

**NUMBERED MEMO CC24-055**

**TO:** Members of the State Board of Community Colleges, Chairs of the Community College Boards of Trustees, Community College Presidents, Chief Academic Officers, Chief Admissions Officers, Basic Skills Directors, Business Officers, Continuing Education Officers, Customized Training Directors, Chief Financial Officers, Financial Aid Officers, Personnel Directors, Student Development Administrators, Public Information Officers, Registrars, & Other Interested Parties

**FROM:** Jonnell Carpenter, *NCCCS General Counsel*

**SUBJECT:** Proposed Amendment to 1C SBCCC 200.100 – Paid Parental Leave

**DATE:** November 19, 2024

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On November 15, 2024, the State Board of Community Colleges initiated the rulemaking process to amend **1C SBCCC 200.100 – Paid Parental Leave**. The proposed amendment would comply with recent legislation that requires state agencies to adopt rules regarding paid parental leave (PPL) for community college employees. The proposed amendment is published on the NC Community College System's website, [Numbered Memos - NCCCS \(ncccommunitycolleges.edu\)](https://ncccommunitycolleges.edu). For your convenience, a copy of the proposed rule, with the changes indicated, is attached to this memorandum. Strikethroughs indicate deletions of existing language and underlines indicate additions of language.

Any member of the public has the right to submit written comments on the proposed rule. Please note that any person who submits public comments on behalf of their community college should comply with their college's local process for submitting comments on a proposed rule. **Written comments on the rule must be received by no later than 5:00 p.m. on December 19, 2024.** Any member of the public has the right to request a hearing on the proposed rule. **Requests for a hearing must be received by no later than 5:00 p.m. on December 4, 2024.**

Written comments and requests for hearing shall be directed to the following address: Jonnell Carpenter, 5001 Mail Service Center, Raleigh, NC 27699-5001 or by email to [publiccomments@nccommunitycolleges.edu](mailto:publiccomments@nccommunitycolleges.edu). Thank you for your attention to this matter.

CC24-055

E-mail Copy  
Attachments



# State Board of Community Colleges Code

## Petition for Rulemaking Form

Date: November 19, 2024

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|---|--|
| <b>Title, Chapter, Subchapter, and Rule Number of Rule Proposed to be Adopted, Amended, or Repealed</b> | Amend 1C SBCCC 200.100 – Paid Parental Leave |
|---|--|

Specify whether the SBCC proposes to amend, adopt, or repeal a rule:

| <b>Adopt</b><br>(new rule) | <b>Amend</b><br>(change existing rule) | <b>Repeal</b><br>(delete entire rule) |
|----------------------------|--|---------------------------------------|
|                            | X                                      |                                       |

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| <b>Rationale for proposed adoption, amendment, or repeal:</b> | The proposed amendment would comply with recent legislation that requires state agencies to adopt rules regarding paid parental leave (PPL) for community college employees. The proposed amendment implements the provisions of N.C.G.S. §126.8.6 and N.C.G.S. §126-5(c19). |
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| <b>Proposed Effective Date of Rule</b> | February 1, 2025 |
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1C SBCCC 200.100 is proposed for amendment as follows:

**State Board of Community College Code  
TITLE – COMMUNITY COLLEGES**



**CHAPTER C. PERSONNEL  
SUBCHAPTER 200. PERSONNEL POLICIES**

**1C SBCCC 200.100 PAID PARENTAL LEAVE**

(a) For the purpose of this Section, the following definitions shall apply.

(1) “Child” means 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.

(2) “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.

(3) “Public safety concern” means a significant impairment to the agency’s ability to conduct its operations in a manner that protects the health and safety of North Carolinians.

(4) “Qualifying event” means when an employee becomes a Parent to a Child.

(b) Relationship to Other Sections and Policies.

(1) This Section states the terms and conditions only for paid parental leave that is provided under G.S. 126-8.6 and for colleges who are required to adopt Sections and policies that are “substantially equivalent” to those promulgated by the NC Office of State Human Resources.

(2) The paid parental leave provided under this Section is in addition to any other leave authorized by State or federal law. Nothing in this Section shall prohibit a college, if authorized, from providing paid parental leave in amounts greater than as required by this Section.

(c) Eligibility for Paid Parental Leave.

(1) Employees who become Parents via childbirth, adoption, foster care, or another legal placement are eligible for Paid Parental Leave if:

- (A) Employee is in a permanent, time-limited, or probationary appointment.  
Temporary employees are not eligible for Paid Parental Leave under this Section.
- (B) At the time of the qualifying event, the employee meets each of the following conditions:
  - (i) For the immediate 12 preceding months, the employee has been employed without a break in service, as defined by 25 NCAC 01D .0114, by the State of North Carolina in a permanent, time-limited, or probationary appointment.
    - (I) Periods of worker's compensation or short-term disability months preceding the qualifying events do not make the employee ineligible for Paid Parental Leave.
    - (II) Periods of leave without pay, as defined in 25 NCAC 01E .1100, shall not constitute a break in service.
  - (ii) The employee has been in pay status with the State of North Carolina for at least 1,040 hours during the previous 12-month period becoming eligible for Family and Medical Leave.
    - (I) Exhaustion of Family and Medical Leave does not affect eligibility for Paid Parental Leave.
- (d) Leave Available to Full-Time Employees.
  - (1) Full-time employees eligible for Paid Parental Leave under this Section may take, in their discretion, up to the following amounts of leave:
    - (A) Eight weeks of paid leave after a parent gives birth to a child.
    - (B) Four weeks of paid leave after any other qualifying event.
  - (2) Each week of paid parental leave under this Section shall result in compensation at 100% of the eligible employee's regular, straight-time weekly pay excluding shift differential, premium pay, or overtime.
- (e) Leave Available to Part-Time Employees.
  - (1) Part-time employees (regardless whether they work half-time or more) shall receive Paid Parental Leave under this Section if the employee meets all other requirements for eligibility.

- (2) Part-time employees eligible for Paid Parental Leave under this Section may take, in their discretion, a prorated leave amount of:
    - (A) Four weeks of paid leave after a Parent gives birth to a Child.
    - (B) Two weeks of paid leave after any other qualifying event.
  - (3) Each week of Paid Parental Leave under this Section shall result in compensation at 100% of the eligible employee's regular, straight-time weekly pay excluding shift differential, premium pay, or overtime.
- (f) Use of Other Leave.
- (1) The Paid Parental Leave provided under this Section shall not be counted against or deducted from the employee's sick, vacation, or other accrued leave. The Paid Parental Leave provided under this Section is in addition to any other leave authorized by law, Section, or policy. Whether an employee has exhausted Family and Medical Leave does not affect eligibility for Paid Parental Leave under this Section.
- (g) Requesting Use of Paid Parental Leave.
- (1) 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 (4) of this Section.
  - (2) Whenever possible, eligible employees shall notify their agency at least 10 weeks in advance of their intention to use Paid Parental Leave. Employees may withdraw their request for Paid Parental Leave at any time.
  - (3) Absent unusual circumstances, the employee shall be required to comply with agency leave request procedures.
  - (4) 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.
  - (5) 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. For example, the extension of Paid Parental Leave to an eligible employee who did not give birth may constitute a

Public Safety Concern if:

- (A) 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
  - (B) 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
  - (C) The agency has been unable to secure supplemental staffing after requesting or diligently exploring alternative staffing options.
- (6) 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 of this Section, the agency shall provide Paid Parental Leave as soon as practical following the Qualifying Event.
- (7) If both Parents are eligible employees, each may receive Paid Parental Leave. Both Parents may take their leave simultaneously or at different times, pending no Public Safety Concern.
- (h) Leave Usage.
- (1) Paid Parental Leave may be used only once for a Qualifying Event 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.
  - (2) Unused Paid Parental Leave is forfeited 12 months from the date of the Qualifying Event.
  - (3) Paid Parental Leave shall not accrue or be donated to another employee.
  - (4) 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.
  - (5) Leave usage must be recorded in the same required increments as all other time.
  - (6) If the employee requires leave before the actual birth or adoption due to medical reasons or to fulfill legal adoption obligations, other available leave balances shall

be utilized in accordance with the agency's leave policies. Paid Parental Leave shall not be used prior to the Qualifying Event.

~~(i) Expiration.~~

~~(1) This temporary rule expires on the effective date of the permanent rule adopted to replace this temporary rule.~~

(i) Use of Leave for Adoptions or Foster Care Placements.

(1) When a child is given up for adoption or placed in foster care, from that point forward, the birth parent shall continue to be eligible for the paid parental leave listed in Subsection (d) or (e).

(2) When a prospective adoptive parent or foster parent expects an adoption or placement, but it does not occur, it does not produce paid parental leave under this Section. However, if the employee requires leave for bereavement, other available leave balances shall be utilized in accordance with the agency's leave policies.

(j) Miscarriage and Stillbirth

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

(2) When a fetus dies after the 12th completed week of pregnancy, but before childbirth is complete:

(A) If the birth parent meets the eligibility requirements in Subsection (c) of this Section, the birth parent may receive the paid parental leave listed in Subsection (d) or (e) of this Section. This leave is eight weeks for a full-time eligible state employee.

(3) When a child dies after childbirth is complete, each parent of the child who meets the eligibility requirements in Subsection (c) of this Section shall receive the full paid parental leave listed in Subsection (d) or (e). The paid parental leave will not be ended at the time of the child's death.

(A) If the birth parent meets the eligibility requirements in Subsection (c) of this Section, the birth parent may receive the paid parental leave listed in Subsection (d) or (e) of this Section. This leave is eight weeks for a full-time employee.



(4) In any of the situations above, if the employee requires leave for bereavement or recovery, other available leave balances shall be utilized in accordance with the agency's leave policies.

*History Note: Authority G.S. 115D-D and G.S. 126-8.6;*

*Temporary Amendment Eff. [July 1, 2023](#)*

*Amended Eff: \_\_\_\_\_*