

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

Originating

Senate Bill 566

BY SENATORS KARNES, MARONEY, WELD, ARVON,

PLYMALE, AND GAUNCH

[Originating in the Committee on Pensions; Reported
on February 15, 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; increasing amount of income that may be
3 earned before an offset of benefits is required; and increasing that limit automatically when
4 the minimum 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 §8-22-23a 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 §8-22-24(b) of this code 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 §8-22-24(a) of this code ~~shall~~ may not, when aggregated with
11 the monthly amount of state workers' compensation, result in ~~such the~~ disabled member receiving
12 a total monthly income from ~~such the~~ sources in excess of 100 percent of the basic compensation
13 which is paid to members holding the same position which ~~such the~~ member held within ~~such the~~
14 department at the time of ~~his~~ the member's disability. Lump sum payments of state workers'
15 compensation benefits ~~shall~~ are not be considered for purposes of this subsection unless ~~such~~

16 the lump sum payments represent commuted values of monthly state workers' compensation
17 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 §8-22-24(a) of this code, 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 §8-22-24(a) of this code: *Provided, That the limitation is subsection (b) of this section*
27 ~~is not exceeded: *Provided, however,*~~ That for any person receiving benefits under this subsection
28 who is self-employed or employed by another, there shall be offset against ~~said~~ the benefits the
29 amount of \$1 for each \$3 of income derived from self-employment or employment by another:
30 *Provided, however,* That a person receiving disability benefits must file a certified copy of his or
31 her tax return on or before the April 15 of each year to demonstrate either unemployment or
32 income earned from self-employment or employment by another: *Provided further,* That there
33 ~~shall be~~ is no offset of benefit for any income derived from self-employment or employment by
34 another when the annual total amount of ~~such~~ the income is ~~\$7,500~~ \$18,200 or less.

35 (e) The \$18,200 limit in §8-22-24(d) of this code shall be automatically increased when
36 the minimum wage increases by the same percentage of the increase in the minimum wage.

NOTE: The purpose of this bill is to raise the limit on income a disabled member of the fund may earn before offset is required.

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