

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

### **Committee Substitute**

**for**

### **House Bill 4485**

By Delegates Bell, G. Howell, and Stephens

[Originating on February 19, 2026 in the Committee  
on Education]

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

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

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

**§18A-4-10. Personal leave for illness and other causes; leave banks; substitutes.**

1 (a) Personal Leave.

2 (1) At the beginning of the employment term, any full-time employee of a county board is  
3 entitled annually to at least one and one-half days personal leave for each employment month or  
4 major fraction thereof in the employee's employment term. Unused leave shall be accumulative  
5 without limitation and is transferable within the state. A change in job assignment during the school  
6 year does not affect the employee's rights or benefits.

7 (2) A regular full-time employee who is absent from assigned duties due to accident,  
8 sickness, death in the immediate family, or life-threatening illness of the employee's spouse,  
9 parents or child, or other cause authorized or approved by the board, shall be paid the full salary  
10 from his or her regular budgeted salary appropriation during the period which the employee is  
11 absent, but not to exceed the total amount of leave to which the employee is entitled.

12 (3) Each employee is permitted to use four days of leave annually without regard to the  
13 cause for the absence: *Provided*, That effective July 1, 2023, each employee is permitted to use  
14 five days of leave annually without regard to the cause for the absence. Personal leave without  
15 cause may not be used on consecutive work days unless authorized or approved by the  
16 employee's principal or immediate supervisor, as appropriate, or the employee may provide 14  
17 days notice. For non-consecutive days, the employee shall give notice of leave without cause to  
18 the principal or immediate supervisor at least 24 hours in advance, except that in the case of  
19 sudden and unexpected circumstances, notice shall be given as soon as reasonably practicable.

20 The principal or immediate supervisor may deny use of the day if, at the time notice is given, either  
21 15 percent of the employees or three employees, whichever is greater, under the supervision of  
22 the principal or immediate supervisor, have previously given notice of their intention to use that day  
23 for leave. Personal leave may not be used in connection with a concerted work stoppage or strike.  
24 Where the cause for leave originated prior to the beginning of the employment term, the employee  
25 shall be paid for time lost after the start of the employment term. If an employee uses personal  
26 leave which the employee has not yet accumulated on a monthly basis and subsequently leaves  
27 the employment, the employee is required to reimburse the board for the salary or wages paid for  
28 the unaccumulated leave.

29 (4) The State Board shall maintain a rule to restrict the payment of personal leave benefits  
30 and the charging of personal leave time used to an employee receiving a workers' compensation  
31 benefit from a claim filed against and billed to the county board by which the person is employed. If  
32 an employee is awarded this benefit, the employee shall receive personal leave compensation  
33 only to the extent the compensation is required, when added to the workers' compensation benefit,  
34 to equal the amount of compensation regularly paid the employee. If personal leave compensation  
35 equal to the employee's regular pay is paid prior to the award of the workers' compensation  
36 benefit, the amount which, when added to the benefit, is in excess of the employee's regular pay  
37 shall be deducted from the employee's subsequent pay. The employee's accrued personal leave  
38 days shall be charged only for such days as equal the amount of personal leave compensation  
39 required to compensate the employee at the employee's regular rate of pay.

40 (5) The county board may establish reasonable rules for reporting and verification of  
41 absences for cause. If any error in reporting absences occurs, the county board may make  
42 necessary salary adjustments:

43 (A) In the next pay after the employee has returned to duty; or

44 (B) In the final pay if the absence occurs during the last month of the employment term.

45           (6) Women who are employees of a public school system in this state and who meet the  
46 definitions contained in §21-5D-4 of this code may utilize the sick leave bank that is set forth in this  
47 section for the purposes of maternity leave. No county policy may prohibit the utilization of the sick  
48 leave bank for this purpose.

49           (b) Leave Banks.

50           (1) Each county board shall establish a personal leave bank that is available to all school  
51 personnel. The board may establish joint or separate banks for professional personnel and school  
52 service personnel. Each employee may contribute up to two days of personal leave per school  
53 year. An employee may not be coerced or compelled to contribute to a personal leave bank.

54           (2) The personal leave bank shall be established and operated pursuant to a rule adopted  
55 by the county board. The rule:

56           (A) May limit the maximum number of days used by an employee;

57           (B) Shall limit the use of leave bank days to an active employee with fewer than five days  
58 accumulated personal leave who is absent from work due to accident or illness of the employee;  
59 and

60           (C) Shall prohibit the use of days to:

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

62           (ii) Extend insurance coverage pursuant to §5-16-13 of this code.

63           (D) Shall require that each personal leave day contributed:

64           (i) Is deducted from the number of personal leave days to which the donor employee is  
65 entitled by this section;

66           (ii) Is not deducted from the personal leave days without cause to which a donor employee  
67 is entitled if sufficient general personal leave days are otherwise available to the donor employee;

68           (iii) Is credited to the receiving employee as one full personal leave day;

69           (iv) May not be credited for more or less than a full day by calculating the value of the leave  
70 according to the hourly wage of each employee; and

71 (v) May be used only for an absence due to the purpose for which the leave was  
72 transferred. Any transferred days remaining when the catastrophic medical emergency ends  
73 revert back to the leave bank.

74 (3) The administration, subject to county board approval, may use its discretion as to the  
75 need for a substitute where limited absence may prevail, when an allowable absence does not:

76 (i) Directly affect the instruction of the students; or

77 (ii) Require a substitute employee because of the nature of the work and the duration of the  
78 cause for the absence.

79 (4) If funds in any fiscal year, including transfers, are insufficient to pay the full cost of  
80 substitutes for meeting the provisions of this section, the remainder shall be paid on or before the  
81 August 31 from the budget of the next fiscal year.

82 (5) A county board may supplement the leave provisions in any manner it considers  
83 advisable in accordance with applicable rules of the State Board and the provisions of this chapter  
84 and chapter 18 of this code.

85 (c) Effective July 1, 2019, a classroom teacher who has not utilized more than four days of  
86 personal leave during the 200-day employment term shall receive a bonus of \$500 at the end of  
87 the school year. If the appropriations to the Department of Education for this purpose are  
88 insufficient to compensate all applicable classroom teachers, the Department of Education shall  
89 request a supplemental appropriation in an amount sufficient to compensate all eligible classroom  
90 teachers. This bonus may not be counted as part of the final average salary for the purpose of  
91 calculating retirement.

**§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 by  
15 a county board who voluntarily contributes personal leave to another designated employee; ~~and~~

16 (4) "Maternity leave" means leave taken by a woman pursuant to §21-5D-4 of this code;

17 and

18 ~~(4)~~ (5) "Receiving employee" means a professional educator or school service person  
19 employed by a county board who receives donated personal leave from another employee.

20 (b) *Leave donation program.*

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

24 (2) A county board:

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

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

28 and

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

31 (c) *Rule.*

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

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

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

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

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

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

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

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

43 (E) Each personal leave day contributed:

44 (i) Shall be deducted from the number of personal leave days to which the donor employee  
45 is entitled by section ten of this article;

46 (ii) Shall not be deducted from the number of personal leave days without cause to which  
47 the donor employee is entitled if sufficient general personal leave days are otherwise available to  
48 the donor employee;

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

50 (iv) May not be credited for more or less than a full day by calculating the value of the leave  
51 according to the hourly wage of each employee; and

52 (v) May be used only for an absence due to the purpose for which the leave was  
53 transferred. Any transferred days remaining when the catastrophic medical emergency ends  
54 revert back to the donor employee; and

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

NOTE: The purpose of this bill is to allow the donation of sick days for maternity leave.

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