WEST VIRGINIA CODE: §15-1K-6

§15-1K-6. Return to work by employee.

(a) When the employee returns to work, the employer shall restore the employee to the position held when the leave began or to a position with equivalent seniority status, benefits, pay and conditions of employment.

(b) An employer may decline to restore an employee as required in this article because of circumstances unrelated to the provisions of this article.

(c) An employer and an employee may negotiate for the employer to pay for the benefits of the employee during the leave, but the employer is not required to continue or maintain employee benefits for any employee eligible for leave under this article where the employee would not be otherwise eligible for any benefit under the policies of the employer or the content of any employee benefit plan which regulates eligibility for benefits.

WV Legislature