

## TITLE 25 – OFFICE OF STATE HUMAN RESOURCES

*Notice is hereby given in accordance with G.S. 150B-21.2 that the State Human Resources Commission intends to amend the rules cited as 25 NCAC 01E .1601-.1605, and .1607.*

**Link to agency website pursuant to G.S. 150B-19.1(c):** <https://oshr.nc.gov/about-oshr/state-hr-commission/proposedrulemaking>

**Proposed Effective Date:** *October 1, 2020*

**Public Hearing:**

**Date:** *June 17, 2020*

**Time:** *10:00-11:00 a.m.*

**Location:** *Teleconference: Call into STATE\_OP\_MEETME\_150 919-662-4657*

**Reason for Proposed Action:** *Change Rule references to clarify that state employees may use the leave for Volunteer Service and Child Involvement; expand the geographical area beyond the borders of North Carolina for those who wish to volunteer (especially after a disaster) or participate in a child's school activity outside the state; Also changes to the text of the Rule to align with the expanded use and for consistency and clarification.*

**Comments may be submitted to:** *Christine Ryan, 1331 Mail Service Center, Raleigh, NC 27699; phone (984) 236-0824; email christine.ryan@nc.gov*

**Comment period ends:** *July 31, 2020*

**Procedure for Subjecting a Proposed Rule to Legislative Review:** If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission after the adoption of the Rule. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-431-3000.

**Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.**

- State funds affected
- Local funds affected
- Substantial economic impact ( $\geq$  \$1,000,000)
- Approved by OSBM
- No fiscal note required

### CHAPTER 01 - OFFICE OF STATE HUMAN RESOURCES

#### SUBCHAPTER 01E - EMPLOYEE BENEFITS

#### SECTION .1600 - COMMUNITY SERVICES LEAVE

##### 25 NCAC 01E .1601 ~~COMMUNITY SERVICE LEAVE PURPOSE~~

- (a) A supervisor may approve ~~Community Volunteer Service and Child Involvement~~ Leave for employees as follows:
- (1) for parents for involvement with their child in ~~the schools~~ a School as defined in Rule .1602 in this Subchapter;
  - (2) for any employee to volunteer in ~~the schools~~ a School or in a Community Volunteer Service Organization as defined in Rule .1602 in this Subchapter; or
  - (3) for any employee to volunteer in a Public University, Community College, School or State agency as defined in Rule .1602 of this Subchapter provided that the service is outside of the employee's normal scope of duties and responsibilities and that the employee is not receiving any form of compensation for the services rendered.
- (b) A supervisor may approve special provisions for volunteer work as follows:
- (1) ~~tutoring and mentoring in public or non-public school as defined in Rule .1602 in this Subchapter; or~~
  - (2) ~~volunteering in a literacy program in a public school as defined in Rule .1602 in this Subchapter.~~
- for serving as a tutor, mentor or volunteer in a literacy program in a School as defined in Rule .1602 of this Subchapter.

*History Note: Authority G.S. 126-4;*

*Eff. April 1, 2001;*

*Amended Eff. April 1, 2015; August 1, 2010; October 1, 2004;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, ~~2016~~ 2016;*

*Amended Eff. October 1, 2020.*

## 25 NCAC 01E .1602 DEFINITIONS

When used in this Section, these terms have the following meaning:

- (1) "School" - An elementary school, a middle school, a high school, an accredited community college, university, vocational or trade school, or a child care program that is authorized to operate under the laws of the ~~State of North Carolina.~~ state in which it is located.
- (2) "Public University" - ~~A constituent institution of the University of North Carolina.~~
- (3) "Community College" - ~~An educational institution that is a member of the North Carolina Community College System.~~
- ~~(4)~~(2) "State Agency" - A State government agency that is authorized to operate under the laws of the ~~State of North Carolina.~~ state in which it is located.
- ~~(5)~~(3) "Child" - A dependent son or daughter who is a biological child, an adopted child, a foster child, a step-child, a legal ward, or a child of an employee standing in loco parentis.
- (4) "Child Involvement" - The act of supporting one's Child through attendance or participation in activities related to the Child's education at his/her School.
- ~~(6)~~(5) "~~Community Service Organization~~" "Volunteer Service Organization" - A non-profit, non-partisan community organization that is designated as an IRS Code 501(c)(3) civic, charitable or humanitarian agency, or a human service organization licensed or accredited by the ~~State of North Carolina~~ state in which it is located to serve citizens with special needs including children, youth, and the elderly.
- ~~(7)~~(6) "Community Volunteer Service" - The act of supporting serving citizens of North Carolina and the broader community without expectation of compensation for services. ~~through volunteer service.~~
- ~~(8)~~(7) "Volunteer" - A person who willingly chooses to perform hours of service for civic, charitable, or humanitarian reasons without promise or expectation of compensation for services provided.
- (8) "Tutoring and Mentoring" - The act of volunteering in an elementary, middle or high school to support a student who is more likely than other students to struggle academically.
- (9) "Literacy Program" - The act of volunteering in an elementary, middle or high school to assist students with reading or writing skills in accordance with established academic standards.

*History Note:* Authority G.S. 126-4;

*Eff. April 1, 2001;*

*Amended Eff. April 1, 2015; August 1, 2010;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016. 2016;*

*Amended Eff. October 1, 2020.*

## 25 NCAC 01E .1603 COVERED EMPLOYEES AND LEAVE CREDITS

(a) A full-time employee with a permanent, probationary, trainee or time-limited appointment may be granted 24 hours of ~~community service leave~~ Volunteer Service and Child Involvement Leave each calendar year. ~~year, or in lieu of the 24 hours award, with the approval of the supervisor, an employee may be eligible to choose one of the following leave options:~~

~~(b)~~ As an alternative leave option, with the approval of the supervisor, an employee may be eligible to choose one of the following:

- (1) Tutoring and Mentoring - up to one hour per week, not to exceed 36 hours in a calendar year; or
- (2) Literacy Program - up to five hours per ~~month.~~ month, not to exceed 45 hours in a calendar year.

~~(b)(c)~~ The ~~24 hours of~~ paid leave shall be credited to employees on January 1 of each year, ~~unless they choose the tutoring/mentoring option.~~ year. New employees shall be credited with leave immediately upon their employment, prorated at two hours per month for the remainder of the calendar year. Separated employees who are reemployed within the same calendar year shall be credited leave the same as a newly hired employee; however, the combination of reemployment credit and total hours used prior to separation in the same calendar year shall not exceed the annual 24 hour maximum leave ~~benefit.~~ benefit, or the additional benefit for tutoring/mentoring or literacy programs.

~~(c)(d)~~ Part-time (half time or more) employees with a permanent, probationary, trainee or time-limited appointment may be granted leave prorated proportionately to the percentage awarded to full-time employees.

~~(d)(e)~~ If an employee chooses to change leave options from regular Community Volunteer Service and Child Involvement Leave to the ~~special alternative~~ leave provisions for ~~volunteering for the tutoring, tutoring, or mentoring program~~ or the literacy program or vice versa, during the calendar year, the maximum hours allowed under the new option shall be ~~reduced~~ adjusted by the amount already used in the prior leave option.

*History Note:* Authority G.S. 126-4;

*Eff. April 1, 2001;*

*Amended Eff. May 1, 2015;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016. 2016;*

*Amended Eff. October 1, 2020.*

## 25 NCAC 01E .1604 USES OF COMMUNITY VOLUNTEER SERVICE AND CHILD INVOLVEMENT LEAVE

Community Volunteer Service and Child Involvement Leave may be used for:

- (1) meeting with a teacher or administrator concerning the employee's child;
- (2) attending any function sponsored by the school in which the employee's child is participating. This provision shall only be utilized in conjunction with nonathletic programs that are a part or supplement to the school's academic or artistic program;

- (3) ~~donating time to perform~~ performing school-approved volunteer work approved by a teacher, school administrator, or program administrator;
- (4) ~~donating time to perform~~ performing a service for a ~~community service organization.~~ Volunteer Service Organization. It does not include attendance or participation in an event in which no service is performed;
- (5) performing volunteer work for a ~~public~~ university that is approved by a university administrator or other university official;
- (6) performing volunteer work for a community college that is approved by a community college administrator or other community college official; ~~or~~
- (7) performing volunteer work for a non-profit vocational or trade school that is approved by a school administrator or other school official; or
- ~~(7)~~(8) performing volunteer work for a State agency that is approved by the agency head or his/her designee.

*History Note:* Authority G.S. 126-4;  
 Eff. April 1, 2001;  
 Amended Eff. August 1, 2010;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, ~~2016.~~ 2016;  
 Amended Eff. October 1, 2020.

## **25 NCAC 01E .1605 COMMUNITY SERVICE LEAVE ADMINISTRATION**

Each agency shall administer the ~~Community Service leave~~ Volunteer Service and Child Involvement Leave program as follows:

- (1) Employees must receive approval from their supervisor to use ~~community service leave.~~ Volunteer Service and Child Involvement Leave. The agency may require that the leave be taken at a time other than the one requested, based on the needs of the agency. The agency may require proof that community service leave taken is being utilized within the purpose of this Subchapter.
- (2) Leave shall only be requested and approved for ~~community service~~ Volunteer Service that occurs during the employee's regularly scheduled hours of work. Agencies with shift employees regularly scheduled to work evening or night shift ~~with a shift schedule in excess of eight hours~~ may allow the use of ~~community service leave~~ Volunteer Service and Child Involvement Leave in situations where the employee's participation in ~~community service~~ Volunteer Service and Child Involvement Leave outside of the normal work schedule ~~significantly~~ significantly impacts the employee's normal sleep ~~period.~~ period, and if the agency can maintain sufficient coverage at the workplace.
- (3) Reasonable travel time may be included in approved time for ~~community service,~~ Volunteer Service and Child Involvement Leave, but only for the time that intersects the employee's regular work schedule.
- (4) If an employee transfers to another State agency, any balance of the ~~community service leave~~ Volunteer Service and Child Involvement Leave not used shall be transferred to the new agency. Under the tutoring and mentoring or literacy leave option, the employee shall secure approval from the new supervisor to continue with that option prior to the transfer.
- (5) Leave not taken in a calendar year is forfeited; it shall not be carried over into the next calendar year.
- (6) Employees shall not be paid for this leave upon separation from State government.
- (7) The use of ~~community service leave~~ Volunteer Service and Child Involvement Leave shall be reported separately from all other paid leave. Employees and supervisors are responsible for accurate reporting of the use of ~~community service leave~~ Volunteer Service and Child Involvement Leave on the employee's time record.

*History Note:* Authority G.S. 126-4;  
 Eff. July 18, 2002;  
 Amended Eff. April 1, 2015;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, ~~2016.~~ 2016;  
 Amended Eff. October 1, 2020.

## **25 NCAC 01E .1607 SPECIAL LEAVE PROVISIONS**

- (a) Agency heads may establish a policy providing time off with pay to employees participating in volunteer emergency and rescue services. Each agency head shall determine that a ~~bonafide~~ bona fide need for such services exists within a given area. A ~~bonafide~~ bona fide need is defined as real or eminent danger to life or property. Volunteer emergency and rescue services leave shall not exceed 15 work days in any 12-month period, and should be entered as Other Management Approved Leave for timekeeping purposes.
- (b) Each policy shall require proof of the employee's membership in an emergency volunteer organization and that the performance of such emergency services will not unreasonably hinder agency activity for which the employee is responsible.
- (c) Blood, Bone Marrow and Organ Donorship - Employees may be given reasonable time off with pay for whole blood donation, pheresis procedure and bone marrow transplant. Employees may be given up to 30 days with pay for organ donation. Leave granted under this Paragraph should be entered as Other Management Approved Leave for timekeeping purposes.

*History Note:* Authority G.S. 126-4;  
 Temporary Adoption Eff. March 18, 2002 (This temporary adoption replaces a permanent rulemaking originally proposed to be eff. July 1, 2002);  
 Eff. August 1, 2004;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, ~~2016.~~ 2016;  
 Amended Eff. October 1, 2020.

