifying event.
9. Paid Parental Leave must be used within twelve months of the birth of the child or placement of the child; if it is not used in that time, then it is forfeited.
10. Eligibility for Paid Parental Leave ends if an employee transfers to an ineligible position/appointment or to a non-participating institution. Paid Parental Leave is not paid out upon separation from employment and cannot be donated to other employees.

### **V. Exception for Stillbirth**

In the event of a stillbirth occurring twenty or more weeks into the pregnancy, a birth mother who is otherwise an eligible University employee shall be provided up to four weeks of Paid Parental Recuperation Leave commencing immediately following the stillbirth.

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<sup>3</sup> If an otherwise qualifying event occurred on or after September 1, 2019, but prior to the institution’s implementation date, and if the employee met the eligibility requirements as of the date of this qualifying event, then the employee would be eligible to apply four weeks of Bonding Leave prospectively within the remainder of the twelve-month period after the qualifying event. This leave cannot be applied retroactively to replace paid or unpaid leave that the employee may have used for the qualifying event prior to the institution implementation date of this Policy.



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### VI. Leave Request Process and Certification Requirements

All Paid Parental Leave arrangements must be in writing and must be signed by both management and the employee. The employing institution's central human resources office may develop a request form for this purpose.

Eligible University employees shall be required to certify that they will use Paid Parental Leave for giving birth to a child or to care for and bond with a child.

For both Paid Parental Leave and Family & Medical Leave, employees may be required to submit documentation to certify eligibility. For Family & Medical Leave, the Department of Labor medical certification form, or its institutional equivalent, is used. For Paid Parental Leave, an employee may also be required to provide other official documentation, including but not limited to the documents referenced below:

Qualifying Event	Examples: Parental Leave Acceptable Documentation (only one document required)
<b>Adoption</b>	Adoption Order Proof of Placement
<b>Birth</b>	Birth Certificate (or Report of Birth/Stillbirth) Certified DNA Results Custody Order Proof of Placement
<b>Foster Placement</b>	Foster Care Placement Agreement Custody Order Proof of Placement
<b>Other Legal Placements</b>	Custody Order Proof of Placement

Documents provided must show the date of birth or date of placement, if placement was other than the date of birth. The name of the legal parent or guardian must appear on the birth certificate, a legal document establishing paternity or a legal document establishing adoption. Parents shall certify that Paid Parental Leave past the recuperation and recovery stage of childbirth is being utilized for bonding with the child.

### VII. Reporting Requirements

Institutions are required to report usage of Paid Parental Leave to the UNC System Office by August 1 each year for leave taken in the preceding fiscal year in a format prescribed by the System Office. The System Office will report university leave usage to the Office of State Human Resources upon request.



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**VIII. Implementation and Termination of Paid Parental Leave Pilot Program**

Constituent institutions within the UNC System must implement this program no earlier than January 1, 2020, and no later than April 30, 2020.

The Office of State Human Resources (OSHR) and/or the UNC System may terminate the Paid Parental Leave program at its discretion.

**IX. Grievance Rights**

Any decision to allow a position to be eligible for Paid Parental Leave or to allow an employee to use Paid Parental Leave, and any decision to terminate the availability of a Paid Parental Leave program, is within the OSHR's and/or University's discretion. These determinations are not grievable and are not appealable to the Office of Administrative Hearings.

If the employee alleges that the employee was denied Paid Parental Leave for discriminatory or retaliatory reasons, that employee may be entitled to file a grievance on those grounds. Refer to the applicable grievance policy for more information.