

Paid Parental Leave provides four weeks of paid leave to parents for the bonding period (“Paid Parental Bonding Leave” or “Bonding Leave”) with a child due to birth, adoption, or foster care placement. The birth mother may receive an additional four weeks of paid leave for recuperation from the period of disability following the birth (“Paid Parental Recuperation Leave” or “Recuperation Leave”).

1. I am eligible for Family & Medical Leave as a temporary employee. Am I eligible for Paid Parental Leave?

No. Only full- and part-time (half-time or more) employees who are in permanent, probationary, or time-limited positions are eligible for Paid Parental Leave. Time as a temporary employee, including student, graduate assistantships, and postdoctoral fellowships, can be included in determining the 12 months of continuous employment eligibility for Paid Parental Leave so long as the employee is in a permanent, probationary, or time-limited position at the time of the qualifying event.

2. Will periods of leave without pay, such as leave due to workers compensation or short-term disability, count toward the immediate 12 preceding months?

Yes. If the employee remains employed by the State of North Carolina and does not incur a 31-day break in service, then the employee will be considered continuously employed, provided they meet all other eligibility requirements.

3. If I have exhausted my 12 weeks of my Family & Medical Leave, am I still eligible?

Yes. Paid Parental Leave runs concurrent with Family & Medical Leave; however, if Family & Medical Leave has been exhausted, an employee is still eligible for Paid Parental Leave so long as all other criteria are met.

4. If I am a new permanent employee (new to state service), and I give birth 6 months after my hire date, am I eligible for Paid Parental Leave?

No. An employee must have twelve months of continuous state service and have been in pay status for 1,040 hours in the previous twelve months to be eligible for Paid Parental Leave.

5. Why are there two different types of Paid Parental Leave?

The two types cover different uses of the leave. The 4 weeks of Paid Parental Recuperation Leave is for the birthing parent to use for the disability / recuperation period following the birth of the child. The 4 weeks of Paid Parental Bonding Leave can be used by both parents for the bonding period associated with a newborn or placement of a child through adoption, foster care, or similar eligible events. For this reason, the birthing parent may receive up to eight weeks of Paid Parental Leave (4 weeks of Recuperation Leave; 4 weeks of Bonding Leave).

6. Why does the parent who didn't give birth only get 4 weeks of leave instead of 8?

The Paid Parental Recuperation Leave is applied only to the birthing parent for their recovery from the birth. The other parent does not have the same medical necessity for recovery as this birthing parent and so is not eligible for this type of leave.

7. I had a child on September 17, 2019 but ECU did not implement the Paid Parental Leave policy until January 1, 2020. Can I still use Paid Parental Leave for this event?

Yes. So long as the birth or legal placement occurred on or after September 1, 2019 and the employee was otherwise eligible as of the date of the qualifying event (i.e., at the time of the birth/placement, the employee was a permanent, time-limited, or probationary employee with 12 months of continuous service and was in pay status at least 1040 hours within the past 12 months) then the employee could use Paid Parental Leave for the event. The Paid Parental Leave, however, could be used only on a real-time basis (in this example, January 1, 2020 or later).

So, although the four weeks Recuperation Leave would not be available in this instance, the four weeks of Bonding Leave with the child could still be used starting on or after January 1. The Bonding Leave must be used within 12 months of the qualifying event (in this example, no later than September 16, 2020). If the employee used Family & Medical Leave in 2019 or January 2020 for the event or used other available paid leave or leave without pay, then Paid Parental Leave cannot be used to go back and replace paid or unpaid leave used at that time.

8. I am a five-year permanent employee. I have a baby on November 1, 2019 and intend to use my 12 weeks of Family & Medical Leave consecutively from that day forward. If ECU implements Paid Parental Leave as of January 1, 2020, will I be eligible to use it?

Assuming you meet all other employee eligibility requirements and there is no extended period of disability associated with the birth, you would be eligible for 4 weeks of Paid Parental Bonding Leave as of January 1, 2020. If you are still using Family & Medical Leave as of January 1, 2020 for the birth of the child, you would be required to use the available Paid Parental Leave at the same time (it must run concurrent with any available Family & Medical Leave).

9. Are employees eligible for Voluntary Shared Leave when using Paid Parental Leave?

Voluntary Shared Leave has specific eligibility rules that may allow for some portion of the absence to be eligible. Consult with the HR Benefits office for additional information.

Voluntary Shared Leave cannot be used for the bonding period with a child for either parent under Paid Parental Leave or Family & Medical Leave. Voluntary Shared Leave may be used during Family & Medical Leave if the birthing parent has exhausted the 4-week Paid Parental Recuperation Leave and exhausted all other available leave but has further medical issues associated with the birth.

If Voluntary Shared Leave is being used to cover the remainder of the disability period associated with the birth, then the birthing parent is not required to apply the 4-week Bonding Leave until after the available Voluntary Shared Leave has been applied. Regardless, the 4-weeks of Recuperation Leave must be used prior to using Voluntary Shared Leave for the disability period following the birth.

10. How can I find out if I am eligible for Paid Parental Leave?

For more details regarding eligibility, please contact the HR Benefits office.

11. Am I eligible for Paid Parental Leave if I am a surrogate?

Yes. Surrogates are eligible for up to 4 weeks of Paid Parental Recuperation Leave following the birth.

12. If I have a baby in January and then have a second baby in December of the same year, am I eligible for a second Paid Parental Leave period for the second birth?

No. Employees are allowed one qualifying event per 12-month period. The 12-month period begins with the birth or placement of the child, so if another child is born within that 12-month period, the birth would not be a qualifying event for Paid Parental Leave.

13. Do parents receive additional Paid Parental Leave due to multiple births (twins, triplets, etc.)?

No. A multiple birth is considered one qualifying event, and the same leave is provided. Parents do not receive Paid Parental Leave for each child born in a multiple birth event.

14. Do I have to live with or be married to the mother of my child to be eligible for Paid Parental Leave?

No. If you provide an acceptable document certifying your eligibility and you meet all other requirements, then you will be eligible for Paid Parental Leave.

15. What happens when an employee with available Paid Parental Leave transfers to a State agency/university that does not have Paid Parental Leave?

The employee is not eligible to use Paid Parental Leave while employed by a non-participating institution. Employees who are eligible for Paid Parental Leave and transfer to a non-participating institution will have their Paid Parental Leave eligibility frozen until the expiration of their 12 month rolling period. If the employee returns to a participating agency/university before the end of their 12 month eligibility period, they may resume the use of Paid Parental Leave so long as they complete usage by the end date of eligibility.

16. An employee works in a non-participating state agency/university and then transfers to a participating institution, will the employee be eligible for Paid Parental Leave?

Yes. Once at the participating agency/university, if the employee meets all other eligibility criteria, then Paid Parental Leave will be available to the employee; however, the employee will only be eligible for qualifying events that occurred on or after the employee's start date with the participating agency/university.

17. What if I have a remaining balance of Paid Parental Leave but separate from employment?

Paid Parental Leave is not paid out if it is not used. If an employee leaves state employment, their eligibility for Paid Parental Leave ends.

18. If I already used my 12 weeks of Family & Medical Leave for a previous event, will Paid Parental Leave still provide me with the same job protection as I would have under Family & Medical Leave?

Yes.

- 19. Can I use 6-8 weeks of sick leave during the period of disability and then take 8 weeks of Paid Parental Leave after to remain out for a total of 14-16 weeks?**
No. The birthing parent must use Paid Parental Recuperation Leave prior to using sick or vacation leave for the birth. All Paid Parental Leave must be used concurrently with available Family & Medical Leave.
- 20. If I was approved for my 4 weeks of Paid Parental Bonding Leave following my spouse giving birth to my baby, can my supervisor require me to return to work early due to staffing issues?**
No. Once an employee has received approval and has begun to take Paid Parental Leave, management cannot revoke approval based on staffing issues.
- 21. Can Paid Parental Bonding Leave be used for child placement due to a Guardian ad Litem assignment or for an in loco parentis arrangement?**
In loco parentis is eligible under Paid Parental Leave. In loco parentis refers to a relationship in which a person is placed in the role of a parent by assuming and discharging the obligations of a parent to a child who is under 18. Although no legal or biological relationship is necessary, grandparents or other relatives, such as siblings, may stand in loco parentis to a child as long as the relative satisfies the in loco parentis requirements and provide necessary documentation. Guardian ad Litem (GAL) assignments are not eligible under Paid Parental Leave.
- 22. Can Paid Parental Bonding Leave be used for required Social Service visits, court dates, doctor visits, or following a child being placed with me through foster care?**
Paid Parental Bonding Leave may only be used for bonding period with the child. Social Services and doctor visits as well as court dates that occur prior to the placement of the child may be scheduled by using other sources of leave. Once the child is placed, incidental appointments that may occur during the 4-week Bonding Leave are included within the Bonding Leave.
- 23. As an adoptive or foster parent, am I able to use Paid Parental Bonding Leave prior to the actual adoption, foster care, or other placement, such as travel to a foreign country to select and meet the child prior to the actual adoption?**
No. Paid Parental Bonding Leave is not available until the qualifying event occurs. Once the child is placed, incidental appointments that may occur during the 4-week Bonding Leave are included within the Bonding Leave.
- 24. I am a spouse caring for the birth mother during her period of disability after childbirth; am I able to use Paid Parental Leave for that purpose?**
No. Spouses cannot use Paid Parental Bonding Leave during the disability period for the purpose of caring for the spouse; however, they could choose to use Paid Parental Bonding Leave to bond with the child within the same period that the birth parent is taking Paid Parental Recuperation Leave or choose to use Family & Medical Leave (if eligible) to care for the birth parent during the recuperation period and then use the Paid Parental Bonding Leave at some other time within the first 12 months after the birth.

25. If a child is stillborn or miscarried, can Paid Parental Leave still be used?

If the pregnancy results in a stillbirth at twenty weeks or greater into the pregnancy, then the birth mother is allowed to use up to four weeks of Paid Parental Recuperation Leave immediately following the event. Miscarriages or other issues related to a pregnancy are not qualifying events under Paid Parental Leave but may be covered under Family & Medical Leave for one or either parent.

26. Under what circumstances can employees request intermittent or delayed Paid Parental Leave?

Employees must use Paid Parental Leave (Recuperation or Bonding) for continuous blocks of up to four weeks. The four weeks of Recuperation Leave for the birth parent must be used immediately following the birth. Either eligible parent may use the four-week Bonding Leave with the child for any continuous block of time within the 12 months following the birth or legal placement. For the birthing parent, the four-week Bonding Leave does not have to occur immediately following the four-week Recuperation Leave. Although the Bonding Leave cannot be used intermittently, parents are not required to use the entire four weeks of Bonding Leave.

27. Are paid holidays or adverse weather closings included when counting time used for Paid Parental Leave?

Paid holidays occurring during a full week of Paid Parental Leave count toward the Paid Parental Leave entitlement. Paid holidays occurring during a partial week of Paid Parental Leave do not count against the Paid Parental Leave entitlement, unless the employee was otherwise scheduled and expected to work during the paid holiday. Condition 3 Adverse Weather closings with pay are counted as part of an employee's use of Paid Parental Leave, consistent with other leave programs, and would not extend the Paid Parental Leave period.

28. Are grant-funded employees eligible for Paid Parental Leave?

Yes. Funding source is not a requirement or restriction for eligibility, so long as the employee meets all other eligibility requirements.

29. What are the documentation requirements and submission deadlines for Paid Parental Leave?

For information on process and procedures for applying for Paid Parental Leave, please consult with the HR Benefits office.

30. Why aren't faculty eligible for Paid Parental Leave?

Faculty are eligible for the Faculty Serious Illness & Disability Leave program, which provides a comparable benefit to this Paid Parental Leave program.

31. I gave birth 08-20-2019. Am I eligible for Paid Parental Leave?

No. The qualifying event must have occurred on or after 09-01-2019. This date is set by the governor's executive order. All births/placements that occurred prior to 09-01-2019 are not eligible for Paid Parental Leave.

32. I gave birth 10-01-2019 but will not have 12 months of state service until February 2020. Am I eligible for Paid Parental Leave?

No. At the time of the qualifying event (birth/placement), an employee would have to be an "eligible employee," which means:

- at least half-time appointment;
- permanent, probationary, or time-limited appointment;
- worked for the state for the 12 months preceding the qualifying event (in a temporary or permanent capacity collectively); AND
- worked at least 1040 hours within the 12 months preceding the qualifying event

In this case, the employee eligibility didn't occur until February, but you needed to have been an eligible employee as of 10-01-2019 (the time of the birth/placement) to qualify for Paid Parental Leave.

33. If I wasn't an eligible employee at the time of the birth but I become an eligible employee within 12 months of the birth, can I use Paid Parental Leave?

No. An employee would have to be an eligible employee at the time of the birth to qualify for Paid Parental Leave.

34. I am an eligible employee. I give birth on 10-01-2019. My institution implements the policy on March 1, 2020. Am I eligible for Paid Parental Leave?

Yes, you could use the 4 consecutive weeks on Bonding Leave sometime between 03-01-2020 and 09-30-2020 (12 months after the birth); however, you would not be eligible for the Recuperation Leave, which would have only been available for the four weeks immediately following the birth.

35. I am an eligible employee. I give birth on 02-20-2020. My institution implements the policy effective 03-01-2020. Am I eligible for Paid Parental Leave?

In this case, the period February 20-29, 2020 immediately following the birth would not be covered by Recuperation Leave because the policy had not been implemented yet; however, you would be eligible for the remainder of the 4 consecutive weeks of Recuperation Leave that immediately follow the birth starting with 03-01-2020 (i.e., 10 days fewer than four full weeks). You are also eligible to use the 4 consecutive weeks of Bonding Leave within 12 months of the birth (i.e., no later than 02-19-2021) but remember that the Bonding Leave must be used when you are using available Family & Medical Leave.

36. I am an eligible employee and I have not used any FMLA in the past year. I give birth on 05-01-2020 (after my institution's policy implementation date). I am instructed by my physician to go on bed rest for two weeks (FMLA) prior to the birth, and then my physician determines that my period of disability following the birth will be for eight weeks. How would Paid Parental Leave be applied to this situation?

In this case, the employee is eligible for Paid Parental Leave only at the time of the qualifying event (the birth). There are four periods of time to review in terms of FMLA and Paid Parental Leave:

- *Weeks 1-2: Covered by FMLA, employee may use available leave to cover the absence (sick, vacation, bonus, comp time, etc.). This period is not covered by Paid Parental Leave because it occurs prior to the birth.*
- *Weeks 3-6: The qualifying event (birth) occurs at the beginning of Week 3. Covered by FMLA and 4 consecutive weeks of Paid Parental Recuperation Leave. FMLA and Recuperation Leave must run concurrently when FMLA is available.*
- *Weeks 7-10: Covered by FMLA, employee may use available leave to cover the absence (sick, vacation, bonus, comp time, etc.). The employee may choose to exhaust their available Paid Parental Bonding Leave during the remaining period of disability, but is not required to do so during the remainder of the period of disability.*
- *Weeks 11-12: The employee may choose to use their remaining two weeks of FMLA consecutively with the previously applied FMLA (that is, a solid block of 12 weeks of FMLA) or wait to use it later (within 12 months of when they started using FMLA for the event). Once the employee chooses to use this FMLA, then the employee must also use the 4 consecutive weeks of Paid Parental Bonding Leave if not already used. The employee would still be allowed to use 4 weeks of Bonding Leave even though only 2 weeks of FMLA were remaining.*

37. I am an eligible employee. My spouse gives birth on 05-01-2020. When can I use my 4 weeks of Bonding Leave? I have not used any FMLA in the past year.

You would be eligible to use up to 12 weeks of FMLA for the birth. Once you begin using FMLA, you must use the 4 consecutive weeks of Paid Bonding Leave concurrently with the FMLA. The remaining FMLA time used can be covered with available leave (vacation, bonus, comp time, etc. but not sick leave). The leave must be used within 12 months of the birth date.

38. I am an eligible employee. My partner gives birth on 05-01-2020 (after implementation of the policy at my institution). My partner has a difficult pregnancy resulting in a ten-week period of disability that requires me to use FMLA to care for her. How is Paid Parental Leave applied in this situation?

If your FMLA documentation shows that you must provide care to your partner for her ten-week period of disability, then you can use available leave (sick, vacation, bonus, comp time, etc.) to cover your absence for the 10 weeks. You could then use your remaining two weeks of FMLA within 12 months of the birth for the bonding period with the child (the birth is a separate FMLA event from caring for your partner), but you can only use a total of 12 weeks of FMLA within a 12-month period. You would exhaust your remaining two weeks of FMLA once you begin using your 4 consecutive weeks of Bonding Leave.

