

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

Senate Bill 977

By Senator Barrett

[Introduced February 17, 2026; referred
to the Committee on Pensions; and then to the
Committee on Finance]

1 A BILL to amend and reenact §16-5V-19 of the Code of West Virginia, 1931, as amended, relating
 2 to awards and benefits for duty-related disability under the Emergency Medical Services
 3 Retirement Act; creating a benefit for partial disability; and defining terms.

Be it enacted by the Legislature of West Virginia:

ARTICLE 5V. EMERGENCY MEDICAL SERVICES RETIREMENT SYSTEM ACT.

§16-5V-19. Awards and benefits for disability -- Duty related.

1 (a) Any member who after the effective date of this article and during covered employment:
 2 (1) Has been or becomes totally disabled by injury, illness or disease; and (2) the disability is a
 3 result of an occupational risk or hazard inherent in or peculiar to the services required of members;
 4 or (3) the disability was incurred while performing emergency medical services functions during
 5 either scheduled work hours or at any other time; and (4) in the opinion of two physicians after
 6 medical examination, one of whom shall be named by the board, the member is by reason of the
 7 disability unable to perform adequately the duties required of an emergency medical services
 8 officer, is entitled to receive and shall be paid from the fund in monthly installments the
 9 compensation set forth 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 period preceding the member's disability or
 12 the shorter period if the member has not worked 12 months. ~~(c)~~ If the member remains totally
 13 disabled until attaining 65 years of age, the member shall then receive the retirement benefit
 14 provided in §16-5V-16 and §16-5V-17 of this code.

15 ~~(c) If the member remains totally disabled until attaining sixty-five years of age, the~~
 16 ~~member shall then receive the retirement benefit provided in sections sixteen and seventeen of~~
 17 ~~this article~~ If the member is partially disabled, the member shall receive 45 percent of his or her
 18 average full monthly compensation for the 12-month contributory period preceding the member's
 19 disability award, or the shorter period if the member has not worked 12 months. If the member
 20 remains partially disabled until attaining 60 years of age, the member shall then receive the

21 retirement benefit provided in §16-5V-16 and §16-5V-17 of this code.

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

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

NOTE: The purpose of this bill is to allow for partial disability benefits under the Emergency Medical Services Retirement System.

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