

PARENTAL LEAVE ACT

PARENTAL LEAVE ACT (Chapter 21, Article 5D of the Code of West Virginia). This article (was) enacted by the 1989 West Virginia legislature and covers employees of all departments, divisions, boards, bureaus, agencies, commissions or other units of State Government and County Boards of Education.

Under the new law, an employee shall be entitled to a total of twelve weeks of unpaid FAMILY LEAVE, following the exhaustion of all his or her annual and personal leave, during any twelve month period.

The unpaid leave shall be granted an employee for the following reasons:

- . . . Because of the birth of a son or daughter of the employee.
- . . . Because of the placement of a son or daughter with the employee for adoption.
- . . . In order to care for the employee's son, daughter, spouse, parent or dependent who has a serious health condition.

The statute further states that in the case of a serious health condition, the leave may be taken intermittently when medically necessary.

If a leave because of birth or adoption is foreseeable, the employee shall provide the employer with two weeks written notice of such expected birth or adoption.

If a leave under the new statute is foreseeable because of planned medical treatment or supervision, the employee shall make a reasonable effort to schedule the treatment or supervision so as not to disrupt the operations of the employer.

If an employee requests Family leave to care for a family member with a serious health condition, the employer may require the employee to provide certification by a health care provider of the family member's health condition.

The certification shall be sufficient if it contains the following:

- . . . That the child, dependent, parent or employee has a serious health condition.
- . . . The date the serious health condition commenced and its probable duration.
- . . . And, the medical facts regarding the serious health condition.

The position held by an employee immediately before the leave shall be held for that employee and the employee shall be returned to that position. However, the employer may hire a temporary employee to fill the position for the period of time of the parental leave.

No employer may, because an employee received family leave or medical leave, reduce or deny any employment benefit or seniority which accrued to the employee before his or her leave commenced.

Roy M. Smith, Commissioner
WV Department of Labor
1800 Washington Street, East
Charleston, WV 25305
(304)-558-7890

ARTICLE PASSED APRIL 8, 1989
EFFECTIVE 90 DAYS FROM PASSAGE