

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

**Introduced**

### **House Bill 4485**

By Delegates Bell, G. Howell, and Stephens

[Introduced January 16, 2026; referred to the

Committee on Education then Finance]

1 A BILL to amend and reenact §18-4-10f and §18B-7-14 of the Code of West Virginia, 1931, as  
2 amended; relating to allowing educators in the public school system or in the higher  
3 education system to donate leave to employees who use maternity leave; defining  
4 maternity leave; and setting forth the process for the leave transfer.

*Be it enacted by the Legislature of West Virginia:*

## **CHAPTER 18A. SCHOOL PERSONNEL.**

### **ARTICLE 4. SALARIES, WAGES AND OTHER BENEFITS.**

#### **§18A-4-10f. Leave donation program.**

1 (a) *Definitions.*

2 For the purposes of this section and section ten of this article, the following words have the  
3 meanings specified unless the context clearly indicates a different meaning:

4 (1) "Catastrophic medical emergency" means a medical or physical condition that:

5 (A) Incapacitates an employee or an immediate family member for whom the employee will  
6 provide care;

7 (B) Is likely to require the prolonged absence of the employee from duty; and

8 (C) Will result in a substantial loss of income to the employee because the employee:

9 (i) Has exhausted all accrued personal leave; and

10 (ii) Is not eligible to receive personal leave or has exhausted personal leave available from  
11 a leave bank established pursuant to this article;

12 (2) "Employee" means a professional educator or school service person who is employed  
13 by a county board and entitled to accrue personal leave as a benefit of employment;

14 (3) "Donor employee" means a professional educator or school service person employed  
15 by a county board who voluntarily contributes personal leave to another designated employee;  
16 and

17 (4) "Maternity leave" means leave taken by a pregnant woman to attend for their child, as

18        otherwise set forth in §21-5D-4 of this code; and

19            (4) (5) "Receiving employee" means a professional educator or school service person  
20        employed by a county board who receives donated personal leave from another employee.

21            (b) *Leave donation program.*

22            (1) In addition to any personal leave bank established pursuant to this article, a county  
23        board shall establish a leave donation program pursuant to which a donor employee may transfer  
24        accrued personal leave to the personal leave account of another designated employee.

25            (2) A county board:

26            (A) May not limit the number of personal leave days a donor employee may transfer to a  
27        receiving employee who is his or her spouse;

28            (B) May not limit the total number of personal leave days a receiving employee receives;  
29        and

30            (C) May limit the number of days a donor employee transfers to a receiving employee who  
31        is not his or her spouse.

32            (c) *Rule.*

33            (1) The county board shall adopt a rule to implement the program.

34            (2) The rule shall set forth at least the following conditions:

35            (A) The donor employee voluntarily agrees to the leave transfer;

36            (B) The donor employee selects the employee designated to receive the personal leave  
37        transferred; and

38            (C) The receiving employee requires additional personal leave because of a catastrophic  
39        medical emergency or maternity leave;

40            (D) The donated leave may not be used to:

41            (i) Qualify for or add to service for any retirement system administered by the state; or

42            (ii) Extend insurance coverage pursuant to section thirteen, article sixteen, chapter five of  
43        this code;

44 (E) Each personal leave day contributed:

45 (i) Shall be deducted from the number of personal leave days to which the donor employee

46 is entitled by section ten of this article;

47 (ii) Shall not be deducted from the number of personal leave days without cause to which

48 the donor employee is entitled if sufficient general personal leave days are otherwise available to

49 the donor employee;

50 (iii) Shall be credited to the receiving employee as one full personal leave day;

51 (iv) May not be credited for more or less than a full day by calculating the value of the leave

52 according to the hourly wage of each employee; and

53 (v) May be used only for an absence due to the purpose for which the leave was

54 transferred. Any transferred days remaining when the catastrophic medical emergency or

55 maternity leave ends revert back to the donor employee; and

56 (F) An employee may not be coerced or compelled to contribute to a leave donation

57 program.

## CHAPTER 18B. HIGHER EDUCATION.

## ARTICLE 7. PERSONNEL GENERALLY.

## §18B-7-14. Higher education employees' catastrophic leave and maternity leave bank and leave transfer.

8 accordance with subsection (e) of this section. No employee may be compelled to donate sick or  
9 annual leave. Any leave donated by an employee pursuant to this section shall be used only for  
10 the purpose of catastrophic illness or injury as defined in subsection (c), or maternity leave  
11 established in subsection (h) of this section and shall reduce, to the extent of such donation, the  
12 number of days of annual or sick leave to which the employee is entitled.

13 (c) For the purpose of this section, a catastrophic illness or injury is one that is expected to  
14 incapacitate the employee and create a financial hardship because the employee has exhausted  
15 all sick and annual leave and other paid time off. Catastrophic illness or injury also includes an  
16 incapacitated immediate family member as defined by a governing board, the commission or the  
17 council, as appropriate, if this results in the employee being required to take time off from work for  
18 an extended period of time to care for the family member and if the employee has exhausted all  
19 sick and annual leave and other paid time off.

20 (d) A leave bank or banks may be established at each state institution of higher education,  
21 the commission or the council to which employees may donate either sick or annual leave. The  
22 bank or banks may be established jointly by the policy commission and the governing boards or  
23 may be established for the commission, the council, and each of the governing boards. Sick or  
24 annual leave may be deposited in the leave bank, and shall be reflected as a day-for-day  
25 deduction from the sick or annual leave balance of the depositing employee.

26 Donated leave may be withdrawn by any employee experiencing a catastrophic illness or  
27 injury when the following conditions are met:

28 (1) The president of the institution or the chancellor of the commission or the council, as  
29 appropriate, verifies that the employee is unable to work due to the catastrophic illness or injury, or  
30 maternity leave; and

31 (2) The president of the institution or a chancellor, as appropriate, approves the withdrawal  
32 and provides written notice to the personnel office.

33 The withdrawal shall be reflected as a day-for-day addition to the leave balance of the

34 withdrawing employee.

35 (e) Sick or annual leave may be donated to an employee experiencing a catastrophic  
36 illness or injury, or for maternity leave. The leave shall be donated at the request of the employee  
37 after appropriate verification that the employee is unable to work due to the catastrophic illness or  
38 injury, or for maternity leave as determined by the president of the institution or the appropriate  
39 chancellor. When transfer of sick or annual leave is approved by the president of the institution or  
40 the appropriate chancellor, any employee may donate sick or annual leave in one-day increments  
41 by providing written notice to the personnel office. Donations shall be reflected as a day-for-day  
42 deduction from the sick or annual leave balance of the donating employee. An employee receiving  
43 the donated sick or annual leave shall have any time which is donated credited to his or her  
44 account in one-day increments and reflected as a day-for-day addition to the leave balance of the  
45 receiving employee.

46 (f) Use of donated credits may not exceed a maximum of twelve continuous calendar  
47 months for any one catastrophic illness or injury.

48 (1) The total amount of sick or annual leave withdrawn or received may not exceed an  
49 amount sufficient to ensure the continuance of regular compensation and may not be used to  
50 extend insurance coverage pursuant to section thirteen, article sixteen, chapter five of this code.

51 (2) An employee withdrawing or receiving donations of sick or annual leave pursuant to this  
52 section shall use any leave personally accrued on a monthly basis prior to receiving additional  
53 donated sick or annual leave.

54 (g) Donated sick or annual leave deposited in an institutional leave bank or transferred  
55 under subsection (d) of this section may be inter-institutional in accordance with the policies of the  
56 appropriate governing board. Each institution, the commission or the council is responsible for the  
57 administration of the sick or annual leave deposits, withdrawals and transfers of its employees.  
58 Rules implementing the provisions of this section may be adopted jointly or separately by the  
59 governing boards, the commission or the council in accordance with section six, article one of this

60 chapter and, in the case of the commission and council, in accordance with article three-a, chapter  
61 twenty-nine-a of this code.

62 (h) Leave may also be provided to an employee who uses maternity leave, which is that  
63 leave taken by a pregnant woman to attend for their child, as otherwise set forth in §21-5D-4 of this  
64 code. Any donated leave for this purpose shall be done in the same manner as otherwise set forth  
65 in this section.

NOTE: The purpose of this bill is to allow educators in the public school system or in the higher education system to donate leave to employees who use maternity leave. The bill defines maternity leave. Finally, the bill sets forth the process for the leave transfer.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.