

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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SENATE BILL 421

Short Title: State Employees/Paid Parental Leave. (Public)

Sponsors: Senators Batch, Garrett, and Bode (Primary Sponsors).

Referred to: Rules and Operations of the Senate

March 30, 2023

A BILL TO BE ENTITLED

AN ACT TO PROVIDE EIGHT WEEKS OF PAID PARENTAL LEAVE TO ALL STATE EMPLOYEES.

The General Assembly of North Carolina enacts:

SECTION 1. Article 2 of Chapter 126 of the General Statutes is amended by adding a new section to read:

"§ 126-8.6. Paid parental leave for eligible State employees.

(a) Definitions. – The following definitions apply in this section:

(1) Child. – A newborn biological child or a newly placed adopted, foster, or otherwise legally placed child under the age of 18 whose parent is a State employee eligible for leave under subsection (b) of this section.

(2) Parent. – Includes a parent by adoption, foster care, or another legal placement.

(3) Public safety concern. – A significant impairment of a State agency's ability to conduct its operations in a manner that protects the health and safety of North Carolinians.

(4) Qualifying event. – When a State employee becomes a parent.

(5) State agency. – An agency in the executive, legislative, or judicial branch of State government, including Council of State agencies and The University of North Carolina.

(6) State employee. – Any employee of a State agency.

(b) Paid Parental Leave. – Eligible State employees shall be granted eight weeks (or 320 hours) of fully paid parental leave as provided by this section. To be eligible for this leave, a State employee must (i) be employed full-time in a permanent, probationary, or time-limited position and (ii) have been continuously employed by the State agency for at least 12 months immediately preceding the first request for paid parental leave.

(c) Program Requirements. – The State employee paid parental leave program authorized by this section shall be adopted and implemented by the head of each State agency in accordance with the following program requirements:

(1) Parental leave shall be:

a. Granted upon verification of a qualifying event, if the eligible State employee provides at least 10 weeks' advance notice of the employee's intention to use parental leave, unless there is good cause for the employee's not giving timely advance notice.

b. Granted on a prorated and equitable basis to part-time State employees who work at least half-time.



- 1 c. In addition to, and not in lieu of, shared leave under G.S. 126-8.3 or
- 2 other leave authorized by federal or State law.
- 3 d. Available without exhaustion of the employee's sick and vacation
- 4 leave.
- 5 (2) Parental leave may be granted subject to public safety concerns, which shall
- 6 be addressed by the State agency in the discretion of the agency head in a
- 7 manner that is appropriate and equitable.
- 8 (3) Parental leave may not be used for retirement purposes.
- 9 (4) Parental leave will have no cash value upon termination from State
- 10 employment.
- 11 (d) Statutory Construction. – This section is consistent with and does not abridge federal
- 12 or State law. Nothing in this section shall be construed to provide a private right of action."
- 13 **SECTION 2.** G.S. 126-5 is amended by adding a new subsection to read:
- 14 "(c19) The provisions of G.S. 126-8.6 shall apply to all State employees in the executive,
- 15 legislative, and judicial branches."
- 16 **SECTION 3.** This act is effective when it becomes law.