



State of North Carolina

ROY COOPER
GOVERNOR

May 23, 2019

EXECUTIVE ORDER NO. 95

PROVIDING PAID PARENTAL LEAVE TO ELIGIBLE STATE EMPLOYEES

WHEREAS, the undersigned is committed to making North Carolina state government a competitive employer, capable of recruiting, retaining, and supporting top talent to serve North Carolinians; and

WHEREAS, most of North Carolina's top employers offer paid parental leave benefits to their employees; and

WHEREAS, the North Carolina Department of Administration's 2018 Status of Women Report found that the share of women in the state's labor pool decreased between 2002 and 2016, a period when North Carolina's overall population increased significantly; and

WHEREAS, while there are now more opportunities for women in the workforce than ever before, working women cite family caregiving responsibilities as a barrier to their ability to participate full-time in the workforce; and

WHEREAS, paid parental leave can promote families' physical and mental health, increase worker retention, and improve worker productivity and morale; and

WHEREAS, paid parental leave fosters the recuperation, health, and wellbeing of employees who have recently given birth and supports longer infant breastfeeding; and

WHEREAS, providing paid parental leave can reduce the likelihood that working parents apply for taxpayer-funded public benefits; and

WHEREAS, babies born to parents with paid parental leave are less likely to be born prematurely and are more likely to be born at a healthy birth weight; and

WHEREAS, children whose parents have access to paid parental leave and other family-friendly employment benefits are more likely to regularly attend well care visits, have better school attendance, and exhibit fewer behavioral or mental health problems; and

WHEREAS, the North Carolina Early Childhood Action Plan, prepared pursuant to Exec. Order No. 49, 33 N.C. Reg. 630-31 (Oct. 1, 2018), highlights paid parental leave and other family-friendly employment benefits as strategies to ensure children across the state grow up healthy, confident, independent, and resilient in safe, stable, and nurturing families and communities; and

WHEREAS, the undersigned is committed to supporting working families in North Carolina by making it easier for them to fulfill their caregiving responsibilities without risking financial insecurity and encourages private sector employers to follow suit.

NOW, THEREFORE, by the authority vested in me as Governor by the Constitution and the laws of the State of North Carolina, **IT IS ORDERED**:

Section 1. Purpose

It shall be the policy of the Office of the Governor and State Agencies, as defined herein, to provide eight (8) weeks of fully paid parental leave to an Eligible State Employee who has given birth to a Child, and four (4) weeks of fully paid parental leave to an Eligible State Employee in other circumstances involving the birth of a Child to that employee, or the adoption, foster placement, or other legal placement of a Child with an Eligible State Employee.

Section 2. Definitions

- a. "State Agency": Any North Carolina department, agency, board, commission, or committee for which the Governor has oversight responsibility.
- b. "Eligible State Employee": A full-time, part-time (half-time or more)–permanent, probationary, or time-limited employee who has been continuously employed by the State of North Carolina for the immediate twelve (12) preceding months and is eligible for Family and Medical Leave ("FML") by being in pay status for at least 1,040 hours in the previous twelve-month period as set forth in 25 N.C. Admin. Code 01E.1402(a).
- c. "Parent": A parent by childbirth, adoption, foster care, or other legal placement.
- d. "Child": A newborn biological child or a newly placed adopted, foster, or otherwise legally placed child under the age of eighteen (18), whose Parent is an Eligible State Employee.
- e. "Paid Parental Leave": Eight (8) weeks (320 hours) of 100% paid leave to be provided to a full-time Eligible State Employee upon the Eligible State Employee giving birth or four (4) weeks (160 hours) of 100% paid leave to be provided to a full-time Eligible State Employee after any other Qualifying Event. Leave for a part-time (half-time or more) Eligible State Employee shall be on a prorated basis corresponding to the percentage of hours they are normally scheduled to work. Unless otherwise specified in this Executive Order or in OSHR guidelines, leave for part-time State Agency employees shall be the same in all respects as Paid Parental Leave for Eligible State Employees.
- f. "Public Safety Concern": A significant impairment to the State Agency's ability to conduct its operations in a manner that protects the health and safety of North Carolinians. The extension of Paid Parental Leave to an Eligible State Employee may constitute a Public Safety Concern if: (1) the provision of Paid Parental Leave results in State Agency staffing levels below what is required by federal or state law to maintain operational safety or that may impact the health and/or safety of staff, patients, residents, offenders, or other individuals the State Agency is required by law to protect, and (2) the State Agency has been unable to secure supplemental staffing after requesting or diligently exploring alternative staffing options.
- g. "Qualifying Event": The birth of a Child to an Eligible State Employee, or the adoption, foster care placement, or other legal placement of a Child with an Eligible State Employee.

Section 3. Paid Parental Leave

- a. State Agencies shall provide Paid Parental Leave to Eligible State Employees upon a Qualifying Event.
- b. Paid Parental Leave shall be used within twelve (12) months of the Qualifying Event. Notwithstanding Section 3.g, under no circumstances may Paid Parental Leave be denied, delayed, or provided intermittently to an Eligible State Employee who has given birth, unless that employee requests intermittent Paid Parental Leave.

- c. Each week of Paid Parental Leave shall be compensated at 100% of the Eligible State Employee's regular, straight-time weekly pay.
- d. Subject to Section 3.e, both Parents may receive Paid Parental Leave if they are Eligible State Employees. Both Parents may take their leave simultaneously or at different times.
- e. An Eligible State Employee who has given birth may receive eight (8) weeks of Paid Parental Leave (prorated for part-time employees) but will not receive an additional four (4) weeks of Paid Parental Leave for that birth.
- f. Paid Parental Leave shall run concurrently with FML as applicable.
- g. Subject to Section 3.b, State Agencies must provide Paid Parental Leave as soon as practical following the Qualifying Event. If an employing State Agency determines that providing Paid Parental Leave will cause a Public Safety Concern, that agency may delay providing Paid Parental Leave or provide Paid Parental Leave in intermittent periods.
- h. Paid Parental Leave shall not be counted against or deducted from the Eligible State Employee's accrued leave.
- i. Paid Parental Leave may be used only once for a Qualifying Event within a rolling twelve-month period.
- j. Paid Parental Leave shall be made available to Eligible State Employees who have a Qualifying Event on or after September 1, 2019.

Section 4. OSHR Obligations

- a. OSHR shall work with State Agencies to ensure State Agency Employees and all relevant State Agency management and staff receive information about and understand the obligations and rights established by this Executive Order. OSHR shall develop and disseminate guidelines on the administration of Paid Parental Leave that detail how it shall interact with FML or other leave as applicable.
- b. Consistent with existing state law, OSHR shall take any additional steps necessary to provide guidelines in accordance with this Executive Order.
- c. OSHR shall report to the Office of the Governor on the implementation and usage of Paid Parental Leave by September 1, 2020.

Section 5. State Agency Obligations

- a. State Agencies shall work with OSHR to ensure State Agency Employees, management, and staff receive information about and understand the obligations and rights established by this Executive Order.
- b. State Agencies shall collect information regarding the usage of Paid Parental Leave by Eligible State Employees for the previous fiscal year and submit that information to OSHR by July 1, 2020, and every July 1 thereafter.

Section 6. Employee Obligations

- a. Eligible State Employees shall be required to submit documentation that they will use Paid Parental Leave to give birth to a Child or will use Paid Parental Leave to care for or bond with a Child. A State Agency may take appropriate action if there is evidence that the employee fraudulently requested, used, or otherwise abused Paid Parental Leave.

- b. Whenever possible, Eligible State Employees shall be required to notify their employing State Agencies at least ten (10) weeks in advance of their intention to use Paid Parental Leave so that those agencies may secure backfill coverage.

Section 7. Miscellaneous

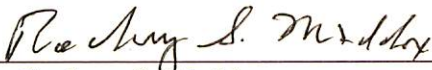
- a. This Executive Order does not apply to counties, municipalities, political subdivisions, local government agencies, or private entities.
- b. This Executive Order does not create a private cause of action.
- c. This Executive Order is consistent with and does not abrogate federal or state law.
- d. State entities not subject to the undersigned's oversight are encouraged but not required to comply with this Executive Order.
- e. Unless otherwise provided, this Executive Order supersedes and rescinds any previous Executive Order to the extent that they conflict.
- f. This Executive Order is effective immediately and shall remain in effect until amended or rescinded by future Executive Order of the Governor.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this 23rd day of May in the year of our Lord two thousand and nineteen.



Roy Cooper
Governor

ATTEST:



Rodney S. Maddox
Chief Deputy Secretary of State

