

HB 4485 -- Redline

Introduced to Committee Substitute -- Allow education employees to donate sick leave to co-workers for maternity leave

Deletions ~~struck~~ · Insertions underlined

CS for HB4485 WEST VIRGINIA LEGISLATURE REGULAR SESSION ~~Introduced~~Committee Substitute for House Bill 4485 By Delegates Bell, G.

Howell, and Stephens ~~{Introduced}~~[Originating January on 16, February 2026; 19, 2026 in the Committee on Education] CS for HB4485 A BILL to amend and reenact Sec.18A-4-10 and Sec.18A-4-10f of the Code of West Virginia, 1931, as amended;

~~referred~~relating to the allowing Committee educators on in Education the then public Finance~~school Intr~~system
~~HB to 2026R1357~~donate A leave BILL to amend employees and who reenact use Sec.18-4-10fmaternity and leave;
~~Sec.18B-7-14 of the Code of West Virginia, 1931, as amended;~~

~~relating to allowing educators in the public school system or in the higher education system to donate leave to employees who use maternity leave;~~

~~CHAPTER 18A-~~

~~SCHOOL PERSONNEL-~~

Sec.18A-4-10.

Personal leave for illness and other causes;

leave banks;

substitutes.

(a) Personal Leave.

(1) At the beginning of the employment term, any full-time employee of a county board is entitled annually to at least one and one-half days personal leave for each employment month or major fraction thereof in the employee's employment term.

Unused leave shall be accumulative without limitation and is transferable within the state.

A change in job assignment during the school year does not affect the employee's rights or benefits.

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

(3) Each employee is permitted to use four days of leave annually without regard to the cause for the absence:

Provided, That effective July 1, 2023, each employee is permitted to use five days of leave annually without regard to the cause for the absence.

Personal leave without cause may not be used on consecutive work days unless authorized or approved by the employee's principal or immediate supervisor, as appropriate, or the employee may provide 14 days notice.

For non-consecutive days, the employee shall give notice of leave without cause to the principal or immediate supervisor at least 24 hours in advance, except that in the case of sudden and unexpected circumstances, notice shall be given as soon as reasonably practicable.

CS for HB4485 The principal or immediate supervisor may deny use of the day if, at the time notice is given, either 15 percent of the employees or three employees, whichever is greater, under the supervision of the principal or immediate supervisor, have previously given notice of their intention to use that day for leave.

Personal leave may not be used in connection with a concerted work stoppage or strike.

Where the cause for leave originated prior to the beginning of the employment term, the employee shall be paid for time lost after the start of the employment term.

If an employee uses personal leave which the employee has not yet accumulated on a monthly basis and subsequently leaves the employment, the employee is required to reimburse the board for the salary or wages paid for the unaccumulated leave.

(4) The State Board shall maintain a rule to restrict the payment of personal leave benefits and the charging of personal leave time used to an employee receiving a workers' compensation benefit from a claim filed against and billed to the county board by which the person is employed.

If an employee is awarded this benefit, the employee shall receive personal leave compensation only to the extent the compensation is required, when added to the workers' compensation benefit, to equal the amount of compensation regularly paid the employee.

If personal leave compensation equal to the employee's regular pay is paid prior to the award of the workers' compensation benefit, the amount which, when added to the benefit, is in excess of the

employee's regular pay shall be deducted from the employee's subsequent pay.

The employee's accrued personal leave days shall be charged only for such days as equal the amount of personal leave compensation required to compensate the employee at the employee's regular rate of pay.

(5) The county board may establish reasonable rules for reporting and verification of absences for cause.

If any error in reporting absences occurs, the county board may make necessary salary adjustments:

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

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

CS for HB4485 (6) Women who are employees of a public school system in this state and who meet the definitions contained in Sec.21-5D-4 of this code may utilize the sick leave bank that is set forth in this section for the purposes of maternity leave.

No county policy may prohibit the utilization of the sick leave bank for this purpose.

(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 Sec.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 CS for HB4485 (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:

(i) Directly affect the instruction of the students;

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

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

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

(c) Effective July 1, 2019, a classroom teacher who has not utilized more than four days of personal leave during the 200-day employment term shall receive a bonus of \$500 at the end of the school year.

If the appropriations to the Department of Education for this purpose are insufficient to compensate all applicable classroom teachers, the Department of Education shall request a supplemental appropriation in an amount sufficient to compensate all eligible classroom teachers.

This bonus may not be counted as part of the final average salary for the purpose of calculating retirement.

CS for HB4485 (A) Incapacitates an employee or an immediate family member for whom the employee will provide care;

~~(3)~~ (3) Donor "Donor employee? means _employee_" means a professional educator or school service person

employed by a county board who voluntarily contributes personal leave to another designated employee; and (4) ~~"Maternity"~~Maternity leave~~"leave"~~ means leave taken by a ~~pregnant woman to~~pursuant to~~attend to for their child, as~~ Intr HB 2026R1357 otherwise set forth in Sec.21-5D-4 of this code;

CS for HB4485 (c) Rule.

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

~~Intr HB 2026R1357~~ (E) Each personal leave day contributed:

Any transferred days remaining when the catastrophic medical emergency ~~or maternity leave~~ ends revert back to the donor employee;

~~CHAPTER~~CS 18B for HB4485 NOTE:

~~HIGHER~~The EDUCATION purpose of this bill is to allow the donation of sick days for maternity leave.

~~ARTICLE 7.~~

~~PERSONNEL GENERALLY.~~

~~Sec.18B-7-14.~~

~~Higher education employees' catastrophic leave and maternity leave bank and leave transfer.~~

~~(a) For the purposes of this section, "employee" means either of the following:~~

~~(1) A classified or nonclassified employee who is employed by a higher education governing board, by the commission or by the council;~~

~~or (2) A faculty member, as defined in section one, article eight of this chapter, who is eligible to accrue sick leave.~~

~~(b) An employee may donate sick and annual leave to a leave bank established and operated in accordance with subsection (d) of this section or directly to another employee in Intr HB 2026R1357 accordance with subsection (e) of this section.~~

~~No employee may be compelled to donate sick or annual leave.~~

~~Any leave donated by an employee pursuant to this section shall be used only for the purpose of catastrophic illness or injury as defined in subsection (c), or maternity leave established in subsection (h) of this section and shall reduce, to the extent of such donation, the number of days of annual or sick leave to which the employee is entitled.~~

~~(c) For the purpose of this section, a catastrophic illness or injury is one that is expected to incapacitate the employee and create a financial hardship because the employee has exhausted all sick and annual leave and other paid time off.~~

~~Catastrophic illness or injury also includes an incapacitated immediate family member as defined by a governing board, the commission or the council, as appropriate, if this results in the employee being required to take time off from work for an extended period of time to care for the family member and if the employee has exhausted all sick and annual leave and other paid time off.~~

~~(d) A leave bank or banks may be established at each state institution of higher education, the commission or the council to which employees may donate either sick or annual leave.~~

~~The bank or banks may be established jointly by the policy commission and the governing boards or may be established for the commission, the council, and each of the governing boards.~~

~~Sick or annual leave may be deposited in the leave bank, and shall be reflected as a day-for-day deduction from the sick or annual leave balance of the depositing employee.~~

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

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

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

~~The withdrawal shall be reflected as a day-for-day addition to the leave balance of the Intr HB 2026R1357 withdrawing employee.~~

~~(e) Sick or annual leave may be donated to an employee experiencing a catastrophic illness or injury, or for maternity leave.~~

~~The leave shall be donated at the request of the employee after appropriate verification that the employee is unable to work due to the catastrophic illness or injury, or for maternity leave as determined by the president of the institution or the appropriate chancellor.~~

~~When transfer of sick or annual leave is approved by the president of the institution or the appropriate chancellor, any employee may donate sick or annual leave in one-day increments by providing written notice to the personnel office.~~

~~Donations shall be reflected as a day-for-day deduction from the sick or annual leave balance of the donating employee.~~

~~An employee receiving the donated sick or annual leave shall have any time which is donated credited to his or her account in one-day increments and reflected as a day-for-day addition to the leave balance of the receiving employee.~~

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

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

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

~~(g) Donated sick or annual leave deposited in an institutional leave bank or transferred under subsection (d) of this section may be inter-institutional in accordance with the policies of the appropriate governing board.~~

~~Each institution, the commission or the council is responsible for the administration of the sick or annual leave deposits, withdrawals and transfers of its employees.~~

~~Rules implementing the provisions of this section may be adopted jointly or separately by the governing boards, the commission or the council in accordance with section six, article one of this Intr HB 2026R1357 chapter and, in the case of the commission and council, in accordance with article three-a, chapter twenty-nine-a of this code.~~

~~(h) Leave may also be provided to an employee who uses maternity leave, which is that leave taken by a pregnant woman to attend for their child, as otherwise set forth in Sec.21-5D-4 of this code.~~

~~Any donated leave for this purpose shall be done in the same manner as otherwise set forth 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.~~