

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

ENROLLED

Committee Substitute

for

House Bill 5188

BY DELEGATES CHIARELLI, MALLOW, DeVAULT, SHEEDY,

HORNBY, E. PRITT, AND HORNBUCKLE

[Passed March 8, 2024; in effect ninety days from
passage.]

1 AN ACT to amend §8-22A-17 of the Code of West Virginia, 1931, as amended, relating to
2 providing certain partial disability benefits for members in the WV Municipal Police Officers
3 and Firefighters Retirement System.

Be it enacted by the Legislature of West Virginia:

**ARTICLE 22A. WEST VIRGINIA MUNICIPAL POLICE OFFICERS AND
FIREFIGHTERS RETIREMENT SYSTEM.**

**§8-22A-17. Awards and benefits for disability — duty related; exception during early
period.**

1 (a) Any member who after the effective date of this article and during covered
2 employment: (1) Has been or becomes totally or partially disabled by injury, illness or disease;
3 and (2) the disability is a result of an occupational risk or hazard inherent in or peculiar to the
4 services required of members; or (3) the disability was incurred while performing police officer or
5 firefighter functions during either scheduled work hours or at any other time; and (4) in the opinion
6 of two physicians after medical examination, at least one of whom shall be named by the board,
7 the member is by reason of the disability unable to perform adequately his or her previous work
8 as a police officer or firefighter, is entitled to receive and shall be paid from the fund in monthly
9 installments the compensation under either subsection (b) or (c) of this section.

10 (b) If the member is totally disabled, the member shall receive 90 percent of his or her
11 average full monthly compensation for the 12-month contributory period preceding the member's
12 disability award, or the shorter period if the member has not worked 12 months.

13 (c) If the member is partially disabled, the member shall receive 45 percent of his or her
14 average full monthly compensation for the 12-month contributory period preceding the member's
15 disability award, or the shorter period if the member has not worked 12 months. If the member
16 remains partially disabled until attaining 60 years of age, the member shall then receive the
17 retirement benefit provided in §8-22A-14 and §8-22A-15 of this code.

18 (d) If the member remains totally disabled until attaining 65 years of age, the member
19 shall then receive the retirement benefit provided in §8-22A-14 and §8-22A-15 of this code.

20 (e) The disability benefit payments will begin the first day of the month following
21 termination of employment and receipt of the disability retirement application by the Consolidated
22 Public Retirement Board.

23 (f) For purposes of this article, unless a federal law or regulation or the context clearly
24 requires a different meaning, "partially disabled" means a member's inability to engage in the
25 duties of a police officer or firefighter by reason of any medically determinable physical or mental
26 impairment that can be expected to result in death or that has lasted or can be expected to last
27 for a continuous period of not less than 12 months. A member may be determined partially
28 disabled for the purposes of this article and maintain the ability to engage in other gainful
29 employment which exists within the state, but which ability would not enable him or her to earn
30 an amount at least equal to two thirds of the average annual compensation earned by all active
31 members of this plan during the plan year ending as of the most recent June 30, as of which plan
32 data has been assembled and used for the actuarial valuation of the plan.

The Clerk of the House of Delegates and the Clerk of the Senate hereby certify that the foregoing bill is correctly enrolled.

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Clerk of the House of Delegates

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Clerk of the Senate

Originated in the House of Delegates.

In effect ninety days from passage.

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Speaker of the House of Delegates

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President of the Senate

The within is this the.....
Day of, 2024.

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Governor