



State of North Carolina

ROY COOPER
GOVERNOR

June 6, 2022

EXECUTIVE ORDER NO. 262

**EMPLOYEE LEAVE TO RECOGNIZE
A DAY OF CULTURAL, RELIGIOUS, OR PERSONAL SIGNIFICANCE**

Celebrating North Carolina's Diverse Workforce

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, North Carolina state government employs a robust and diverse workforce, reflecting the multiple cultural and religious communities of our State; and

WHEREAS, North Carolina state government celebrates its culturally and religiously diverse workforce, viewing diversity as central to the achievement of a high-performance organization; and

Juneteenth in North Carolina

WHEREAS, June 19th, or Juneteenth, sometimes referred to as National Freedom Day, Emancipation Day, or Juneteenth Independence Day, became a day of celebration and the oldest known commemoration of the abolition of sanctioned slavery in the United States; and

WHEREAS, each year, organizations and individuals throughout North Carolina and our nation celebrate African American heritage, history, freedom, and culture with events and ceremonies that reflect the power of community, family, art, and tradition in the face of oppression, through the celebration of Juneteenth; and

WHEREAS, Juneteenth National Freedom Day is recognized by Session Law 2007-450 in the State of North Carolina, but like several other cultural and religious days of observance, it is not a paid holiday for state employees; and

WHEREAS, the State of North Carolina encourages residents to observe Juneteenth as an opportunity to reflect, rejoice, and plan for a brighter future as we continue to address racial injustices in our society; and

Executive Branch Employees and Paid Time Off

WHEREAS, state employees celebrate a myriad of cultural observances, such as Juneteenth, Día de los Muertos, Indigenous People's Day, Kwanzaa, and Lunar New Year; and

WHEREAS, state employees celebrate a myriad of religious observances, such as Ash Wednesday, Diwali, Greek Orthodox Easter, Holi, Ramadan, Rosh Hashanah, and Yom Kippur; and

WHEREAS, state employees should have the flexibility to recognize a day of personal significance, such as cultural or religious celebrations; and

WHEREAS, Eligible State Employees (as defined below) will—for the duration and under the terms of this Executive Order and any policy issued under this Executive Order—be eligible to receive up to an additional eight (8) hours of paid Personal Observance Leave (as defined below) for any single day of personal significance, such as days of cultural and religious importance; and

WHEREAS, for these reasons, it is reasonable for the Office of State Human Resources (“OSHR”) to allow Eligible State Employees up to an additional eight (8) hours of paid Personal Observance Leave to use in their discretion for any single day of personal significance, such as days of cultural or religious importance; and

WHEREAS, this Personal Observance Leave is available for all Eligible State Employees from all cultural and religious backgrounds, and without any questioning of whether an employee’s identification of a particular day for Personal Observance Leave is sincere and legitimate; and

Statutory Authority and Determinations

WHEREAS, pursuant to Article III of the Constitution of North Carolina and N.C. Gen. Stat. §§ 143A-4 and 143B-4, the Governor is the chief executive officer of the State and is responsible for formulating and administering the policies of the executive branch of state government; and

WHEREAS, pursuant to N.C. Gen. Stat. § 147-12, the Governor has the authority and duty to supervise the official conduct of all executive and ministerial officers; and

WHEREAS, pursuant to N.C. Gen. Stat. § 143B-10(j)(3), the head of each principal state department and the Director of OSHR may adopt policies, consistent with law and with rules established by the Governor and with rules of the State Human Resources Commission (“Commission”), which reflect internal management procedures within each department, including policies governing the conduct of employees of the department; and

WHEREAS, pursuant to N.C. Gen. Stat. § 126-4, the Commission shall establish state human resources rules and policies subject to approval of the Governor; and

WHEREAS, pursuant to N.C. Gen. Stat. § 126-4, the Commission has established that “[a]dministration of the leave program within the scope of established policy shall be the responsibility of the agency head,” 25 N.C. Admin. Code 01E .0101; and

WHEREAS, pursuant to N.C. Gen. Stat. § 126-4, the Commission has established the state rules on equal employment opportunity plans and programs, 25 N.C. Admin. Code 01L .0101 et seq., along with the state Equal Employment Opportunity Policy, and these rules and policies direct agencies to promote initiatives for diversity and inclusion at all occupational levels of the state government workforce.

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. Personal Observance Leave for State Employees.

It shall be the policy of the Office of the Governor and Cabinet Agencies, as defined herein, to provide up to eight (8) hours of fully paid leave to all Eligible State Employees. As detailed below, this leave is for Eligible State Employees to utilize on any single day of personal significance, such as days of cultural or religious importance.

The undersigned directs and authorizes the Director of OSHR, on behalf of Cabinet Agency heads, to issue a Policy consistent with this Executive Order. The Policy may establish further details to implement this Executive Order. The Policy may be amended in the future by the Director, after consultation with the Office of the Governor. Any changes to the Policy may be made without amendment to this or any other Executive Order.

Section 2. Details of Leave.

- a. **Applicability.** The Policy and the leave specified therein shall apply automatically only to Cabinet Agencies. All other state agencies are encouraged to voluntarily adopt this Policy or similar policies to promote the recruitment and retention of a diverse and inclusive workforce. Other state agencies may adopt the Policy by sending a letter or email to the Chief Deputy Director of OSHR.
- b. **Definitions.** For purposes of this Executive Order, the following terms have the following meanings:
 - i. **Cabinet Agencies** — Those agencies that are part of the Governor’s Office or are headed by members of the Governor’s Cabinet.
 - ii. **Eligible State Employee** — A full-time, part-time (half-time or more), permanent, probationary, or time-limited employee of a Cabinet Agency or other participating agency. Temporary employees, part-time employees who work less than half-time, interns, and contractors shall not be eligible for Personal Observance Leave.
 - iii. **Participating Agency** — An agency that chooses to adopt the Policy under this Executive Order, by notification to OSHR.
 - iv. **Policy** — The policy that the undersigned directed to be issued in Section 1 of this Executive Order.
 - v. **Personal Observance Leave** — Leave provided under the terms of this Executive Order and the Policy.
- c. **Amount of Leave.** Eligible State Employees shall be awarded up to eight (8) hours of Personal Observance Leave. Full-time employees will receive eight (8) hours. Part-time employees, if eligible, will receive a prorated amount based on their number of hours compared to a full-time schedule.
- d. **Use of Leave.** Personal Observance Leave is a form of management-approved leave, provided under the following terms:
 - i. All hours of Personal Observance Leave must be used on a single day of scheduled work. Employees may use Personal Observance Leave for any day of personal significance. This includes, but is not limited to, days of cultural or religious importance.
 - ii. Personal Observance Leave may be taken by an employee only upon authorization by the employee’s supervisor.
 - iii. Supervisors should not require a justification from the employee to utilize the Personal Observance Leave.
 - iv. The day used for Personal Observance Leave does not have to be a day from the employee’s own religious or cultural background.
 - v. The Policy will establish the date when Personal Observance Leave can begin to be used.
- e. **Renewal of Leave.** The initial Personal Observance Leave discussed in this Executive Order will expire on December 31, 2022. Subject to any amendments to the Policy, on January 1 of each calendar year, Eligible State Employees will receive a new eight (8) hours of Personal

Observance Leave that will be available for use until December 31 of that calendar year. Part-time employees, if eligible, will receive a prorated amount based on their number of hours compared to a full-time schedule. Any unused leave at the end of the calendar year will expire and will not transfer to the following year.

- f. No Cash Value. Personal Observance Leave shall have no cash value. If the employee does not use all Personal Observance Leave before it expires, the employee will not receive any premium pay. Employees will not be paid for unused Personal Observance Leave upon separation from their employment.

Section 3. No Private Right of Action.

This Executive Order is not intended to create, and does not create, any individual right, privilege, or benefit, whether substantive or procedural, enforceable at law or in equity by any party against the State of North Carolina, its agencies, departments, political subdivisions, or other entities, or any officers, employees, or agents thereof, or any other person.

Section 4. Savings Clause.

If any provision of this Executive Order or its application to any person or circumstances is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order, which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.

Section 5. Miscellaneous.

- a. This Executive Order does not apply to counties, municipalities, political subdivisions, local government agencies, or private entities.
- b. State entities other than Cabinet Agencies are encouraged but not required to follow this Executive Order.
- c. This Executive Order is effective immediately. This Executive Order shall remain in effect until repealed, replaced, 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 6th day of June in the year of our Lord two thousand and twenty-two.



Roy Cooper
Governor

ATTEST:



Elaine F. Marshall
Secretary of State

