

# **WEST VIRGINIA LEGISLATURE**

**2026 REGULAR SESSION**

**Introduced**

## **Senate Bill 1013**

By Senator Morris

[Introduced February 19, 2026; referred  
to the Committee on Pensions]

1 A BILL to amend and reenact §8-22-25 of the Code of West Virginia, 1931, as amended, relating to  
 2 allowing municipal police and firefighters participating in municipal plans overseen by the  
 3 Municipal Pensions Oversight Board to use accrued leave toward credited service upon  
 4 retirement; prohibiting credited service exchanged for accrued leave to be used toward  
 5 original 20-year requirement for retirement; and providing that credited service exchanged  
 6 for accrued leave be limited to an additional one percent of member’s average annual  
 7 salary or compensation in retirement.

*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.**

**§8-22-25. Retirement pensions.**

1 (a) Any member of a paid police or fire department who is entitled to a retirement pension  
 2 hereunder, and who has been in the honorable service of ~~such~~ that department for 20 years, may,  
 3 upon written application to the board of trustees, be retired from all service in such department  
 4 without medical examination or disability. On ~~such~~ retirement the board of trustees shall authorize  
 5 the payment of annual retirement pension benefits commencing upon the member's retirement or  
 6 upon the member's attaining the age of 50 years, whichever is later, payable in 12 monthly  
 7 installments for each year of the remainder of the member's life, in an amount equal to 60 percent  
 8 of such member's average annual salary or compensation received during the three 12  
 9 consecutive-month periods of employment with ~~such~~ department in which ~~such~~ the member  
 10 received the member's highest salary or compensation while a member of the department, or an  
 11 amount of \$500 per month, whichever is greater.

12 (b) Any member of any such department who is entitled to a retirement pension under the

13 provisions of subsection (a) of this section and who has been in the honorable service of ~~such that~~  
14 department for more than 20 years, including years of service credited pursuant to subdivision (3)  
15 of this subsection, at the time of the member's retirement shall receive, in addition to the 60  
16 percent authorized in said subsection (a):

17 (1) Two additional percent, to be added to the 60 percent for each of the first five additional  
18 years of service completed at the time of retirement in excess of 20 years of service up to a  
19 maximum of 70 percent; and

20 (2) One additional percent, to be added to the 60 percent for a member accruing annual  
21 leave or sick leave days who may, after the effective date of this section, elect to use the days  
22 which stand to the member's credit with the member's last covered employment employer at the  
23 time of retirement to acquire additional credited service in this retirement system. The days shall  
24 be applied on the basis of one days' credit granted for each one day of accrued annual or sick  
25 leave days, with each month of retirement service credit to equal 20 days and with any remainder  
26 of 10 days or more to constitute a full month of additional credit and any remainder of less than 10  
27 days to be dropped and not used, notwithstanding any provisions of this code to the contrary. The  
28 credited service shall be allowed and not considered to controvert the requirement of no more than  
29 12 months' credited service in any year's period: *Provided*, That the total percent increase  
30 pursuant to subsections (1) and (2) of this subdivision may not exceed 70 percent; and

31 ~~(2)~~ (3) One additional percent, to be added to such maximum of 70 percent, for each of the  
32 first five additional years of service completed at the time of retirement in excess of 25 years of  
33 service up to a maximum of 75 percent.

34 The total additional credit provided for in this subsection may not exceed 15 additional  
35 percent.

36 (c) ~~Any~~ A member of any such department whose service has been interrupted by duty  
37 with the armed forces of the United States as provided in §8-22-27 of this code prior to July 1,  
38 1981, ~~shall be~~ is eligible for retirement pension benefits immediately upon retirement, regardless

39 of the member's age, if the member ~~shall~~ is otherwise ~~be~~ eligible for ~~such~~ the retirement pension  
40 benefits. ~~In no event are~~ The provisions of this subsection to may not be interpreted to permit  
41 retirement before age 50 unless the interruption of the member's service by duty with the armed  
42 forces of the United States actually occurred before July 1, 1981. The amendment made to this  
43 subsection during the 2013 regular session of the Legislature is not for the purpose of changing  
44 the existing law regarding benefits provided to veterans for military service prior to July 1, 1981,  
45 but to further clarify that the provisions of this section and any previous enactments of this section  
46 do not make a member eligible for retirement before age 50 for a member's service with the armed  
47 forces of the United States after July 1, 1981.

48 Any member or previously retired member of any such department who has served in  
49 active duty with the armed forces of the United States as described in §8-22-27 of this code,  
50 whether prior to or subsequent to becoming a member of a paid police or fire department covered  
51 by the provisions of this article, shall receive, in addition to the 60 percent authorized in subsection  
52 (a) of this section and the additional percent credit authorized in subsection (b) of this section, one  
53 additional percent for each year so served in active military duty, up to a maximum of four  
54 additional percent. ~~In no event, however, may~~ However the total benefit granted to any member  
55 may not exceed 75 percent of the member's annual average salary calculated in accordance with  
56 subsection (a) of this section.

57 (d) Any member of a paid police or fire department shall be retired at the age of 65 years in  
58 the manner provided in this subsection. When a member of the paid police or fire department  
59 reaches the age of 65 years, the ~~said~~ board of trustees shall notify the mayor of this fact, within 30  
60 days of ~~such~~ that member's 65th birthday. The mayor shall cause such 65-year-old member of the  
61 paid police or fire department to retire within a period of not more than 30 additional days. Upon  
62 retirement under the provisions of this subsection, ~~such~~ that member shall receive retirement  
63 pension benefits payable in 12 monthly installments for each year of the remainder of the  
64 member's life in an amount equal to 60 percent of ~~such~~ that member's average annual salary or

65 compensation received during the three 12-consecutive-month periods of employment with ~~such~~  
66 the department in which ~~such~~ that member received the member's highest salary or compensation  
67 while a member of the department, or an amount of \$500 per month, whichever is greater. If ~~such~~  
68 that member has been employed in ~~said~~ the department for more than 20 years, the provisions of  
69 subsection (b) of this section shall apply.

70 (e) It ~~shall be~~ is the duty of each member of a paid police or fire department at the time a  
71 fund is hereafter established to furnish the necessary proof of the member's date of birth to the  
72 ~~said~~ board of trustees, as specified in §8-22-23 of this code, within a reasonable length of time,  
73 ~~said~~ the length of time to be determined by the ~~said~~ board of trustees. Then the board of trustees  
74 and the mayor shall proceed to act in the manner provided in subsection (d) of this section and  
75 shall cause all members of the paid police or fire department who are over the age of 65 years to  
76 retire in not less than 60 days from the date the fund is established. Upon retirement under the  
77 provisions of this subsection (e), ~~such~~ the member, whether the member has been employed in  
78 ~~said~~ the department for 20 years or not, shall receive retirement pension benefits payable in 12  
79 monthly installments for each year of the remainder of the member's life in an amount equal to 60  
80 percent of ~~such~~ that member's average annual salary or compensation received during the three  
81 12-consecutive-month periods of employment with ~~such~~ the department in which ~~such~~ the  
82 member received the member's highest salary or compensation while a member of the  
83 department, or an amount of \$500 per month, whichever is greater. If ~~such~~ the member has been  
84 employed in ~~said~~ the department for more than 20 years, the provisions of subsection (b) of this  
85 section shall apply.

NOTE: The purpose of this bill is to allowing municipal police and firefighters participating in municipal plans overseen by the Municipal Pensions Oversight Board to use accrued leave toward credited service upon retirement.

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