

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 5539

By Delegates Hornbuckle, Fluharty, Hamilton, Garcia,
and Lewis

[Introduced February 16, 2026; referred to the
Committee on Energy and Public Works then
Government Organization]

1 A BILL to amend and reenact §16b-17-9a of the Code of West Virginia, 1931, as amended,
2 relating to granting employment preference to certain unemployed coal miners.

Be it enacted by the Legislature of West Virginia:

ARTICLE 17. HUMAN RIGHTS COMMISSION.

§16B-17-9a. Veterans, and military spouses and unemployed coal miners preference not a violation of equal employment opportunity under certain circumstances.

1 (a) An employer may grant preference in hiring to a veteran or disabled veteran who has
2 been honorably discharged from the United States Armed Services, or to a military spouse, or an
3 unemployed coal miner provided that the person granted the hiring preference meets all of the
4 knowledge, skills, and eligibility requirements of the job to be filled. Such hiring preference may be
5 granted without violating the provisions of this article or any other state equal employment
6 opportunity law.

7 (b) For purposes of this section:

8 (1) "Military spouse" means the husband or wife of a member of the Armed Forces who, as
9 determined by the United States Secretary of Defense, is performing active duty pursuant to
10 orders that authorize a permanent change of station move, if such husband or wife relocates to the
11 member's new permanent duty station.

12 (2) "Unemployed coal miner" means an individual who has been employed for an
13 aggregate period of not less than five years in coal mining employment performed at a mine site,
14 who has been unemployed as a coal miner for a continuous period of more than one year, is not
15 retired, and is legally eligible for employment. An individual is not deemed an unemployed coal
16 miner under this section if the individual was separated from coal mining employment for cause,
17 including, but not limited to, violation of employer policy, violation of state or federal law or safety
18 requirements.

19 (3) "Veteran" means any person who has received an honorable discharge and:

20 (A) Has provided more than 180 consecutive days of full-time, active-duty service in the

21 United States Armed Services or Reserve components thereof, including the National Guard; or
22 (B) Has a service-connected disability rating fixed by the United States Department of
23 Veterans Affairs.

24 ~~(2) "Military spouse" means the husband or wife of a member of the Armed Forces who, as~~
25 ~~determined by the United States Secretary of Defense, is performing active duty pursuant to~~
26 ~~orders that authorize a permanent change of station move, if such husband or wife relocates to the~~
27 ~~member's new permanent duty station.~~

NOTE: The purpose of this bill is to allow a public or private employer to show hiring preference to unemployed coal miners.

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