

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

**Introduced**

### **House Bill 4844**

**FISCAL  
NOTE**

By Delegates Ferrell, Toney, Dittman, Petitto, Pritt,  
Dillon, and Clark

[Introduced January 27, 2026; referred to the  
Committee on Education]

1 A BILL to amend and reenact §18A-4-10 of the Code of West Virginia, 1931, as amended, relating  
2 to modifying the procedure for teachers when using leave.

*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~~ provided the employee may  
17 provide 14 days notice. A teacher shall arrange for classroom coverage by a substitute at least  
18 seven days prior. For non-consecutive days, the employee shall give notice of leave without cause  
19 to the principal or immediate supervisor at least 24 hours in advance, except that in the case of  
20 sudden and unexpected circumstances, notice shall be given as soon as reasonably practicable.  
21 ~~The principal or immediate supervisor may deny use of the day if, at the time notice is given, either~~

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

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

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

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

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

46 (b) Leave Banks.

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

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

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

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

(C) Shall prohibit the use of days to:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

NOTE: The purpose of this bill is to modify the procedure for teachers when using 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.