

# **WEST VIRGINIA LEGISLATURE**

## **2024 REGULAR SESSION**

**Introduced**

### **House Bill 5612**

By Delegate Garcia

[Introduced February 12, 2024; Referred to the  
Committee on Senior, Children, and Family Issues  
then the Judiciary]

1 A BILL to amend and reenact §21-5D-4 of the Code of West Virginia, 1931, as amended, relating  
2 to including foster parents under the parental leave act.

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

**ARTICLE 5D. THE PARENTAL LEAVE ACT.**

**§21-5D-4. Family leave.**

1 (a) An employee shall be entitled to a total of twelve weeks of unpaid family leave, following  
2 the exhaustion of all his or her annual and personal leave, during any twelve-month period:

3 (1) Because of the birth of a son or daughter of the employee;

4 (2) Because of the placement of a son or daughter with the employee for adoption or foster  
5 care; or

6 (3) In order to care for the employee's ~~son, daughter, child, foster child,~~ spouse, parent or  
7 dependent who has a serious health condition.

8 (b) In the case of a son, daughter, spouse, parent or dependent who has a serious health  
9 condition, such family leave may be taken intermittently when medically necessary.

10 (c) An employee may take family leave on a part-time basis and on a part-time leave  
11 schedule, but the period during which the number of work weeks of leave may be taken may not  
12 exceed twelve consecutive months, and such leave shall be scheduled so as not to disrupt unduly  
13 the operations of the employer.

14 (d) (1) If a leave because of birth or adoption is foreseeable, the employee shall provide the  
15 employer with two weeks written notice of such expected birth or adoption.

16 (2) If a leave under this section is foreseeable because of planned medical treatment or  
17 supervision, the employee:

18 (A) Shall make a reasonable effort to schedule the treatment or supervision so as not to  
19 disrupt unduly the operations of the employer, subject to the approval of the health care provider of  
20 the employee's son, daughter, parent or dependent; and

21 (B) Shall provide the employer with two weeks written notice of the treatment or

22 supervision.

23 (e) This article shall not be construed as granting an employee the family leave rights

24 provided in this section if he or she is entitled to such family leave rights under any other provision

25 of this code.

NOTE: The purpose of this bill is to include foster parents in the Parental Leave Act.

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