

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

Committee Substitute

for

House Bill 4289

BY DELEGATES WALTERS, PETHTEL, ANDERSON,

HAMILTON, HOLLEN AND E. EVANS

(BY REQUEST OF THE WEST VIRGINIA MUNICIPAL

PENSION OVERSIGHT BOARD)

[Originating in the Committee on Finance;

February 19, 2018.]

1 A BILL to amend and reenact §8-22-24 of the Code of West Virginia, 1931, as amended, relating
2 to disability pensions of municipal employees; removing provision relating to limitation of
3 nonduty disability retirement; increasing amount of income that may be earned before an
4 offset of benefits is required; and increasing that limit automatically when the minimum
5 wage increases.

Be it enacted by the Legislature of West Virginia:

**ARTICLE 22. RETIREMENT BENEFITS GENERALLY; POLICEMEN'S PENSION AND
RELIEF FUND; FIREMEN'S PENSION AND RELIEF FUND; PENSION PLANS
FOR EMPLOYEES OF WATERWORKS SYSTEM, SEWERAGE SYSTEM OR
COMBINED WATERWORKS AND SEWERAGE SYSTEM.**

§8-22-24. Disability pensions.

1 (a) The monthly sum to be paid to each member eligible for disability received as a
2 proximate result of service rendered in the performance of his or her duties under the provisions
3 of §8-22-23(a) of this code ~~shall be~~ is equal to 60 percent of the monthly salary being received by
4 ~~such the~~ member, at the time he or she is so disabled, or the sum of \$500 per month, whichever
5 ~~shall be~~ is greater: *Provided*, That the limitation provided in subsection (b) of this section is not
6 exceeded.

7 (b) Effective for any member who becomes eligible for disability benefits on or after July
8 1, 1981, under the provisions of §8-22-23a of this code, as a proximate result of service rendered
9 in the performance of his the member's duties within such departments, his the member's monthly
10 disability payment as provided in subsection (a) of this section ~~shall~~ may not, when aggregated
11 with the monthly amount of state workers' compensation, result in ~~such the~~ disabled member
12 receiving a total monthly income from ~~such the~~ sources in excess of one hundred percent of the
13 basic compensation which is paid to members holding the same position which ~~such the~~ member
14 held within ~~such the~~ department at the time of his the member's disability. Lump sum payments

15 of state workers' compensation benefits ~~shall~~ are not be considered for purposes of this
16 subsection unless ~~such~~ the lump sum payments represent commuted values of monthly state
17 workers' compensation benefits.

18 (c) Any member who has served on active duty with the armed forces of the United States
19 as described in §8-22-27 of this code, whether prior or subsequent to becoming a member of a
20 paid police or fire department covered by the provisions of this article, and who, on July 1, 1986,
21 is receiving or thereafter receives a disability pension, shall receive in addition to the 60 percent
22 or minimum \$500 authorized in subsection (a) of this section, one additional percent for each year
23 served in active military duty, up to a maximum of four additional percent.

24 (d) Beginning on and after April 1, 1991, the monthly sum to be paid to a member who
25 becomes eligible for total disability incurred not in the line of duty ~~shall be~~ is the monthly benefit
26 provided in subsection (a) of this section: *Provided, That the limitation is subsection (b) of this*
27 *section is not exceeded: Provided, however* That for any person receiving benefits under this
28 subsection who is self-employed or employed by another, there shall be offset against ~~said~~ the
29 benefits the amount of \$1 for each \$3 of income derived from self-employment or employment by
30 another: *Provided further however,* That a person receiving disability benefits must file a certified
31 copy of his or her tax return on or before ~~the~~ April 15 of each year to demonstrate either
32 unemployment or income earned from self-employment or employment by another: *And provided*
33 *Provided further,* That there ~~shall be~~ is no offset of benefit for any income derived from self-
34 employment or employment by another when the annual total amount of ~~such~~ the income is
35 ~~\$7,500~~ \$18,200 or less.

36 (e) The \$18,200 limit in subsection (d) of this section shall be automatically increased
37 when the minimum wage, as provided in §21-5C-2 of this code, increases, by the same
38 percentage of the increase in the minimum wage.